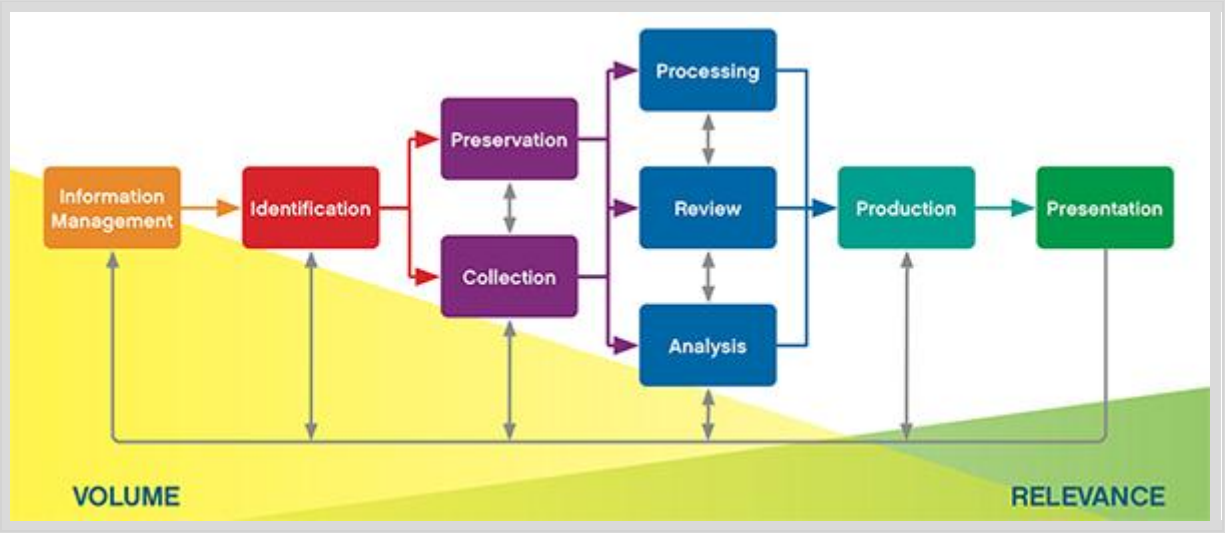
Step-by-step guide



Electronic Discovery Reference Model

Path to success

This document is a simplified version of the evidence review process, listing the high level stages and giving practical examples. Most evidence review projects will follow a similar action plan.

- Preparation, identification - Identifying all the aspects that are important to the case:
  - Identifying custodians who have relevant data
  - Determining data sources/types, making sure no relevant data is missed:
    - Native documents
    - Emails
    - Shared drives, areas
    - Backup devices (hard drives, CDs, DVDs, etc.)
    - Other data sources (e.g. mobile phones, instant messaging, etc.)
  - Identifying relevant time periods
  - Compiling keyword lists
- Preservation - Once all data sources have been identified you will need to ensure that relevant data is not altered or destroyed.
- Data collection - IT specialists will need to capture and forensically copy all relevant data from all data sources. It is imperative to retain all meta fields and to capture data keeping modification and creation date stamps.
- Training - Training of review staff by sharing the details of the case and supplying them with a review guide. The training should be an on-going process where the review guide is being constantly updated based on feedback from the document review team.
- Review:
  - Automatic processing and review by a document review platform with the help of an IT forensic specialist. There is a range of software tools that can aid the evidence review process, the document review platform provider can help you index and filter

the data, run searches and give the reviewers online or offline access to read and categorise documents.

- Manual review by way of reading through of the actual documents that were selected by the program to recover only those that contain relevant information and therefore can be useful for the purpose the review was initiated. When documents of relevance are found the reviewer can mark/ categorise these. Normally with a check box or pull down list. Choices normally available to reviewers include; relevant/responsive, not-relevant/ non-responsive, privilege, hot doc/important document, document relates to issue1/issue2/etc. These marks/tags are entries in the database and track the status of each document. This allows the review team to collate together documents of a particular group, e.g. all “privileged” or all “relevant documents”.

- Quality Control - Find and track mistakes and errors that could occur during the review while ensuring speed and efficient performance.
- Completion/production - Making the results of the review available for the clients.

Although the evidence review project can be a linear process completing each stage above one by one, it is likely that as you progress with your case you will need to repeat some of these steps. For example you might need to capture new data if your first stage review reveals new custodians.

