eDiscovery – a new team sport

AIIM Southwest Chapter Meeting

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Christian Liipfert
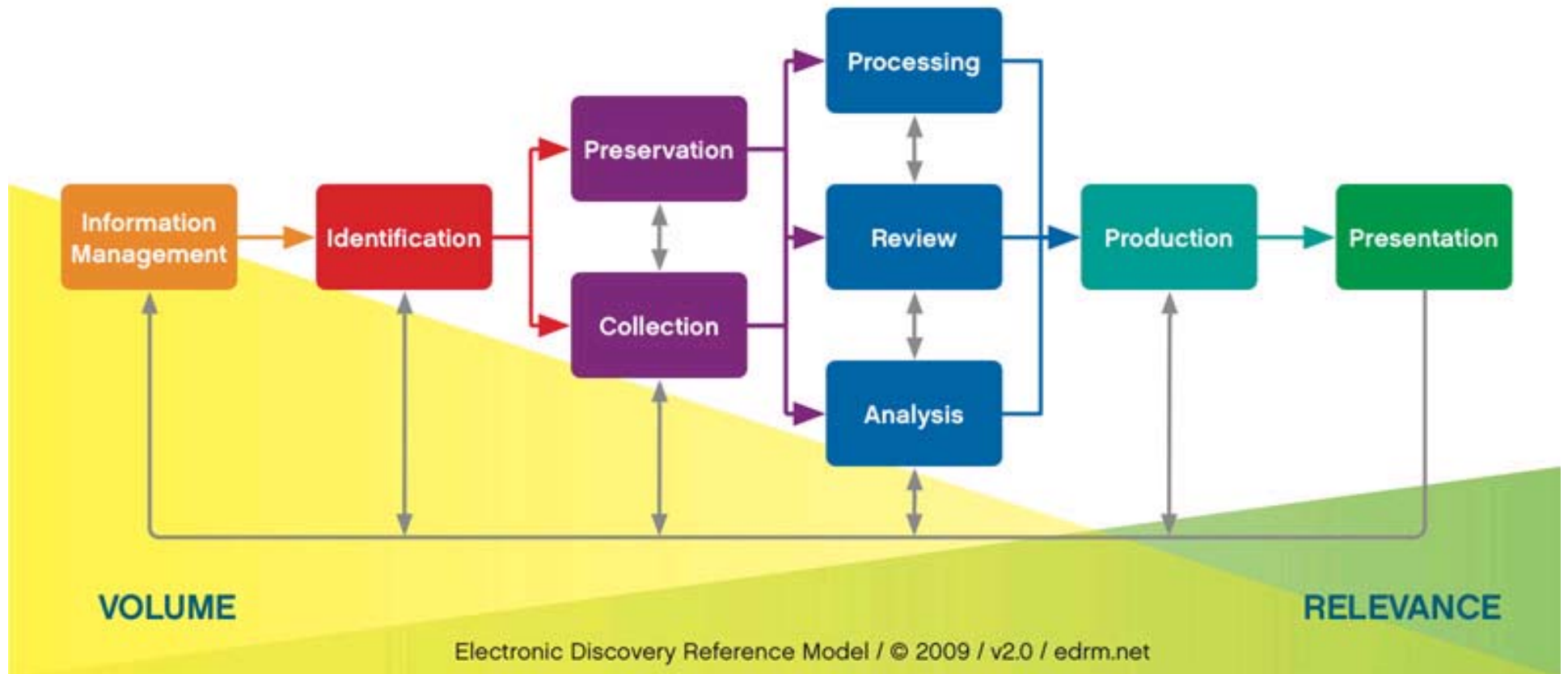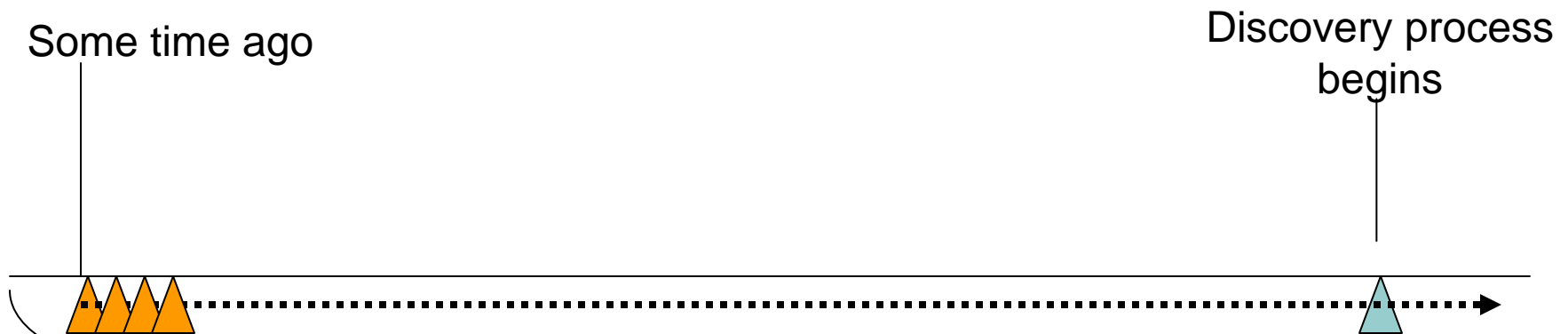
Expectations

