

Driving Innovation Through the Information Infrastructure

SPRING 2011



Proactive Data Management for eDiscovery

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Why eDiscovery "sucks" for IT

The US Federal Rules of Civil Procedure

- Rule 34(a), (b)
 - Definition of electronically stored information (ESI), production requirements, and expectations
- Rule 16(b) 26(f)
 - Meet-ar and pre rvatio
- Rule 26(b)
 - Production of data deemed "not reasonably accessible because of undue burden or cost" is int always required.
- Rule 26(b)(5
 - "Claw back asserted a principle can be asserted a principle can be
- Rule 37(f)
 - Safe harbor for parties that lose information as a result of routine, good faith, operation of IT systems



eDiscovery Terminology



Discovery

 "the pre-trial lawsuit phase in which either party through the law of civil procedure can request evidence from other parties or can compel the production of evidence using discovery devices, such as requests for production & depositions"

eDiscovery

- "Discovery in civil litigation which deals with the exchange of information in electronic format (often referred to as Electronically Stored Information or ESI)"
- Electronically Stored Information (ESI)
 - "information created, manipulated, communicated, stored, and best utilized in digital form, requiring the use of computer hardware and software"
- Early Case Assessment (ECA)
 - "estimating risk (cost of time and money) to prosecute or defend a legal case"
- Legal Hold
 - a process which an organization uses to preserve all forms of relevant information when litigation is reasonably anticipated. Amendments to the US FRCP in Dec 2006 addressed the discovery of electronically stored information (ESI), expanding the use of a "legal hold" beyond preservation of paper documents



eDiscovery Background

- 90% of North American corporations are actively engaged in litigation
- 99% of all documents are stored electronically



- "Inaccessible data" becoming more accessible
 - FRCP amendments specifically rules 26(b)(2)(B) and
 34(b) eroding "burden of cost" defense for producing ESI
 - "Reasonably accessible" ESI must likely be produced
- Outsourcing is no longer the best option
 - Tight deadlines to prepare for opposing counsel negotiation (100 days: identify, review, "Meet and Confer"
 - Vast amount of data makes outsourcing cost prohibitive



eDiscovery Challenges

- Collecting electronically stored information (ESI) from various sources including email, file, laptops & desktops
- Preserving "responsive" information with and Enterprise wide framework for Legal Hold
- Understanding liability through early case assessment
- ✓ Culling information prior to GC/attorney review
- Responsiveness in terms of the time/risk in providing information
- ✓ Identifying & classifying clientattorney privileged information
- Increasing lawyer efficiency both internally (corporate counsel) an externally (attorney) in review

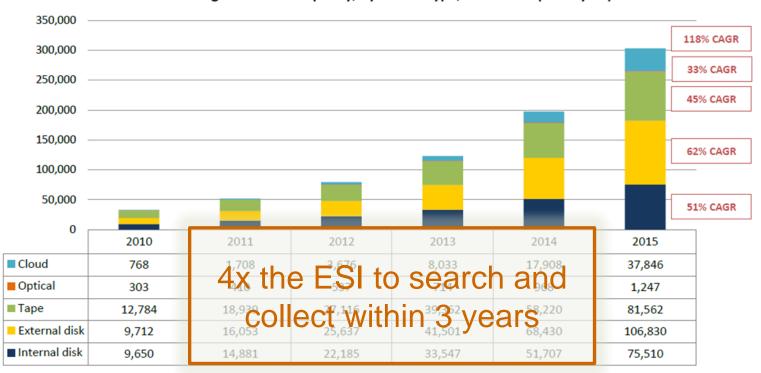




Data Challenges

Focusing on Retained Digital ESI Archive

Total Worldwide Digital Archive Capacity, by Media Type, 2010-2015 (Petabytes)



