Breaking through the waves
An adaptive eDiscovery approach
Business is increasingly reliant on electronic records, the management of which is a relatively modern discipline, presenting significant - and unique - business challenges. Many of these challenges are enhanced by specific industry or geography issues. The complexity of these challenges is increased by three key factors.

Rising tide of global regulations

Business is now more heavily regulated than ever before. Compliance with expansive regulations such as the Foreign Corrupt Practices Act, UK Bribery Act and Dodd-Frank Act, and Africa’s Extractive Industries Transparency Initiative (EITI), involves onerous requirements with respect to Electronically Stored Information (ESI). Obligations vary by industry and entity and are at times inconsistent or even contradictory.

Volume, velocity and variety of ESI sources

Relevant ESI takes many forms: emails, industry-specific business applications, structured financial data, and public and private social networking, to name just a handful of examples. The emergence of the Big Data management revolution means that businesses now expect and require greater insight from the consolidation of data sources.

The world is becoming a smaller place

Businesses carry themselves globally as never before. If trade flows freely across borders, data often courses with little restraint. Regulations generally lag behind IT advances and are traditionally tied to specific jurisdictional boundaries, which may spur discrepancies between countries and cross-border businesses.

Meeting these challenges requires a robust eDiscovery solution, offering your organization sturdy support, while facilitating flexibility based on your unique circumstances.

Your eDiscovery approach is pivotal. Do it wrong, and you invite risk. Do it right, and eDiscovery acts as an enabler, helping you remain agile despite potentially restricting technical and legal conditions. You need innovators, technology leaders and professionals vetted through tides of experience. With the right team, you can meet today’s challenges and take advantage of the next generation of eDiscovery capabilities.
**EY’s suite of eDiscovery services**

Our eDiscovery services are truly end to end. We are capable of deploying our full breadth of services to assist you, or provide targeted services to augment your own in-house resources. Our ability to offer seamless integration from one stage of the eDiscovery life cycle to the next reduces the risks and costs associated with managing multiple service providers.

“Ernst & Young has both proprietary software and extensive e-discovery services. With its global presence and army of consultants, it has formidable capabilities, especially for clients requiring full-service e-discovery for complex litigation.”

“For Ernst & Young, bigger is better in e-discovery and forensics,” 451 Research, 28 June 2013.

**eDiscovery investigations and engagement support**

- **Preservation and collection of ESI**
  Perform time-critical ESI and forensically sound preservation and collection activities globally and simultaneously.

- **Computer forensics, data mining and analysis**
  Support detailed forensic analysis of computing platforms, storage devices and mobile hardware to reveal electronic facts about structured and unstructured data with robust evidentiary integrity suitable for definitive investigatory or litigation conclusions.

- **Email processing**
  Utilize email processing technology to normalize data from various systems so that emails can be accurately loaded into a document-review environment.

- **Audio processing**
  Utilize phonetic indexing technology to interrogate large volumes of audio as a cost-effective and efficient alternative to traditional reel-to-reel reviews or inconsistent transcription.

- **Early case assessment**
  Rapidly narrow the corpus of ESI through triage of the targeted data collection so that the most relevant information is passed into review.

- **EY Technology-Assisted Review (EY TAR)**
  EY TAR is a proven, systematic method of leveraging and extending professional judgment through technology, linguistics, analytics and statistics to enhance document review.
Managed document review
Provide law firms and corporate legal departments with secure and scalable review facilities that are fully integrated with EY’s proprietary technology platform.

eDiscovery data disposition
Identify potential sources of ESI requiring decommissioning (for example, upon settlement of a case, this may extend to your ESI held by an opponent or its counsel already provided in a previous eDiscovery phase) and advise on and execute appropriate strategies for the secure decommissioning of that ESI (for example by secure wiping or by physical destruction) supported by appropriate certification.

Case portfolio management
Manage global portfolio of eDiscovery matters by achieving consistency across team composition, repeatability of process and continuous performance improvement.

Managed services
Act as an outsourced corporate eDiscovery function, taking away the challenge of day-to-day eDiscovery management.

“Ernst & Young has formidable capabilities for e-discovery that many smaller providers do not. With annual revenue of more than $24bn, 167,000 employees in 180 countries and data centers around the globe, the company can perform on projects that would be difficult for many of its smaller rivals. Ernst & Young has the benefit of internal software developers, linguists and statisticians.”

