

IT Professionals' Start to Finish e-Discovery Checklist



Why to put together an e-Discovery Process:

- Reduce liability and risk
- Lower litigation costs
 - IT resource allocation, overtime
 - Minimize costly aspects, e.g. Lawyer review
- Avoid fines, adverse judgments
- Comply with regulations
- Ease disruption to normal business operations
- Better manage your environment



Considerations when choosing a tool or vendor:

When searching for a solution to your e-Discovery needs it is important to take into consideration a number of factors:

- Budget
- Timeframe
- Volume
- In-house resources
- Regulations
- Data types
- Scope



Range of Offerings

- All-Inclusive Solution Offerings
- Software
- Hardware
- Hosted (Cloud)
- Consultants
- In-House processing
- Service Providers



Solution Confusion

- Hundreds of vendors offering software and services
- Functional overlap
- Service providers selling software, Consultants managing tools
- Infrastructure providers build discovery modules, etc.
- Diverse set of cost models



Solutions should offer:

Effective Turn Around: Robust features sets to handle all the e-Discovery steps that will be required in your environment (see EDRM.net)

- Time savings: Effective processing of data
- Cost Savings:
- Defensibility:
- Robust audit trails and chains of custody
- Preservation of metadata
- Efficiency
- Targeted to your environment
- Able to process based on expansive criteria
- Minimal disruption of day to day business
- Must be repeatable, enforceable



How to choose your tools:

- Understand your unique environment
 - Needs, requirements of the organization
 - Specification of the IT environment (data maps, process flows)
 - Identify area of challenge (backup tapes, laptops, remote sites, obsolete technology, etc.)
 - Research vendors, software, services that have experience with similar clients (data types, size, industry)
- Realistic expectation of what can be done in-house

- If an e-Discovery process is not yet in place, create one
- Get buy-in from all stake holders (especially Legal and IT)
- Setup, evaluate and benchmark in a realistic test environment
- If needed, seek outside expertise for guidance (don't forget your peer groups)



Questions to ask:

When dealing with stakeholders

- What is the budget?
- How often is the organization involved in litigation?
- Is there a current e-Discovery process?
- What government regulations affect the industry?
- What is the most pressing need in the organization?
 - Policy creation (e-Discovery Plan, Compliance, Retention, etc.)
 - Pending litigation, specific case
 - Human Resource, security needs
 - Other

When gathering ESI specifications

- How large is the IT infrastructure?
- Where is data stored (structured, unstructured)?
- What kind of backup technology is utilized?
- What systems are used for mail, HR, etc.?
- Is litigation targeted at certain custodians?
- What kind of in-house expertise is present?
- Which parts of the e-Discovery process be handled in-house?

When researching vendors

- Is this a service, software, SaaS?
- Does the tool search the data types in your organization?
- What kinds of audit trail / chain of custody does the product support?
- How are end-users affected?
- What is the average time for installation and setup?
- How intrusive is the architecture, what effect on ESI?
- What kind of training is required?
- What is the pricing model (size, server, installation, module)?
- Can I see a demo?
- Do you have an evaluation?