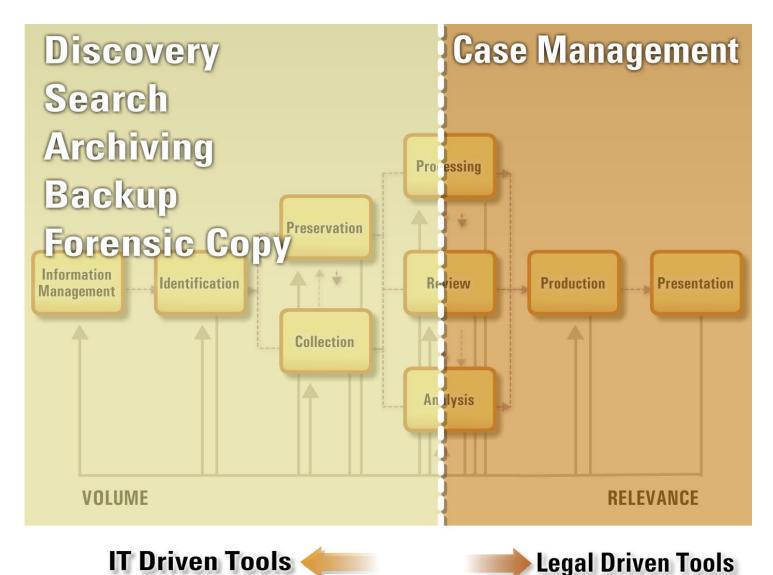
Total Worldwide Digital Archive Capacity, by Content Type, 2010-2015 (Petabytes)

	2010	2011	2012	2013	2014	2015	
■ File	25,127	39,237	59,600	92,536	147,885	226,716	55% CAGR
Database	4,065	6,179	9,140	13,824	21,532	32,188	51% CAGR
■ E-mail	4,025	6,575	10,411	16,796	27,817	44,091	61% CAGR

Source: Enterprise Strategy Group, 2010.



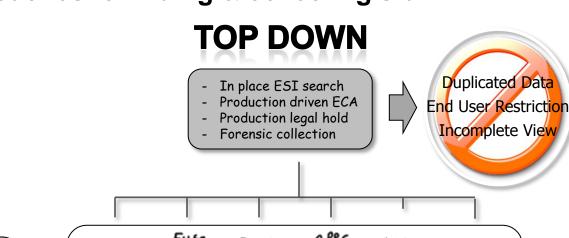
Process & Application Use





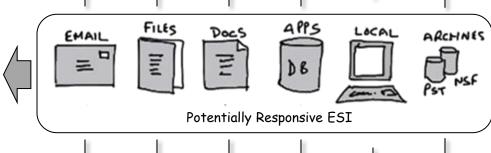
Why does this effect IT?

Approaches to finding & collecting stuff



SILO IT!

- Rules specific archiving
- Discovery against archive
- Single instance archive
- Archive based legal hold
- Collection for export





Operational Infrastructure End User Impact Duplicated Data Siloed Risk

BOTTOM

UP

- Unified Data Management
- Deduplication of Data Copies
- Online and offline data
- Proactive "allays ready"
- Controlled retention
- Automated Legal Hold

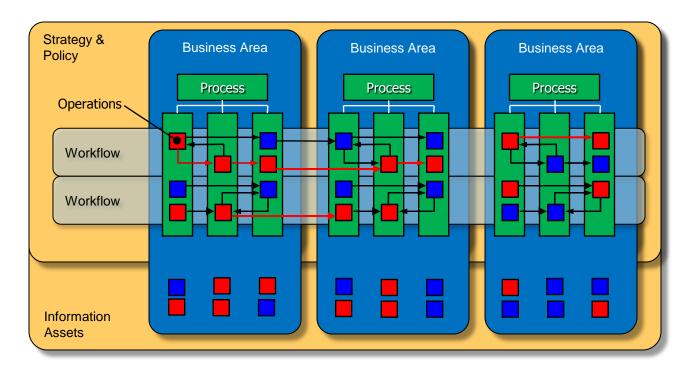


Ready state
All sources of data
No End User Impact
Long term retention
& disposition