“For Ernst & Young, bigger is better in e-discovery and forensics,” 451 Research, 28 June 2013.

eDiscovery advisory services

Tactical eDiscovery consulting
Assist counsel in identifying and exploiting specific weaknesses in their opponents’ processes, methodologies and arguments associated with data collection through to production.

eDiscovery strategy
Develop the right plans and procedures for the entire eDiscovery process in the context of the matter and in light of cost and proportionality factors.

Privacy, security and confidentiality compliance strategies
Develop strategies and mechanisms to enable ESI to be securely processed and transferred to the jurisdiction in which production is required in compliance with applicable requirements and complete with standardized written protocols.
Information governance

- **Retention policies and defensible disposition**
  Advise on reliable, actionable retention policies and procedures for information assets that are directly aligned with strategic objectives and operational delivery requirements. This will help achieve your objective of reducing corporate risk and control legal, IT and business costs, as well as deriving additional value from existing business information assets.

- **Corporate eDiscovery strategy**
  Develop active eDiscovery strategies to balance the in-sourcing and outsourcing of resources, develop response plans, perform current state assessment, conduct demand analyses, develop an end-state vision, perform gap analysis and develop eDiscovery strategy scorecards.

- **ESI mapping**
  Apply proprietary workflows and customized documentation to enable complete knowledge about ESI sources.

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**Discovery advisory services**

**Electronic Discovery Reference Model**

**Project management**
Why EY eDiscovery?

The power of the right ...

The right people

Our teams around the world are experienced in local regulatory discovery and enforcement environments governing execution. Our experience includes high-profile regulatory and internal investigations, major litigation and complex disputes, all of which highlight our distinct knowledge of critical business situations in a variety of vertical markets. Members of our leadership team are highly regarded in the industry and have served as expert witnesses in both criminal and civil matters. Our team includes key thought leaders in the field of eDiscovery, including prolific authors and in-demand speakers who are founding members of some of the most influential industry professional organizations.

Our services are further strengthened by our dedicated industry teams: sector-specific, process-driven and technically adept. The industry-specific backgrounds and experiences of our professionals enable them to understand the complexity of doing business in a highly regulated and litigious environment.

The right technology

Our common global technology platform is designed to manage small and large, common and complex challenges. For large matters, we have standardized on several advanced hosting and review platforms. With this structure in place, our team provides the benefit of world-class information technology resources, while maintaining the flexibility and scalability to test and implement enhancements required to meet our clients’ evolving eDiscovery needs.
The right place

We are equally well integrated across international borders. Our eDiscovery teams around the world bring together their local experience to handle concurrent multinational assignments on tight deadlines. Our professionals are familiar with local data transfer and privacy rules, state secrecy laws and other local requirements affecting eDiscovery, thus enabling us to effectively escalate issues with internal and external counsel and provide guidance. Each of our eDiscovery professionals, regardless of location, is trained to adhere to our rigorous and detailed internal procedures for handling electronic evidence, and to leverage our common technology platform.

From any Internet-enabled location, our systems are accessible to clients online; where privacy concerns dictate alternate delivery, data can be rapidly deployed locally. We have more than 40 forensic labs with capabilities in more than 90 countries.
The right timing

Time is always of the essence, particularly when it comes to legal matters. That’s why our service model places the right people with the right technology in the right location - right when you need it. It’s how we meet your needs - and timeline.

The ability to offer seamless integration from one stage of the eDiscovery life cycle to the next reduces the time, risks and costs associated with managing multiple service providers. When multiple providers are used across the eDiscovery process, opportunities inevitably arise for problems that interfere with eDiscovery success - for example, faulty handoffs from one vendor to the next, dissonant proprietary technologies that fail to integrate properly or not at all, inconsistent quality control, and unpredictable, hidden costs. The cohesive and comprehensive character of our spectrum of eDiscovery services adds value for our clients in the form of smooth transition and minimal wasted effort.

“EY’s global integration is quite mature relative to that of its peers. The firm describes its integration efforts as directed at both company structure and employee mindset. To support its integrated structure, EY hosts 14 global centers for industry, a global enablement center, and unified methodology and structure around client management adopted throughout the enterprise.”

- Kennedy Financial Consulting
The EY eDiscovery approach

Global methodology, consistently applied

In a world of increasing complexity and disparate discovery solutions, EY offers a solid global methodology - consistent, robust and scalable. Our global eDiscovery methodology includes quality and risk management procedures for the entire eDiscovery process, including planning, scheduling, collection, processing, review support and production.

