

Demographics

168 attendees from 36 departments and agencies



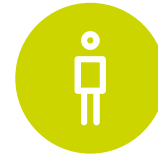
Attorney
71%



IT professional
11%



Paralegal
6%



Records Manager
3%

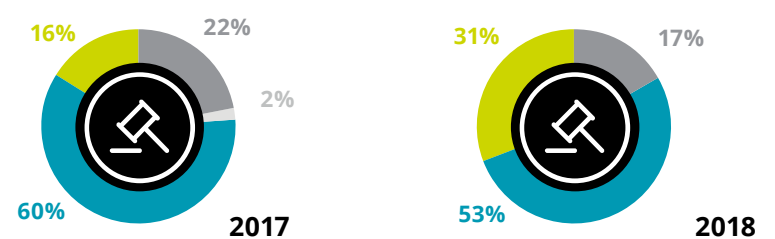


Other
9%

Dramatic 94% increase in respondent's belief that Freedom of Information Act (FOIA) requests are being used as a discovery tool.

In your opinion, how often is the Freedom of Information Act (FOIA) request used to bypass the legal discovery process or serve as a fact-finding mission before litigation is filed?

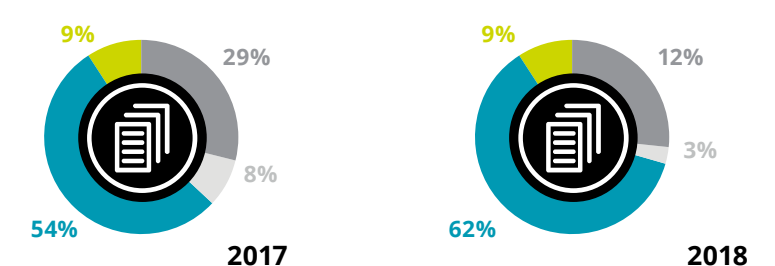
Always Sometimes Never Don't know / N/A



The majority of respondents always or sometimes see discovery documents that have already been produced in response to a FOIA request or other type of government request.

How often do you see discovery documents that have already been produced in response to a FOIA request or other type of government requests?

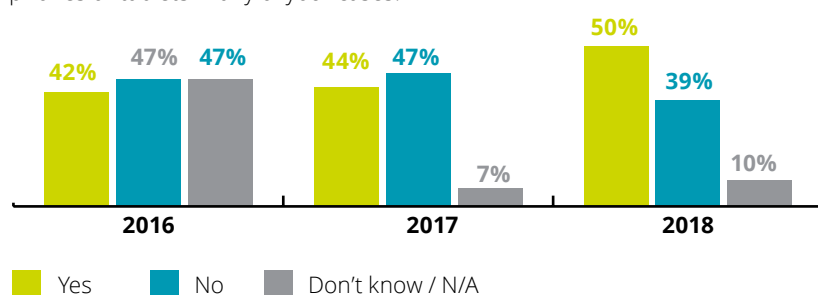
Always Sometimes Never Don't know / N/A



Preserving, collecting, requesting and producing data from mobile sources

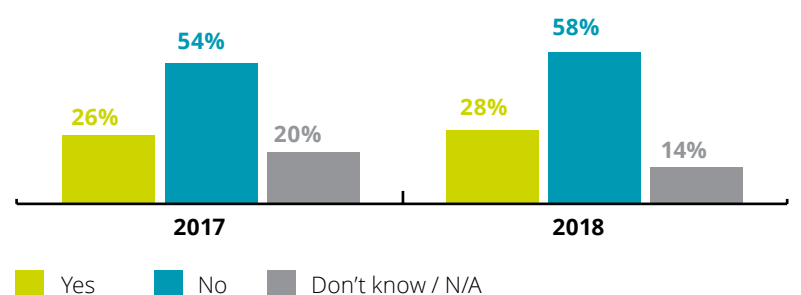
Half of respondents said they have had to preserve or collect data like text messages, emails, social media posts, photos and videos from smart phones or tablets in their cases.

Have you had to preserve or collect data from mobile sources such as text messages, email, photographs, videos or other data from smart phones or tablets in any of your cases?



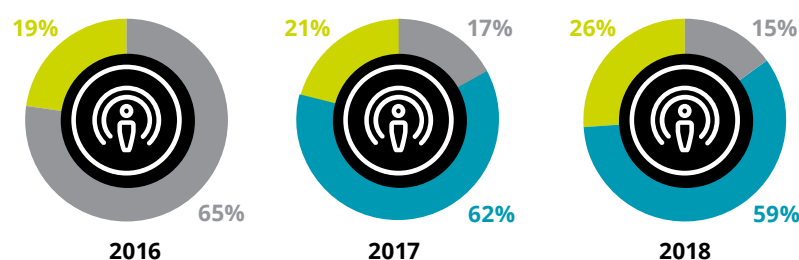
28% of respondents have received requests from opposing counsel on data from mobile sources like smart phones and tablets.