- Implications of eDiscovery for Legal, IT and RM

- Special challenges in geographically dispersed organizations

- Evolving challenges of new technologies

Electronic Discovery Reference Model

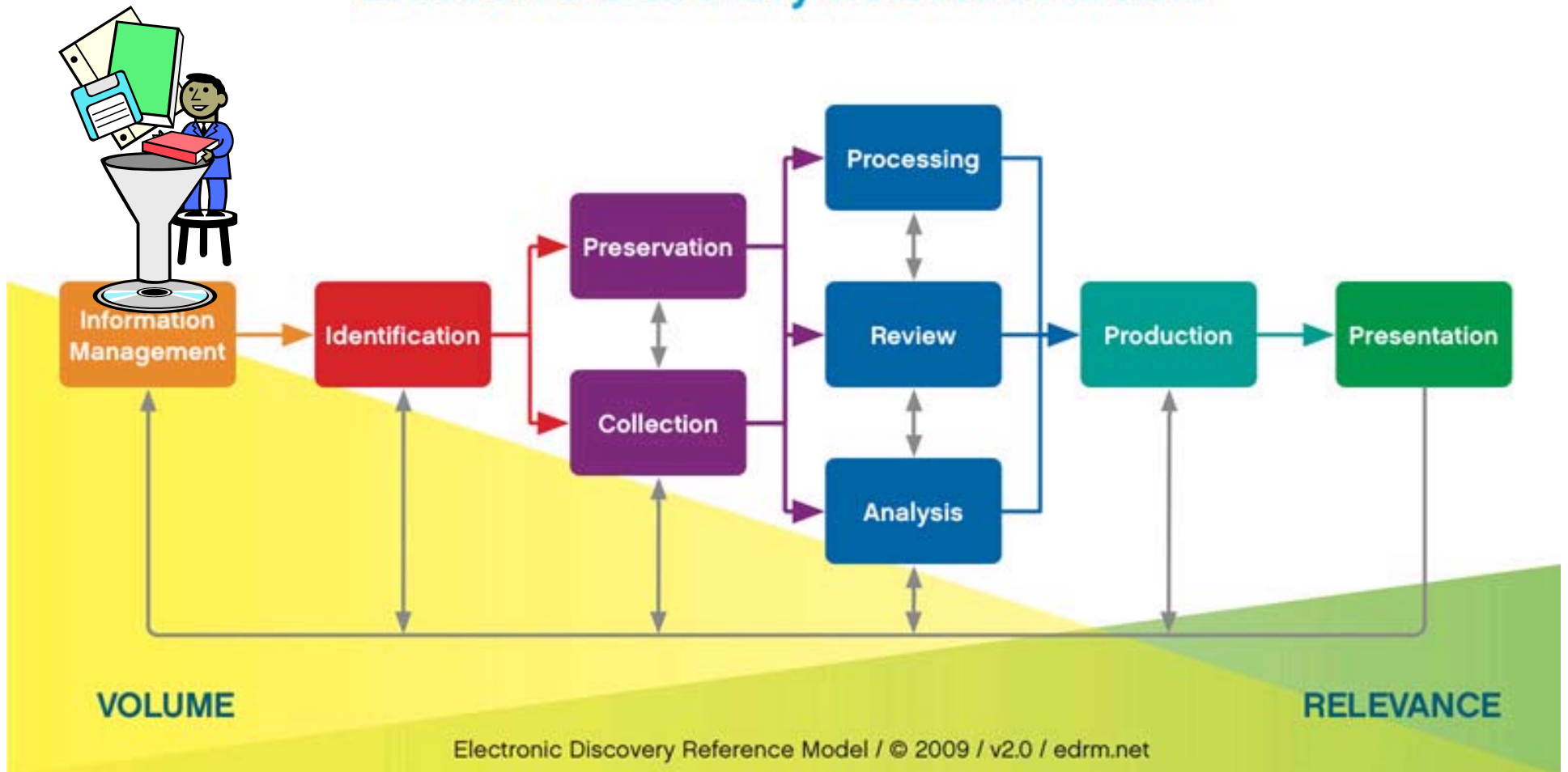**Information Management** → **Identification** → **Preservation** / **Collection** → **Processing** / **Review** / **Analysis** → **Production** → **Presentation**

