

## Electronic Discovery { New Demands and Trends }

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Network Infrastructure Solutions  
Advanced Infrastructure Solutions  
Information Worker Solutions  
Business Process and Integration  
Custom Development Solutions  
OEM Hardware Solutions

Data Management Solutions  
Learning Solutions  
Security Solutions  
Mobility Solutions  
Licensing Solutions

## BrightPlanIT Best Practices in IT

- Award-winning Technology Consulting, Training, and Research Firm
- Multi-Disciplined Technology Specialists and Subject Matter Experts
- Regional Focus with Global Delivery Capabilities
- Microsoft Strategic Delivery Extension for Consulting and Training
- According to Webster ...
  - **Bright:** Glorious, splendid, animatedly clever, intelligent
  - **Plan:** A systematic arrangement of important parts
  - **IT:** Information Technology

"Best Practices in Information Technology"



Network Infrastructure Solutions  
Advanced Infrastructure Solutions  
Information Worker Solutions  
Business Process and Integration  
Custom Development Solutions  
OEM Hardware Solutions

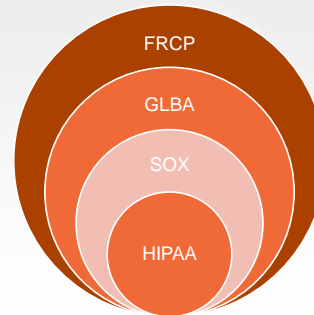
Data Management Solutions  
Learning Solutions  
Security Solutions  
Mobility Solutions  
Licensing Solutions

## Topics ...

- **Expanding Scope of eDiscovery**
- Electronically Stored Information (ESI)
- Costs and Challenges
- Strategies and Steps
- Benefits
- Next Steps ...



## Expanding Scope of eDiscovery



## Federal Rules of Civil Procedures

- **Rule 26(b)** - Electronically Stored Information
- **Rule 26(b)(2)** - Reasonable Accessibility
- **Rule 26(f)** - 120 day rule for information disclosure and discovery negotiation
- **Rule 37(f)** - Safe harbor for destruction due to standardized, automated data management practices.



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## Electronically Stored Information

- A new legal term of art: "electronically stored information" to supplement the older term "documents":

*"The wide variety of computer systems currently in use, and the rapidity of technological change, counsel against a limiting or precise definition of ESI...A common example [is] email ... The rule ... [is intended] to encompass future developments in computer technology."*

## Metadata Exposure

CATEGORY	EXAMPLES	REPRESENTATIVE CASES OR NEWS STORIES
System	File creation dates and times, user names, file locations	• <i>Armstrong v. Executive Office of President</i> , 1 F3d 1274 (D.C. Cir. 1993) (considered first case to discuss email metadata issues)
Application	Word document properties, word and character counts, version numbers, editing time, company name	• <i>Williams v. Sprint</i> , 230 FR.D. 840 (D.Kan. 2005) (thorough discussion of metadata issues involved in production of spreadsheets)
Document (or User-Added)	Tracked changes, comments, highlighting	<ul style="list-style-type: none"> <li>• 2004 - The SCO Group filed a complaint that included the name of another contemplated party and other comments and tracked changes about issues in the case</li> <li>• 2006 - Google reveals financial projections hidden in presentation documents</li> <li>• 2006 - United Nations document revealed deletion of names involved in Lebanese assassination</li> </ul>

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## Costs and Challenges

Why are large, well respected US corporations paying so much in Court damages?

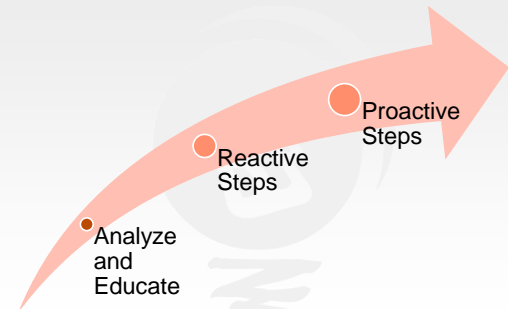


- Failure to disclose or provide electronic documents in a timely fashion/or at all
- Inadvertent destruction of documents after 'litigation hold' should have applied
- Spoilation of evidence due to failure to preserve emails and back up tapes

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## Strategies and Steps



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- **Benefits**
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## Benefits

- Reduce overall corporate risk
  - Reputation Risk
  - Fines and other Court Sanctions
- Reduction in Litigation costs
  - Even a small percentage decrease in litigation costs can provide rapid ROI
- Reduced burden on organization, production line-of-business systems, and IT staff.



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## Possible Unexpected Benefits

- Improved disaster recovery timeframe
- Accelerated collaboration capabilities
- Improved performance and stability of data, applications and network environment
- Empower IT Staff to focus on proactive initiatives



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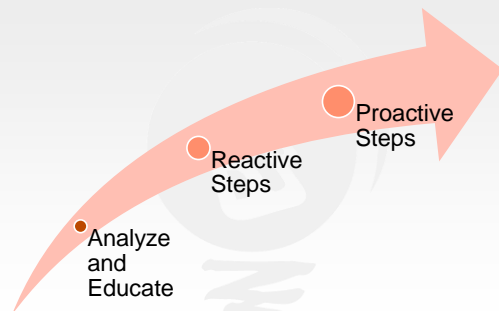
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## Next Steps ...



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