Managed eDiscovery Services

Forensic & Integrity Services
Introduction

In a world of increasing exposure to litigation risks for businesses, it is imperative that organizations address it by gathering information about the approaches, methods and avenues available, such as eDiscovery and litigation support to mitigate potential threats.

eDiscovery or Electronic discovery is commonly used term in investigations or litigations where Electronically Stored Information (ESI) is involved. It mainly deals with two categories of electronic data, structured (SQL DB’s, transaction records or stock trading activity, fielded data etc.) and unstructured data, i.e., emails, word documents, presentations and voicemails etc.

Traditionally, the Electronic Discovery Reference model represents a conceptual view of the eDiscovery process that includes multiple stages of information governance, identification, collection, preservation, processing, hosting, reviewing and production of most relevant documents stored in ESI. It implies that exploration and documentation of actualities and point of reference, subject to local principals and settled upon procedures, can be produced as legitimate proof as required in legally acceptable manner.

eDiscovery is a crucial part of litigation support for both internal corporate and external regulatory compliance like US FDA / DOJ / US FCPA / UK Bribery Act / European MEA / SEC / SEBI etc. It is essentially imperative in ventures with strict administrative oversight, e.g., pharmaceuticals, medicinal services, and financial services.

Emerging challenges

Given that the controllers and the courts are progressively embracing the utilization of ESI in legitimate systems, there has been a surge in demand for electronic data as proof.

This has triggered the need for organizations to put in place several policies to comply with legal hold, data privacy and data storage, retention and access. Organizations have started to assess if they are discovery ready, implying that any request for information from the courts or regulators can be readily acted upon.

However, organizations with a history of requests for information and ongoing discovery requirements are finding it necessary to maintain their rolls consisting of a slew of trained attorneys, discovery specialists, technologists and certified project managers. Organizations, which officially felt free to made interests in maintaining such huge teams are inadequate with regards to adaptability and financial allure. It is also observed that usually teams specializing in one stage of eDiscovery such as document review find it difficult to proficiently attend the requirements of other stages.

Furthermore, the workloads of such teams vary with the ongoing eDiscovery requirements and have their own peaks and troughs leading to staggered periods of overwork and underutilization, affecting the overall productivity and performance.

In such circumstances, one of the finest choices accessible for associations to evade the complex maintenance of such huge group of professionals is to avail the services of “Managed eDiscovery”.

Managed eDiscovery Services
What is Managed eDiscovery?

“Managed eDiscovery” administrations is a business association that permits pioneers in corporations and law firms to have the security they require, the procedures and work processes required, and the cost consistency and responding to their every need for their eDiscovery functions.

In this regard, completely outsourced solutions with end-to-end support are available for organizations. One of the prime benefits of “Managed eDiscovery” is that it mitigates the challenges related to technology annihilation for organizations as it is the commitment of the authority community to keep up the most recent innovation accessible in the market.

It may be noted that document review, in many respects is a crucial part of eDiscovery. That said, it is also the most time consuming and expensive aspect of an investigation. In such a scenario, it is ideal for organizations to engage with professional firms to manage this document review for either select parts or the entirety of eDiscovery cases.

Overall, the combination of people, processes, technology, policies and comprehensive support throughout, drives the success of any eDiscovery project. Additionally, cost containment is critical for organizations. Managing this can be a task for organizations as they have to deal with other areas such as staffing, advanced technologies and processes, which can take care of their eDiscovery requirements. It thus makes the prospect of engaging specialized eDiscovery experts to manage the entire eDiscovery requirements of the organization very attractive.

Organizations signing up for Managed eDiscovery services have huge benefits not just limited to cost advantages but also quick acquisition of specialized expertise and being eDiscovery ready without inconveniencing the core business activities.

EY helps you in overcoming critical challenges

The forensic team can help clients manage information and eDiscovery in-house, as required by the risks involved with timely response to discovery requirements while managing the costs of identifying, collecting, preserving, processing, reviewing and producing ESI.