Strategically placed throughout our process are multiple checkpoints, validations, verifications and multi-level reviews, all of which provide quality, consistency and accuracy. Our methodology is consistent with the general guiding principles outlined in The Sedona Conference Commentary on Achieving Quality in the E-Discovery Process.1

EY professionals around the world are subject to certain standard training curriculum. To keep pace with rapidly evolving technologies and trends, skills are updated regularly to ensure not just relevancy but market-leading knowledge.

Our analytics capabilities: better decisions through insight

As one of the largest professional services firms globally, we are well versed in targeting the right data, which translates into increased efficiency and decreased costs. Unique among the Big Four, EY has experienced data analytics software developers, in addition to a team of PhD linguists and statisticians.

We design and implement forensic data analytics, anti-fraud and compliance-management systems, and applications to investigate unusual financial activity and review financial reports – all with the sensitivity and urgency such matters demand.

We provide real-time reporting and analytics through our secure Web-based review combined with geo-visual analytics pinpoint targeted information when and where you need it.

Our analytics capabilities apply to not only structured data, but also unstructured data such as voice and email. By analyzing both, coupled with advanced forensic data analytics and visualization technologies, we can provide a single lens into a variety of data sources, forming an integrated investigative workbench to manage today’s complex fraud investigations and financial services regulatory requirements.

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Proven litigation support experience: investigative capabilities as a catalyst

One of our strengths is working with you to co-develop a customized investigation approach for each matter, including specific areas of inquiry and potential procedures, experienced resources, timing, deliverables and budget. For international investigations, we tailor our procedures to the specific legal and regulatory requirements of each country involved in the investigation, including our work with counsel.

An example of text analytics

As forensic technology and accounting professionals, our work product and procedures may be suitable for use as evidence in legal proceedings. Procedures for chain of custody, security of exhibits and contemporaneous note-taking practices are included within a broader set of quality and risk management procedures that our professionals follow throughout all stages of the investigation life cycle.
Our project management approach: collaborative and transparent

Our eDiscovery professionals are experienced discovery project managers, accustomed to working closely with companies and outside counsel to help manage high-pressure technology engagements. We work to exacting discovery management and documentation standards and can tailor our approach to the needs of the legal team as required.

Throughout the life cycle of an engagement, our eDiscovery professionals will assist the legal team with understanding the results of each phase of the discovery process and help set strategies for remediating any issues or exceptions.

We view the development of an effective communications plan, supported with key summary and progress reports, as critical components in our ability to provide clients with valuable insight into each engagement phase. As part of our commitment to offer valuable insight through our reporting, we design our dashboard summaries employing a dynamic graphical interface that allows us to visually illustrate key details captured from our reports and present them in an extremely effective and easy-to-read format.

In addition, we can develop and create customized reports that provide insight beyond the information in our standard reports. Some examples include keyword and email domain analyses, as well as other non-traditional reports such as structured/unstructured data-association analyses.
Portfolio management reporting example

Our portfolio management summary, shown below, consolidates client-specific information across multiple projects, serving as a repository for managing current and completed tasks.

Collection (global overview)

Below is a sample collection metrics dashboard for a multi-country investigation. This dashboard summary allows clients to effectively track the status of data collections by source and on a global scale.
Processing

The processing summary below provides a review team with real-time statistics on the number of documents processed for each custodian or source.

Review

The Annotation Summary by Review can help the review quality control team assess the reviewer competency and productivity.
Production

The dashboard below can provide a quality control review team with valuable insight into their document production statistics.
About EY
EY is a global leader in assurance, tax, transaction and advisory services. The insights and quality services we deliver help build trust and confidence in the capital markets and in economies the world over. We develop outstanding leaders who team to deliver on our promises to all of our stakeholders. In so doing, we play a critical role in building a better working world for our people, for our clients and for our communities.

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About Ernst & Young’s Forensic Technology & Discovery Services
EY’s Forensic Technology & Discovery Services (FTDS) practice, part of Fraud Investigation & Dispute Services (FIDS), provides a full range of eDiscovery, data analytics and cybercrime investigation capabilities on a global basis. Our multidisciplinary teams can deploy advanced technologies and professional services anywhere in the world, responding with speed and precision to complex regulatory, fact-finding and cybersecurity risks.

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