A good project plan will help you minimise the number of stages in your evidence review thus saving you money and helping you complete your project more quickly.

Case studies

Case 1 – UK based utility company

Challenge

A UK based utility company contacted us to assist with a regulatory/government investigation. The company had a tight budget and strict deadlines. Several of the custodians had left the company and our client was concerned that their data was lost.

Analysis

We identified all relevant custodians and data types/sources in the case. Some employees had left the company and their data was lost but we were able to find most of the missing data by analysing and restoring the company's legacy shared areas and backup devices.

Solution

- Approximately 300,000 documents processed and 85,000 documents reviewed for privilege, relevancy and responsiveness within 40 days
- Deployed 12 offshore lawyers for 1st level review to keep costs to a minimum
- Deployed 1 onshore lawyers for project management and customer liaison
- Advanced document filtering and document review features helped to increase speed, efficiency and accuracy

Conclusion

- Enabled law firm to meet strict deadlines and cost restrictions
- Advised the company on data retention policy changes to ensure no future data loss occurs
- Onshore Quality Control assured over 99% accuracy

Case 2 – FTSE 100 company

Challenge

Our client, a London based FTSE 100 company, required us to collect 2.5 TB of data from 85 custodians in a large B2B services dispute. Approximately 3,500,000 electronic documents needed processing and reviewing for relevance. The large number of custodians, amount of data and complexity of the review made this a challenging project.

Analysis

As speed was crucial we decided to split data custodians into low and high priority groups. Custodians that had more potentially relevant documents were placed in the high priority group, others in the low priority group. By reviewing the high priority custodians' data we were able to provide 90% of the "hot" documents within 4 weeks checking just 25% of the documents. This enabled the client's lawyers to start working earlier on these docs.

Solution

- We worked closely with the client to create a comprehensive review manual and training program for the document reviewers
- Deployed 25 lawyers for 1st level review and 3 attorneys for quality control
- 4.5 million electronic pages needed substantive review
- We delivered a high-quality and cost sensitive integrated solution using a combination of in-house and outsourced resources and industry leading reviewing platform

Conclusion

- We met short discovery deadline
- We generated savings of over L100k compared to non-specialised law firms
- Enabling our client to win by finding the relevant documents they needed

We have shown to you the evidence review process and some examples of our projects. The next document you will take you through our e-Discovery, document review checklist.

How to choose e-Discovery or document review provider?

In order to answer the question first you have to ask yourself what you need. Do you need a company which will help you throughout the whole e-Discovery life cycle or you require document review services only from a specialist firm.

Once you know what services you require ask yourself whether:

- you have the right knowledge, experience to plan and manage your project
- you have the staff capacity and flexibility you need
- you can meet deadlines with your in-house team
- your in-house team or a specialist firm is more cost effective

If you are unsure about any of the above it probably makes sense to contact a specialist company and get some advice. Even if you decide not use an external company in the end they might provide you with invaluable advice or ideas.

What to consider when looking for an e-Discovery or document review provider?

Service provider's experience:

- Is the company experienced?
- What cases have they worked on?
- Can they provide references?
- Can they assist with every step of the e-Discovery process?
- Onshore Quality Control assured over 99% accuracy

Tip:

Choose a provider who has worked with a wide range of software tools, review platforms to make sure they can use the most productive and cost effective technology in your project.

Service provider's work process:

- Is the company experienced in the e-Discovery reference model?
- Can they meet all your particular needs in this case?
- How will they handle project management and guarantee a fast and efficient workflow?
- What quality control procedure do they have in place?
- Is the company tracking mistakes and errors?

Can they give professional assistance on the document review process?

- As the document review process is normally the most expensive part of any e-Discovery exercise this will have the greatest effect on the cost of your project.
- This is the most time consuming part of your project so meeting deadlines and getting results as quickly as possible depends on your document review process.
- Without a comprehensive reviewer's guide, document review workflow, quality control and proper document categorisation your document review will take longer, cost more and might not give you the results you are looking for.

Tip:

You can also decide to outsource only the document review stage of your project. Companies can achieve significant savings by using a 3rd party document review provider.

So far you have learnt about the e-Discovery process, seen cases studies and received advice on how to decide what resources or companies to utilise in your project. The following document will show you a more pragmatic approach. Asking practical questions, it will aid your decision making process, showing you a clear path tailored to your project.

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