The No. 1 Business Problem

Retaining, Finding and Organizing Information



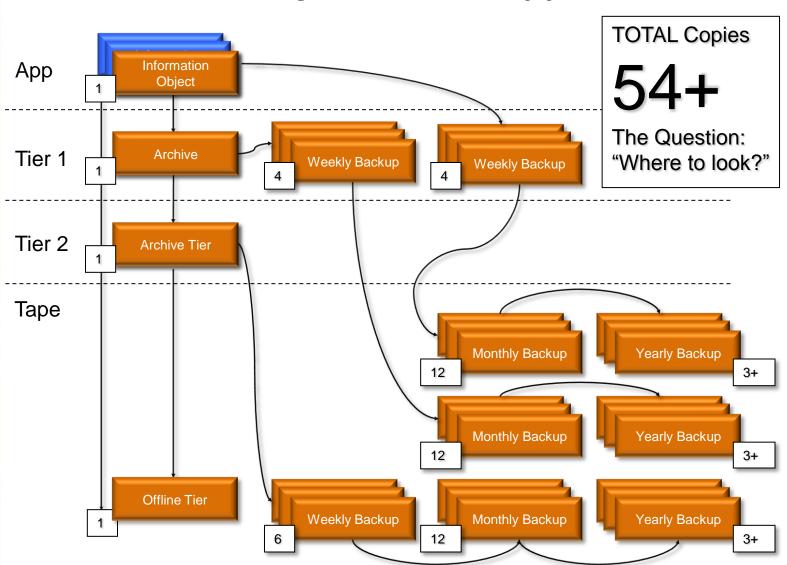
Traditional Approaches

- Assets Managed in Silo's: Hard to find, Limited organization
- Issues around Duplication, Accessibility, Discovery, Security and Protection and Ultimately Cost



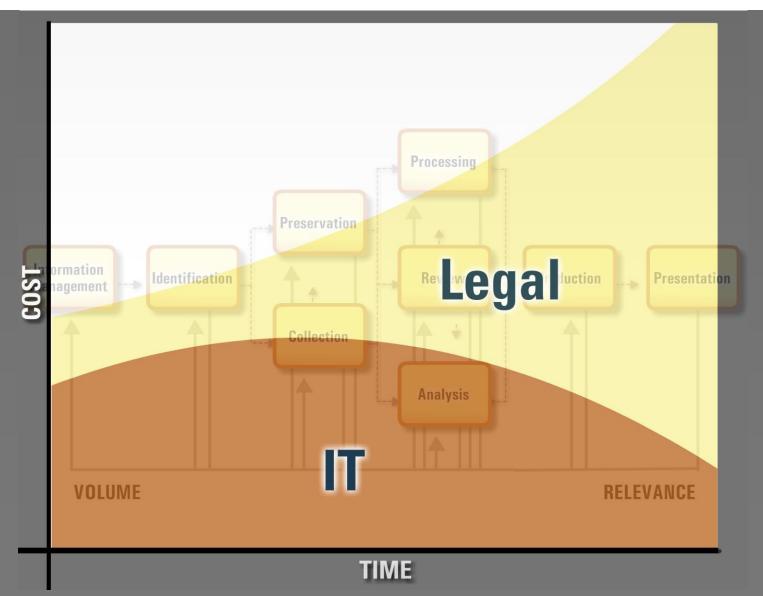
Watch Out!!!

Data isn't being retained with way you think



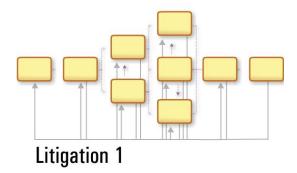


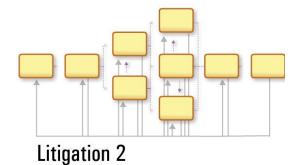
Process and IT Implication

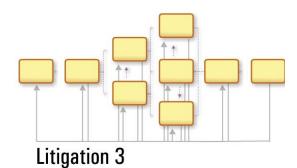




Apply this across multiple eDiscovery incidents...