VOLUME

RELEVANCE

Electronic Discovery Reference Model / © 2009 / v2.0 / edrm.net

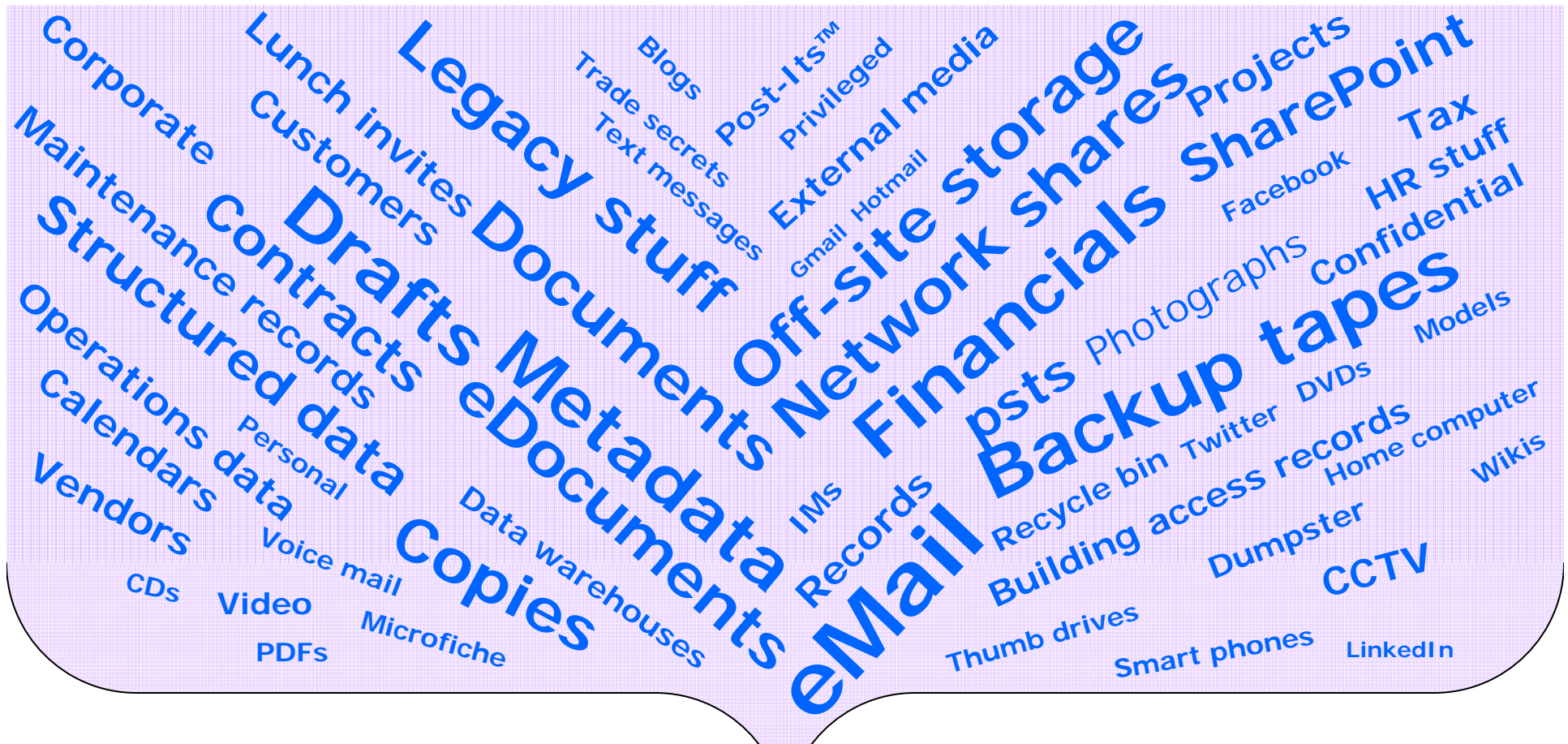# Part of the problem – the Timeline

Some time ago

Discovery process begins
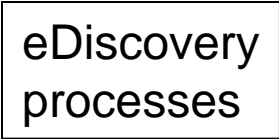
Information created, received, processed, accessed, amended, filed, copied, used, shared, transmitted, stored, reused, misplaced, discarded

Electronic Discovery Reference Model

Information Management → Identification → Preservation / Collection → Processing / Review / Analysis → Production → Presentation

VOLUME

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Corporate
Maintenance records
Structured data
Operations data
Calendars
Vendors
Personal
Voice mail
CDs
Video
PDFs
Microfiche

Lunch invites
Customers
Contracts
Drafts
Copies
Data warehouses

Legacy stuff
Documents
Metadata
eDocuments
IMs
Records

Blogs
Trade secrets
Text messages
Post-Its™
Privileged
Gmail Hotmail
External media

Off-site storage
Network shares
Financials
Backup tapes
psts
eMail

Projects
SharePoint
Facebook
Photographs
Recycle bin Twitter DVDs
Building access records
Thumb drives
Smart phones

Tax
HR stuff
Confidential
Models
Home computer
Wikis
Dumpster
CCTV
LinkedIn

Notional volumes and types

Information Management

eDiscovery processes

Information in possession, custody or control

Implications

- Hold orders
- Forensic collection