Have you requested data from mobile sources such as smart phones or tablets from opposing counsel in any of your cases?

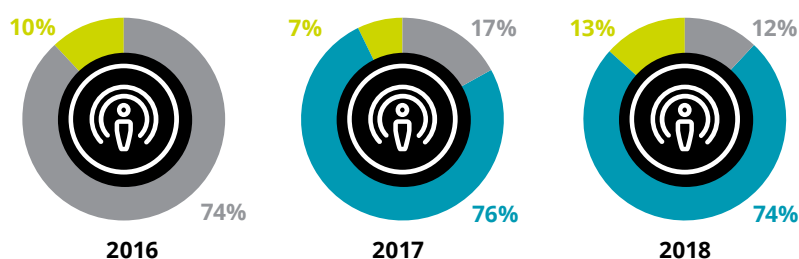


26% of respondents are requesting social media data from Facebook, LinkedIn, and Twitter from opposing counsel, and 13% are producing it.

Have you requested social media data, such as Facebook, LinkedIn or Twitter from opposing counsel?



Have you produced social media data, such as Facebook, LinkedIn or Twitter from opposing counsel?



Yes No Don't know / N/A

31% of respondents are requesting both audio and video data from opposing counsel, and 24% are producing it.

Have you requested video or audio data from opposing counsel?

	2016	2017	2018
Yes—Video	5%	5%	8%
Yes—Audio	7%	8%	7%
Yes—Both	27%	27%	31%
Neither	43%	41%	39%
Don't know / N/A	-	18%	16%

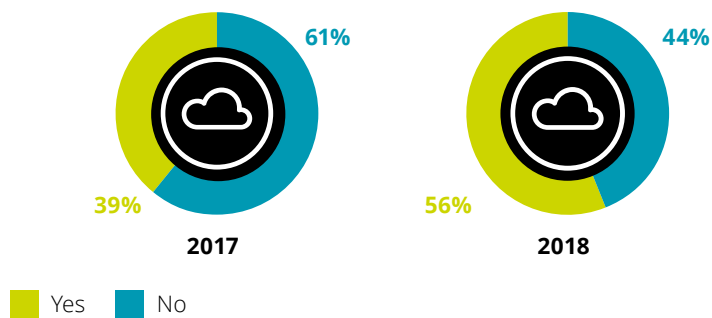
Have you produced video or audio data to opposing counsel?

	2016	2017	2018
Yes—Video	10%	7%	11%
Yes—Audio	6%	6%	6%
Yes—Both	31%	20%	24%
Neither	39%	51%	46%
Don't know / N/A	-	16%	13%

Tech trends

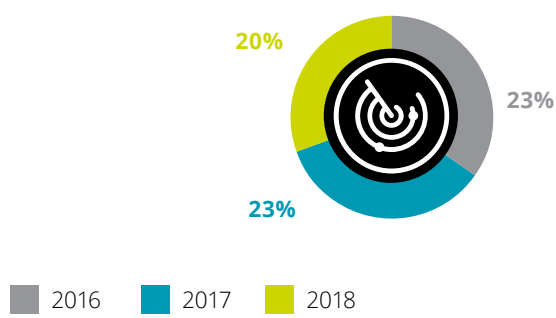
Over half of government agency emails are now in the cloud.

Is your agency's email in the cloud today?



Only 20% of respondents use predictive coding in their cases—slightly down versus prior year's.

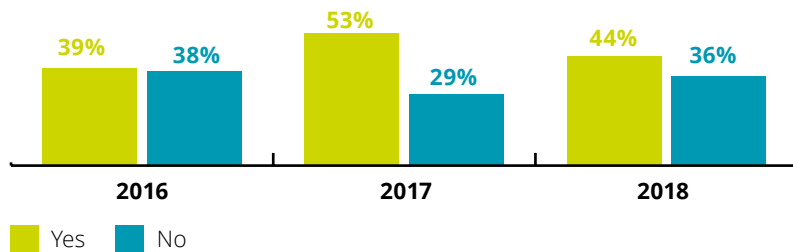
Have you used predictive coding in any of your cases?



Confidence levels

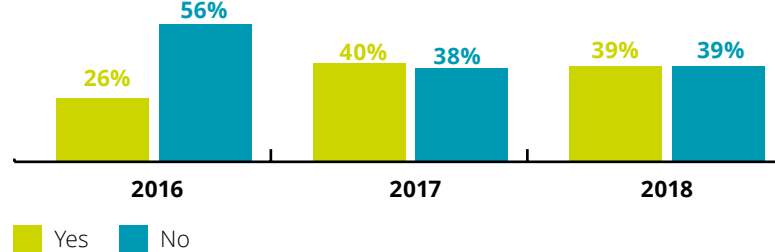
Less than half of respondents feel adequately prepared to discuss eDiscovery with opposing counsel.