The IT problem defined

- Repetitive forensic search and collection leads to a siloed model from litigation
- Costs accumulate on a case basis with repeated and unnecessary IT duplication that plays forward into legal
- Applications and infrastructures are typically interrogated forensically with no thought for repetition, cost and storage
- Without prescriptive techniques that can identify ESI all data is often placed "on hold"
- ESI at the "edge" is difficult to identify and collect and incurs yet more cost

"The definition of insanity is doing the same thing over and over and expecting it to come out different"



The Proactive Way

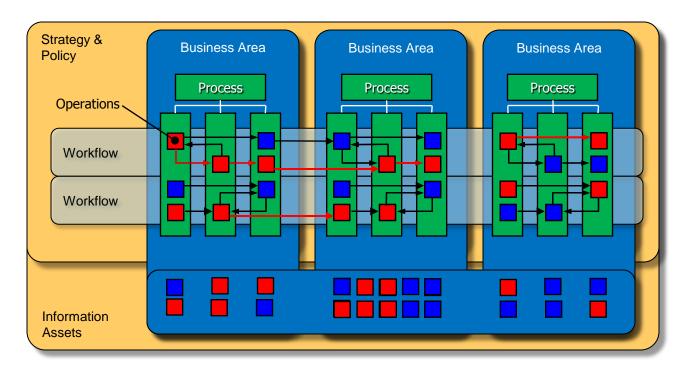
Collapsed processes





The Proactive Way

Unified ESI/Data Management



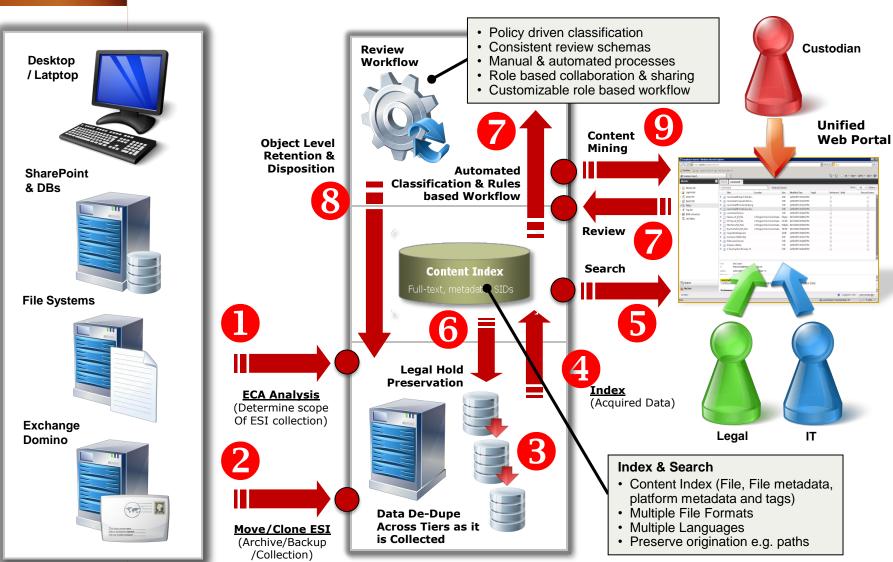
A Unified Approach

- Assets Managed and Classified within One Platform Technology
- Business Driven Information Access, eDiscovery & Compliance is streamline through a <u>Single</u> Interface without the need for IT.



Product Workflow

A "proactive" methodology





Today

Pre-Litigation

eDiscovery Roles

IT & Legal; ECA, Legal Hold, Review, Export



In Litigation

Engage Attorney's



Creating Information Governance

Risk & Ownership by Stakeholder

- CIO
 - Reduced long term cost of retention
 - Ease of information access & recovery
 - Virtual organization and sharing of individual and workgroup content
- General Counsel / Legal
 - Preservation & reduced risk
 - Customizable evidence management
- Records Manager / Compliance
 - Employee/Company records retention
 - Dispute identification & resolution
 - Conformity with industry directives
 - Supervision & monitoring of exposure content and events
- Application Owners / IT Manager
 - Infrastructure operational efficiency
 - Storage growth management & flexibility
- Backup / Storage guys in IT
 - Reduced information recovery time
 - Reduced storage & cost of ownership





What do you need in a solution...

