



SMART DATA COLLECTION STRATEGIES

4 Steps to Control Big Data and Bigger Litigation Costs

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Legal Hold Pro Data Collect Pro Digital Discovery Pro



Control Litigation Costs

This year, law department leaders are taking a hard look at how to lower their litigation spend after a national uptick in outside counsel fees in 2014. It's no secret that e-Discovery outside counsel costs occupy a disproportionate piece of that spend pie.



Big Data, Big Costs.

General Counsels and their technology and business process gurus are evaluating how to do a better job controlling the corpus of data they send to their law firms. The bigger the data set you send, the bigger the bill. Emerging big data types, social media and cloud storage sources and lack of information governance complicate things.



Tune-up What You Control.

The first half of e-Discovery is in the hands of corporations. This is where we see law departments focusing to lower litigation spend — governing information, identifying custodians, issuing legal holds, doing collections and culling the data set in first pass review.



Smarter Collections, For One.

One place to start is your collections approach. It is ripe for innovation. Here are some strategies on the journey toward turning your collection process into a cost saver for your department. We see law departments focusing on four key collections strategies for driving efficiency and cost savings into their e-Discovery processes.



OWN IT.

Current Approaches

Many law departments rely on IT to collect data from employee-custodians using IT utilities, or complex forensic tools that image the entire hard drive, creating enormous collections. These tools are really complicated and hard to use.

In-house teams waiting to get a look at their case data can become frustrated with delays or collection mistakes due to miscommunications on exactly what was to be collected. And custodians don't like the disruption of giving their laptop to a consultant or IT for a day while it is imaged.

Other companies ask their law firm for help on collections, and the firm hires a certified forensic expert to do the collection, passing this cost plus margin onto the client. Of course law departments also hire forensic consultants themselves, paying them large fees to do the collection.

Modern Approaches

E-Discovery managers and paralegals can now do forensically sound collections themselves to get it done right and fast. To do this they want intuitive, easy-to-use collection tools that don't require a Ph.D in IT, and produce forensically-sound collections. With this, legal can take charge of collections to "own it," speeding the data to their attorneys.

IT and digital forensic groups in large corporations also need easier-to-use collection technology. Depending on legal resources, these technical groups may still own collections — so why not give them easier-to-use tools for more routine cases? There are situations where more complex tools are needed, but the key is to have options and flexibility.

SHRINK IT.



Current Approaches

Everything seems big these days. Your organization has Big Data created by your mobile bring your own device (BYOD) employees – piles of emails, files, texts, IMs on personal devices, social media, collaborative applications, data, etc. Electronically stored information (ESI) is stored in iCloud, One Drive, Gmail, AWS, Box and Dropbox. Or stored in the social media repository.

Your collection sizes are huge because you image everything. And, your e-Discovery costs for all this ESI are too big. Your litigation portfolio is getting bigger and so are your litigation costs.

Modern Approaches

What if you had the ability to select *only* those files, file types or email date ranges that realistically may have relevant ESI? Or eliminate duplicates during collection, rather than pay for processing and review of the same documents? Nip it in the bud at collection and avoid paying for processing and review of vacation pictures, system files and completely off-topic files or email.

Another little secret of bigness is all the former employee hard drives nestled into storage closets for preservation in case of litigation or investigation down the road. And their electronic cousins, the hard drive images of departed employee devices take up space on a litigation server. Just do a targeted collection to get only the nut of the potentially relevant ESI and preserve the smaller data set.

A best practice for shrinking the challenges of BYOD collections is to collect right from where the data is stored, rather than try to collect from small form factors like mobile phones or tablets. Law teams are buying collection technology that has connectors to storage sources like AWS, Box, Dropbox, Google drive, Gmail and iCloud.

REMOTE IT.



Current Approaches

Employees work remotely from home, travel all the time and are frequently off network making it difficult for you to collect from their devices. Think of the cost of sending forensic experts to multiple locations to do physical collections onsite — there are fees, travel expenses and business interruption. Sometimes it's someone from the company's legal or forensic digital group that travels internationally to do collections, incurring costs and lost time from other projects.

Modern Approaches

Take advantage of new remote collection tools. No consultant expenses, no disruption to the employee who can work away on their laptop while the collection is taking place. Of course, this technology can be used to collect from the laptop down the hall, or from remote locations across the globe.

LINK IT.



Current Approaches

Law departments want integrated preservation. They want one solution for identification, legal hold and collection that automates communications across legal, IT, custodians and their law firms and providers. Today the in-house team constantly spends time retyping preservation updates, status reports and instructions or communications with IT, AGCs, service providers, and law firms.

Modern Approaches

Today you can link and automate the initiation, management, monitoring and reporting of holds and collections in one platform. A bonus is for that platform to also have processing and first pass review technology so you can link all the e-Discovery processes you do in-house in a straight forward workflow.

5 STEPS TO A SMARTER DATA COLLECTION STRATEGY

- 1** Look for technology that lets legal own more collections. The expertise of the legal team, combined with easy-to-use collections technology, will speed things up — especially for routine and single plaintiff cases. You'll want to be sure the solution produces a forensically sound export of the data and a detailed audit log of the collection.
- 2** Equip IT and your digital forensics team with easier-to-use collection tools when forensic imaging and evidence reconstruction is not needed. This may be in more cases than you realize.
- 3** Shrink your collection sizes and your upstream review costs by doing targeted collections. IT departments can complement use of experts or complex forensic imaging solutions with a simplified targeted collections tool. Look for technology that connects with big data cloud repositories like Gmail, Box, Dropbox, AWS and more.
- 4** Employees no longer have to be interrupted from their work by giving up their laptop for imaging of potentially responsive ESI. Take advantage of new remote collections technology to collect from laptops down the hall or across the globe.
- 5** Simplify preservation with integrated legal hold and collection technology. You can automate manual tasks and keep the entire team updated on status.

What is your plan for internal e-Discovery technology in 2015?

63%

Planning to enhance or upgrade

**2014 HBR e-Discovery Consulting Flash Survey Results*



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