Do you feel adequately prepared to discuss matters regarding eDiscovery with opposing counsel?



Nearly 40% of respondents feel that they have adequate technical support when dealing with opposing counsel on electronic discovery.

When dealing with opposing counsel regarding electronic discovery, do you feel that you have adequate technical support?



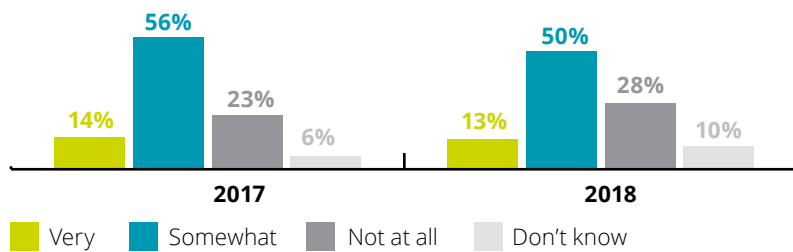
Confidence is down year-over-year on respondent's overall ability to manage eDiscovery in their cases.

Compared to a year ago, how confident do you feel about your ability to manage eDiscovery in your cases?

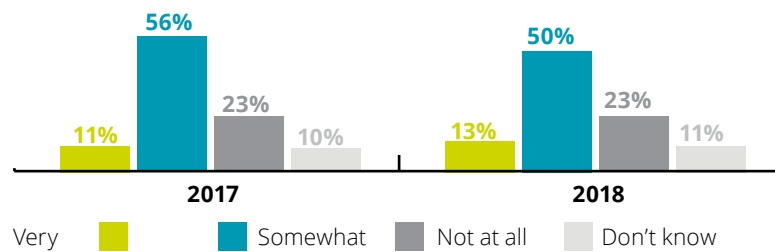
	2016	2017	2018
More confident	86%	79%	75%
Less confident	7%	12%	12%
Don't know / N/A	7%	9%	13%

The majority of respondents believe their agency is either very or somewhat effective in dealing with the challenges of eDiscovery today, and that, if challenged, they could demonstrate that their ESI is "accurate, accessible, complete and trustworthy."

How effective is your agency in dealing with the challenges of eDiscovery today?



How confident are you that, if challenged, your agency could demonstrate that their ESI is accurate, accessible, complete and trustworthy?



Key challenges and reasons management seeks advanced eDiscovery solutions

Volume of data remains the top challenge when identifying ESI and 38% of respondents cited internal processes as the most significant challenge.

What are your top three challenges in identifying ESI?

	2017	2018
Volume of data	26%	15%
Lack of technology	19%	15%
Insufficient manpower	19%	18%
Insufficient time	13%	15%
Processing multiple forms of data	11%	10%
Obsolete or proprietary data	8%	8%
Other	3%	9%

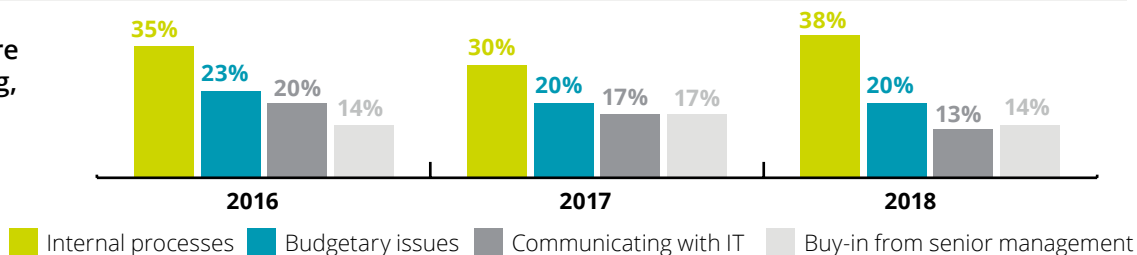
Budget, security and subject matter expertise remain the biggest concerns about using contractor support for any phase of eDiscovery.

What is your biggest concern about using contractor support for any phase of eDiscovery?

	2016	2017	2018
Budget	32%	41%	36%
Subject matter expertise	21%	13%	9%
Unfamiliarity working with contractors	15%	7%	9%
Security	11%	19%	17%
Lack of readily available contract vehicle	5%	17%	8%

38% of respondents feel internal processes are the greatest challenge with regard to handling, processing, reviewing or producing ESI.

Rank the following challenges with regard to handling, processing, reviewing or producing ESI.



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