Top Access & Retention Requirements

Access

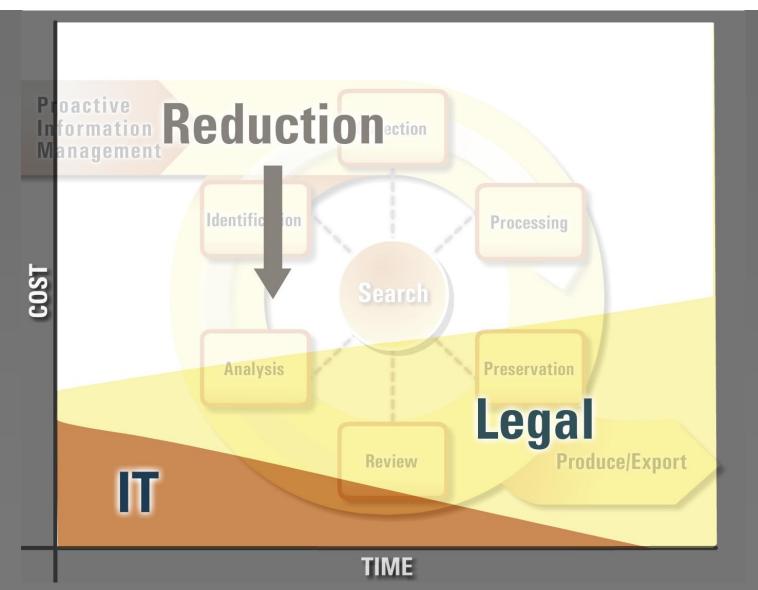
- Fast & efficient enterprise search across all information repositories both in online (backup) & offline (archive) copies
- Find duplicate copies, consolidate and save time, space & cost
- Mine unstructured data for ECA to find important records based on meaning
- Provide self service data recovery for lost of deleted content

Retention

- Manage legal preservation & workflow for eDiscovery
- Collect data for movement: records applications & datacenters
- 3. Implement retention schedules to specific content assets
- Keep, supervise & review content for compliance and record keeping



Being Proactive Delivers....





Summary

Being Proactive Means...

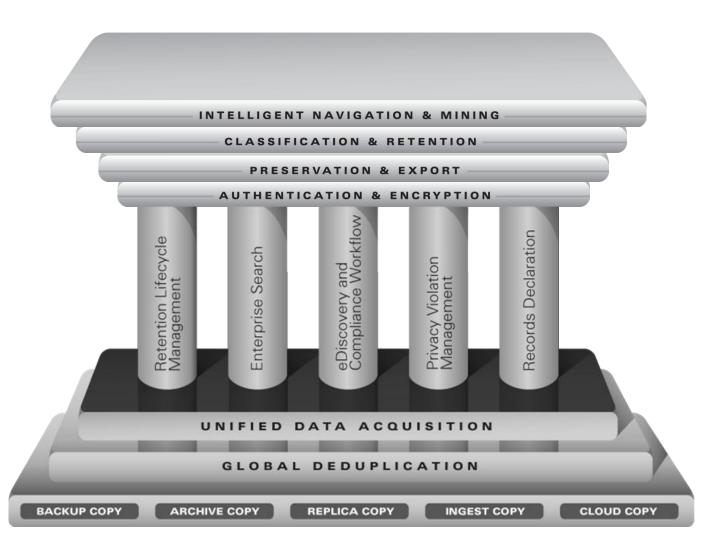


- Relying less on costly and reactive forensic custodian collection
- Providing efficient & proactive ESI risk management
- Reducing time to evidence identification & preservation
- Reducing external legal review time & cost
- Providing continued legal risk management



A Final Word... Think Big!

Unified Information Governance







QUESTIONS?