

eDiscoveryJournal

Unique Perspective. Independent Insight. Pragmatic Advice.

An eDiscoveryJournal Report:

Managing eDiscovery As a Repeatable Business Process

By:

Barry Murphy & Kevin Esposito

© 2011, eDiscoveryJournal, LLC. All rights reserved. Customers that purchase this report may make one attributed copy or slide of each figure contained herein. Additional reproduction is strictly prohibited. For additional reproduction rights and usage information, go to www.ediscoveryjournal.com. Information contained in this report is based on best available resources. Opinions herein reflect the authors' judgment at the time of testing and are subject to change. Report illegal copies of this report to info@eDiscoveryJournal.com to receive a free copy plus another eDiscoveryJournal report of your choice.

About eDiscoveryJournal

eDiscoveryJournal offers unbiased information, pragmatic advice and a unique perspective on hot eDiscovery news, trends, and best practices. Whether you are hoping to gain insight into the news of the day, research the best technology or service solutions, or find expertise that can help to answer your specific questions, eDiscoveryJournal is the e-zine you will want to visit every day.

About the Authors



Kevin Esposito, MBA JD is a contributing Analyst for eDiscoveryJournal and is the Managing Director at Rivulex, LLC where he drives the analysis and implementation of processes and toolsets that are designed to decrease the cost of complying with legal discovery obligations. Kevin is a founding member of the Electronic Discovery Reference Model (www.edrm.net) where he is currently co-chair of the Model Code of Conduct subcommittee. Kevin was previously co-founder of the Discovery Response Team at Pfizer Inc in New York and helped to lead Pfizer's corporate records retention efforts. As the Director of Electronic Discovery at Pfizer, Kevin was responsible for the day to day operation of the IT side of their discovery process and coordinated all electronic discovery worldwide.



Barry Murphy is the founding Principal of Murphy Insights and a thought leader in all things retention – eDiscovery, records management, and content archiving. Previously, Barry was Director of Product Marketing at Mimosa Systems, a leading content archiving and eDiscovery software. He joined Mimosa after a highly successful stint as Principal Analyst for eDiscovery, records management, and content archiving at Forrester Research.

Disclaimer:

eDiscoveryJournal is not a law firm. All expressed opinions and related content are provided for general educational purposes only and should not be considered to be legal advice, even if the author is a practicing attorney. Neither data shared through eDiscoveryJournal nor the information contained herein should be used as a substitute for competent legal advice from a licensed professional attorney in your state.

eDiscoveryJournal believes reasonable efforts have been made to ensure the accuracy of all eDiscoveryJournal original content. Content may include inaccuracies or typographical errors and such issues may be corrected or updated without notice. All eDiscoveryJournal original content is provided "AS IS". While we endeavor to keep all information up to date and correct, we make no representations or warranties of any kind, express or implied, about its fitness for a particular purpose or the completeness, accuracy, reliability, suitability, or availability with respect to the information, products, services, or related graphics. Any reliance you place on such information is therefore strictly at your own risk.

In no event will eDiscoveryJournal nor any of its contributors be liable for any direct, indirect, punitive, incidental, special, or consequential damages or damages for loss of profits, revenue, data, down time, or use, arising out of or in any way connected with the use of the information contained in this document.

Introduction

Most organizations manage eDiscovery on a matter-by-matter basis, stuck in a reactive nightmare that plays over and over. This approach is both costly and risk-laden. Organizations do not have the time, internal skills or tools required to cull down collected data sets. This results in unnecessarily expensive third-party data processing and legal review. The matter-by-matter approach also leads to inconsistencies in how the same data is treated across matters. Multiple handoffs and increased movement of data from application to application and vendor to vendor raises the chances for spoliation and the potential for negative repercussions such as sanctions.

As eDiscovery gains a higher profile in the mainstream news and on the corporate radar, there is a strong desire on the part of corporate executives to reduce both costs and risk. We at eDiscovery Journal believe that the way to accomplish both goals without sacrificing legal defensibility is to approach eDiscovery as a manageable, repeatable business process. This report will examine the components of the eDiscovery process and the role of various constituents (e.g. Corporate legal, law firm, service provider) within that process. It will also explore how technology and service solutions can support managing eDiscovery and the trends that affect decision making, such as the emergence of more integrated eDiscovery platforms.

Contents

Introduction.....	3
Traditional, Reactive eDiscovery Is No Longer Acceptable	5
eDiscovery Is Like Any Other Business Process.....	6
Defining The “eDiscovery Process”	7
Marrying The Reactive With The Proactive.....	10
What Leading Organizations Are Doing Today	11
“Managing The Triangle”	13
Applying Technology And Tools to the Business Process of eDiscovery	14
eDiscovery Is A Team Effort.....	17
Conclusion	19