Our Managed eDiscovery Services solution offers the ability to minimize costs, mitigate risks and improve quality of services by shifting the day-to-day operations of discovery to the team, while clients focus on achieving their business objectives.
Our approach

Once the client decides to have all elements of an electronic reference model in-house, our team can assist them in setting it up at a cost friendly location such as India, with the required business process knowledge and technology foundation to make it sustainable over the long term.

With the objective to have an end-to-end eDiscovery solution, we believe that a managed services solution based on the benefits outlined above, could be the most scalable, defensible and sound solution to meet an organization’s goals.

Litigation and investigation readiness
- High-level analysis of each activity or component of litigation readiness
- Identification of key stakeholders and responsibilities
- Identification of significant risk factors

Legal hold or collection capabilities
- Ability to execute legal holds and review or benchmark the litigation readiness, incorporate observations and findings from prior review(s)
- Ability to drive collections from information repositories such as
  - Email and shared servers
  - Structured data systems
  - Unstructured data environments

Technology implementation
- Ability to fully own, install, operate and manage the entire eDiscovery setup behind the firewalls of a client
- Conduct periodic system wellness checks
- Guide the technology support team to maintain the setup as per the required standards

Processing
- Ability to secure and reduce collected data to a manageable data set for review

Managed document review
- Ability to drive all aspects of the legal review, including:
  - Review design and review platform set-up
  - First level contract attorney review
  - Consistent document review project management

Apart from these, the team can also develop a custom case management application, which will manage all the cases with insightful dashboards and live reporting features.

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Our services

In-house eDiscovery (managed by EY)
EY will install and manage the entire eDiscovery infrastructure with 24x7 support
- Assist the client to effectively manage information and eDiscovery in-house according to business requirements
- EY will fully own, install, operate and manage the entire eDiscovery setup behind the firewalls of the client
- EY’s resources will be supporting the end to end eDiscovery work bringing in EY’s methodology and standard operating procedures and policies to the table

Managed eDiscovery
EY will collect data forensically and provide processing and hosting in its own facilities providing 24x7 support
- Address the immediate short term eDiscovery needs to meet the business requirements and external discovery requests
- Provide a one-stop shop for all the solutions related to eDiscovery including computer forensics, data processing and production, forensic data analytics as well as managed document review
- Ensure data integrity and security at all stages from data collection till production transfer through secured FTP

Managed eDiscovery Services
Benefits

<table>
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<tr>
<th>Team size</th>
<th>In-house eDiscovery</th>
<th>Managed eDiscovery</th>
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<tr>
<td>Cost of maintenance</td>
<td>High</td>
<td>Low</td>
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<tr>
<td>Efficiency</td>
<td>Normal</td>
<td>High</td>
</tr>
<tr>
<td>Technology obsolescence</td>
<td>Normal</td>
<td>Low</td>
</tr>
<tr>
<td>Strengths</td>
<td>Specialized focus on one or two stages</td>
<td>Specialized focus on each stage</td>
</tr>
<tr>
<td>End-to-end support</td>
<td>Low</td>
<td>High</td>
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Case study

A multinational bank sought assistance for end-to-end eDiscovery operations for their entire litigation matters across the world. This involved the entire workflow of eDiscovery including collections, processing, migration, review support, managed document review and productions.

EY helped the company to design an eDiscovery strategy and came up with a 24x7 support model to handle the bank’s litigations across geographies. Each work stream had a dedicated team lead who took care of the bank’s requirements and coordinated with the global stakeholders to ensure smooth transition of information across different shifts.

EY has processed a total of 85 TB of data in the past two years and helped the Bank in a speedy disposal of litigation related requests involving the US Government authorities.

Some of highlights from the project include:

- Providing processing, reviewing support to multiple eDiscovery vendors and law firms involved
- Suggesting process improvements in the current process by redesigning the workflow to improve the efficiency of service delivery
- Automating by enhancing the existing tools to help improve the speed of processing and also increase the throughput for faster delivery

Why EY?

- Provide a holistic framework to deliver enterprise solution
- Link disciplines to optimize business value and reduce risks to information assets
- Creates collaborative efforts for a common view of information assets
- Provides on-stop shopping for all information related needs including eDiscovery
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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