

Demographics

198 participants from 51 government agencies



Attorney
78%



IT professional
4%



Paralegal
8%



Records manager
2%

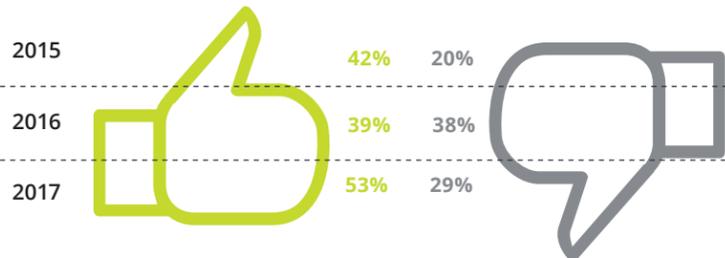


Other
8%

Agency counsel feel adequately supported by IT when it comes to dealing with opposing counsel on electronic discovery matters, as such, confidence swells when it comes to feeling adequately prepared to discuss eDiscovery with opposing counsel.

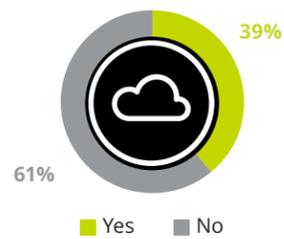
Confidence swells when it comes to feeling adequately prepared to discuss eDiscovery with opposing counsel.

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



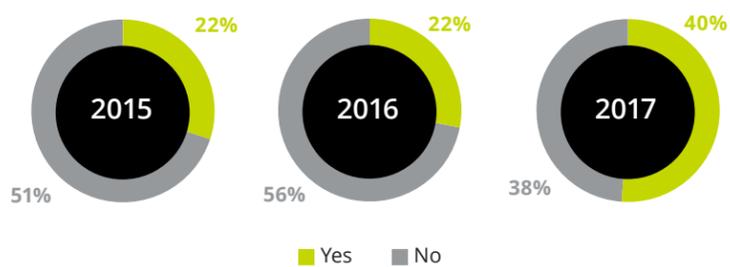
39% of respondents have their email in the cloud.

Is your agency's email in the cloud today?



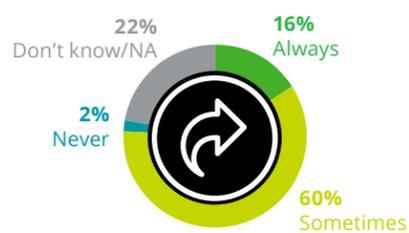
Surveyed Agency counsel feel increasingly supported by IT with technical support when dealing with opposing counsel on eDiscovery matters.

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

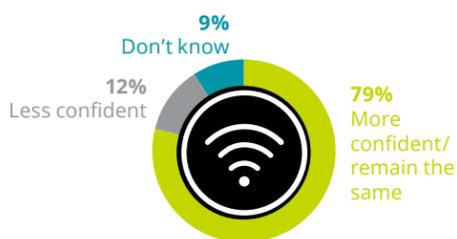


Freedom of Information Act (FOIA) requests are frequently used as a collateral method of discovery.

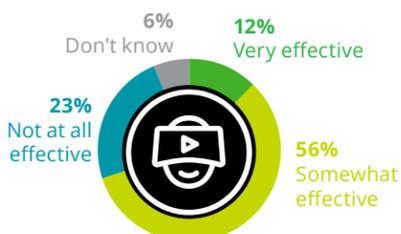
In your opinion, how often is the Freedom of Information Act (FOIA) request used to bypass the legal discovery process or serve as a fact-finding mission before litigation is filed?



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



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

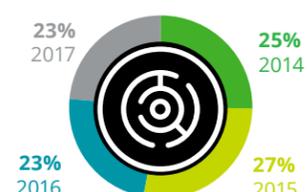
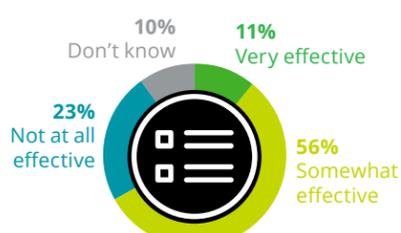


How effective is your agency in dealing with the challenges of eDiscovery today?

Use of predictive coding remains static in year-over-year results.

Have you used predictive coding in any of your cases?

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



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



Budget

41%



Security

19%



Subject matter expertise

13%



Lack of readily available contract vehicle

8%

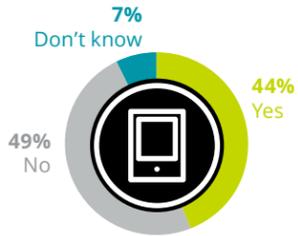


Unfamiliarity working with contractors on eDiscovery issues

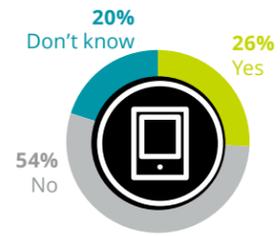
7%

Government agencies are dealing with a variety of data types.