- What do we have, where do we have it, and how do I find it?
- IT Outsourcing
- Legacy data/applications
- Orphan data
- Key word search – is that enough?

- The time to get our arms around this was before the information was first created or received
- Identify stakeholders
- Establish processes
- Train users
- Monitor compliance
- Need for a team approach

Who's on the Team?

- Legal
- RM
- IT

- Compliance
- HR
- Security
- IP
- Privacy
- Business
- Finance
- Tax
- Audit
- User reps
- Training reps
- Comms folks

Geographically dispersed

- Blocking statutes
- Privacy laws
- Agreement v. Contract v. Contrât, etc
- English v. $\beta\theta\pi$ v. 无名无形
- Different laws on retention and export of information
- Whose rules apply?

New technologies and challenges

- Facebook, LinkedIn, etc.
- Text messages
- YouTube
- Twitter
- The Cloud
- MS Office 2010
- Evolving search and analytic tools

Information Management

- >eDiscovery
- >Privacy
- >Records Management
- >Document Management
- >Knowledge Management
- = Managing corporate information as an asset

What's missing?

- Same types of management processes as for cash, people & physical equipment
- Governance/Ownership
- Steering Council
  - Membership
  - Delegation
- Policies
- Training
- Audit

Wrap-Up

- Implications?

- Challenges of geographically dispersed?

- Evolving challenges of new technologies?