eDiscovery: A Light at the End of the Tunnel – and It's Not a Train

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- By Christine Taylor

I drafted an earlier version of this column last year but never used it. Perhaps it was the original title, which contained the words "Insanity," "eDiscovery" and "IT." I decided it was too inflammatory and never published it. The subject? My frustration at getting the message across that eDiscovery should matter to IT. The message seemed to be falling on deaf ears and I will admit to writing a few scathing comments about it. It was just as well that it never saw the light of day.

How things can change in a year.

I am very encouraged at IT's response to eDiscovery now as opposed to a year ago. Then much of IT – and the industry press – was convinced that eDiscovery was strictly the realm of the lawyers. When I mentioned eDiscovery to a publication or trade conference that caters to IT, I got blank looks or "not interested" emails. The general consensus was that IT doesn't care about eDiscovery and doesn't need to.

Nothing could be further from the truth, and I am seeing very encouraging signs that IT thinks so too. Because here is the deal: IT is directly responsible for the universe of data that feeds the eDiscovery and compliance business processes. How much more involved can you get?

Of course, eDiscovery is a long and complicated process. There are a many eDiscovery stages that move beyond IT's active involvement. As an analyst, I support the later legal stages and the vendors that provide the tools for them. But as a former IT person myself (a systems administrator for Avery Dennison) I am dedicated to helping IT grapple with eDiscovery issues that impact them directly.

For IT, this primarily involves several early eDiscovery stages:

1. **Information Management.** This is where IT has a tremendous impact not just on eDiscovery but also on records management, governance, and risk mitigation. Attorneys frankly have been clueless about this one, but good data management

enables eDiscovery operations to efficiently locate relevant data. And this comes with a serious plus to IT: by using next-gen archive tools to improve data retention and management, you dramatically improve your own storage management practices.

2. **Collection.** In the past attorneys have just issued emails to data custodians telling them not to delete a certain range of emails. They also issued emails to the Exchange administrators asking for messages matching metadata for given individuals, date ranges and perhaps content. Today there are collection tools that make mincemeat of the time IT once had to spend – and generate far more accurate results to boot.

3. **Preservation.** This means defending the integrity of collected data. It looks easy but it's not always. Take the example of IT copying a large volume of emails onto a CD. Defensible, right? Sure, until the attorneys realize that the copy process changed the dates on all of the emails to the copy date. Whoops. Serious problem ensues. Today IT can use preservation tools that automate defensibility. The tools may be software that locks down data in place or can be object-based storage systems.

There are more stages to eDiscovery but these are the Big Three as far as IT is concerned. Note that the advantages of doing these stages well are not just for eDiscovery but also serve storage management, compliance and governance issues very well.

I'm so pleased I don't have to use "Insanity" in a title anymore. Thank you, IT.

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