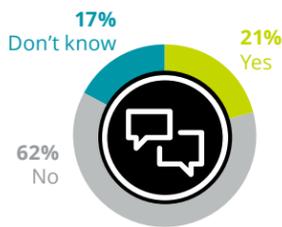
Have you had to preserve or collect data from mobile sources such as text messages, email, photographs, videos or other data from smart phones or tablets in any of your cases?



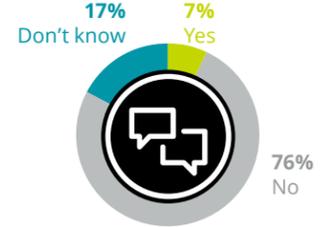
Have you requested data from mobile sources such as smart phones or tablets from opposing counsel in any of your cases?



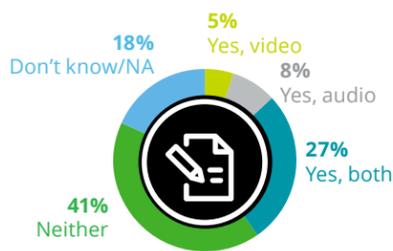
Have you requested social media data from opposing counsel?



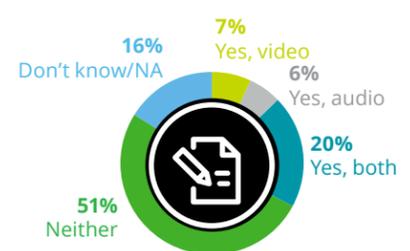
Have you produced social media data from opposing counsel?



Have you requested video or audio data from opposing counsel?



Have you produced video or audio data to opposing counsel?



eDiscovery Challenges

What are your top three challenges identifying ESI?



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

2017



30%
Internal systems and processes



20%
Budgetary issues/constraints

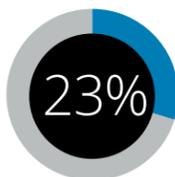


17%
Communicating with IT

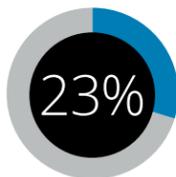


17%
Buy-in from senior management

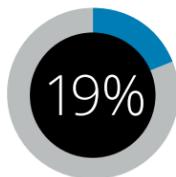
What issues are driving upper management to explore more advanced electronic discovery solutions?



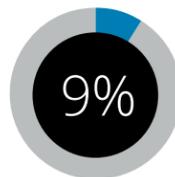
Respond to increasing amounts of data



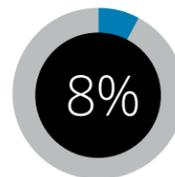
Upper management is not actively looking for an eDiscovery solution



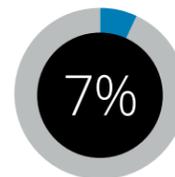
Provide tools to get the job done



Decrease risk



Lower discovery costs and/or decrease time



Respond to increasing case load

Contact us:

Lauren Allen
Managing Director | Deloitte Risk and Financial Advisory
Deloitte Discovery
Deloitte Transactions and Business Analytics LLP
Tel: +1 703 236 3057
Email: laurenallen@deloitte.com

Chris Knox
Managing Director | Deloitte Risk and Financial Advisory
Deloitte Discovery
Deloitte Transactions and Business Analytics LLP
Tel: +1 512 498 7411
Email: csknox@deloitte.com

Patrick McColloch
Managing Director | Deloitte Risk and Financial Advisory
Deloitte Discovery
Deloitte Transactions and Business Analytics LLP
Tel: +1 703 236 3050
Email: pmccolloch@deloitte.com

As used in this document, "Deloitte Risk and Financial Advisory" means Deloitte & Touche LLP, which provides audit and risk advisory services; Deloitte Financial Advisory Services LLP, which provides forensic, dispute, and other consulting services; and its affiliate, Deloitte Transactions and Business Analytics LLP, which provides a wide range of advisory and analytics services. These entities are separate subsidiaries of Deloitte LLP. Please see www.deloitte.com/us/about for a detailed description of our legal structure. Certain services may not be available to attest clients under the rules and regulations of public accounting.

This publication contains general information only and Deloitte Risk and Financial Advisory is not, by means of this publication, rendering accounting, business, financial, investment, legal, tax, or other professional advice or services. This publication is not a substitute for such professional advice or services, nor should it be used as a basis for any decision or action that may affect your business. Before making any decision or taking any action that may affect your business, you should consult a qualified professional advisor. In addition, this publication contains the results of a survey conducted by Deloitte. The information obtained during the survey was taken "as is" and was not validated or confirmed by Deloitte Risk and Financial Advisory.

Deloitte Risk and Financial Advisory shall not be responsible for any loss sustained by any person who relies on this publication.

Copyright © 2017 Deloitte Development LLC. All rights reserved.