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Government eDiscovery practitioners have spoken

You talked and we tallied

The results from the brainstorming activity at our 9th Annual Electronic Discovery Symposium for Government Agencies are in. When asked, "What do you want to **start**, **stop**, **continue** at your government agency with regard to eDiscovery?"

You said START with a step

Use Tools 60%

Technology-assisted review (TAR) Litigation Hold Collections

Why

- Save time
- Fewer mistakes and better consistency
- Deal with data volumes
- A tool that can be used beyond litigation, i.e., administrative records and FOIA
- Do not have the manpower for individual reviews
- Increase efficiency, productivity, and effectiveness

eDiscovery Platform

Need a centralized system

Collection

Look for new collection tools

Get Education 32%

What

- Improve management's understanding of the risks of an inadequate eDiscovery system
- More eDiscovery training and education
- Hands-on training

Topics you wanted more training on:

- Litigation holds
- TAR
- Social media
- Mobile device applications
- Cloud computing

Need Process 28%

What

- Automate email collection
- Implement a streamlined data disposition process
- Standard operating procedures for eDiscovery requests
- Create agency-wide eDiscovery policies

Increase Communication 15%

What

- Engage with Information Technology (IT) and Records Management
- Increase widespread, two-way communication
- Increase education and awareness of eDiscovery
- Involve FOIA and congressional response programs

Get Resources 13%

What

- Aquire contractors for FOIA litigation and document review
- Improve IT involvement and support for GC
- Dedicated eDiscovery team

Litigation holds 12%

What

- Test for efficiency
- Develop guidance
- Improve the process
- Provide reporting functionality
- Link litigation holds to other internal systems

Data Collection 12%

Where

- Mobile device collections
- Social media collections
- Audio/video collections
- Targeted collections

The good work CONTINUES

Communication 20%

- Encourage upper management to commit budget and resources to eDiscovery
- Discuss leading practices with government agencies
- Collaborate with IT

Litigation holds 18%

Why

- Continue to tweak and improve the litigation hold policy
- Periodic update and status check on litigation holds
- Push for legal hold collection automation

STOP the madness

Process 67%

What

- Retaining emails indefinitely
- Dealing with paper
- Reliance on backup tape restoration
- Over collection
- Understaffing and underfunding larger cases
- Stop treating eDiscovery as litigation-only matter – electronically stored information (ESI) affects FOIA and congressional record responses
- Putting up roadblocks to modernize the process

Litigation holds 6%

- Issuing litigation holds without a discussion of key players
- Over extending litigation holds
- Using litigation hold terms that are too broad

Using Tools 26%

What

- Use of enterprise-wide litigation hold/ collection software
- Upgrade tools
- Seek better tools
- Expand the use of TAR
- Work on implementation of an eDiscovery system that can be useful for FOIA requests and Congressional investigations

Process 18%

- Use records retention standard operating procedure
- Deduplication and efforts to reduce discovery
- Push "forensically sound and admissible"
- Adherence to cybersecurity rules

Education 15%

- Commit resources to training professional and paraprofessional staff in new technology
- Educate attorneys on eDiscovery and our internal ESI environment
- Train on the eDiscovery software databases and encourage more involvement
- Recognize that data governance is important and how departments play a role in this

Tools 19%

What

- Using outdated tools
- Being behind the technology curve

Communication 3%

- Working in silos
- So many meetings

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