

Deloitte.



Custodian tracking system

Broad-based data tracking and timely retrieval for improved discovery efficiency, responsiveness, collaboration, and data quality

The need for robust tracking

The onset of litigation or a regulatory enforcement proceeding is a call to action for corporate lawyers, external counsel, and their litigation support teams. The legal discovery team often has to respond quickly to discovery demands and document actions in three buckets:

- Identifying which custodians and what data sources may contain relevant data
- Tracking which devices are available—and unavailable—for collections
- Documenting what data sources have been collected and which remain to be gathered

Various information from diverse sources must be tracked along the electronic discovery reference model (EDRM) workflow. The applications that track and collect data are often segmented, with no integration framework to link them. Business processes, such as interviewing, reporting, and documenting, can be interdependent yet disjointed. Technology platforms may be unable to deliver all segments of the EDRM. These disparities can leave an opening for challenges from opposing counsel.

Amid these conditions, discovery professionals may see no choice but to use time-consuming and potentially error-prone manual tracking methods.

There is another choice. Deloitte's Custodian Tracking System (CTS) was developed to equip discovery teams with the ability to efficiently track, document, and report on identified, collected, and processed data across the discovery workflow within a single system. It helps enforce standard procedures and processes across legal matters in an effort to enhance defensibility and completeness.

Track the discovery process, backward and forward

Deloitte's proprietary CTS is a single-source repository we use when performing custodian management for a client. The system facilitates the matter-level reporting for the most common questions related to custodians tied to a given matter including the sources, devices, and collections assigned to a custodian. Its features include:

- An integrated custodian interview module that allows for interview customization and standardization, as well as extensive capabilities for tracking custodian responses on individual matters and reporting across all related matters

- Required data fields, custom report generation, and quality-control flags designed to enhance the accuracy of data entry and tracking.
- Critical fields—such as custodian user ID and emails, device serial numbers, and image names—which are designed to be unique data points in an effort to reduce the possibility of duplication or inaccuracies.
- A central repository for all activities related to a specific matter or custodian, enabling process executors a place to view and report out information captured at each stage of discovery.
- A highly granular window into the various aspects of discovery data, associated processes, and workflow status.

Discovery teams can use CTS to find and retrieve data from past interviews, device identifications, and collection decisions or events, nearly eliminating the need to repeat the same or similar work and offering companies the opportunity to reuse data. Through its workflow ticketing capabilities, CTS can also bring structure and resource forecasting capabilities to future collection demands.

A closer look at CTS

CTS helps reinforce and enhance Deloitte's discovery management process by mandating adherence to a specific work flow, standardizing data entry, and providing a broad-based view of collection and preservation reporting at both a matter- and portfolio-level.

Leveraging the documentation features of CTS provides a view into available information that can facilitate data and decision reuse for future matters. CTS ticketing and workflow management functions enable teams to create and view the status of work requests from a dashboard, which can reduce email traffic and provide real-time status updates for ongoing activities. This can both improve team efficiency and reduce the risk of losing critical information as companies experience natural turnover within their discovery teams.

CTS is scalable. It can be configured for environments with a large number of disparate litigation matters, whether for only a few custodians, or for situations in which one large matter has hundreds or thousands of custodians.

CTS is modular, enabling teams to leverage all or some of the features depending on the needs of the portfolio or matter (Figure 1).

Custodian tracking system

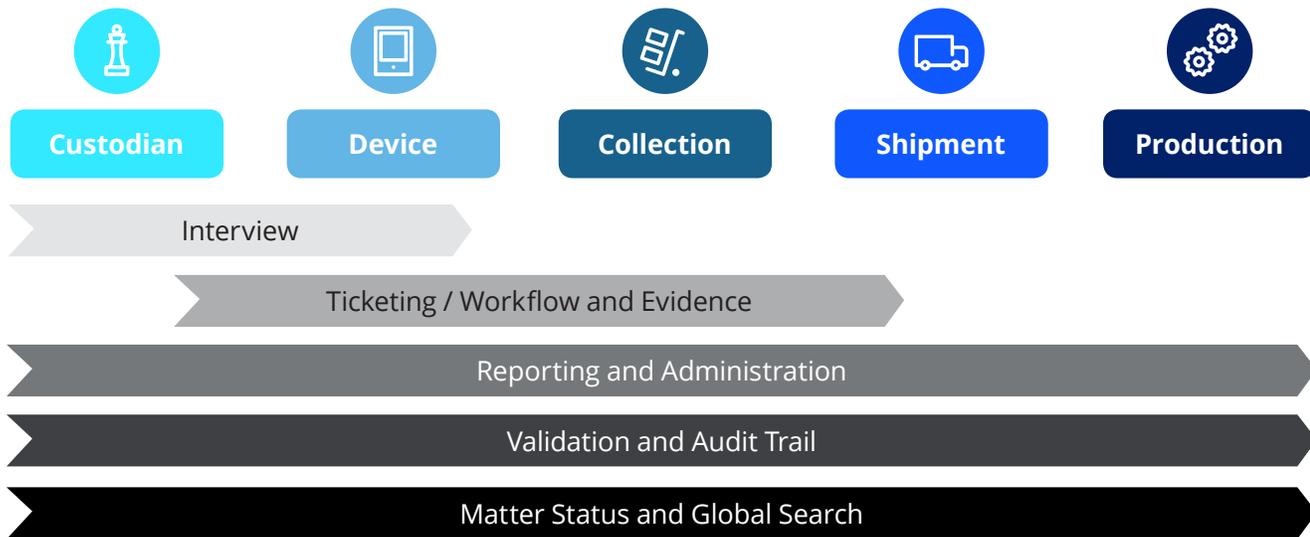


Figure 1. Deloitte's CTS modules

Custodian. This module provides specific information around the custodian's current title, unique identifier, contact info, employment history, and other data points that a legal team may require. It enables tracking of both individual and non-individual custodians. Custodial information can be synchronized to receive inputs from a company's identity management system (e.g., active directory) to reduce manual entry.

Interviews. This customizable questionnaire builder results in the documentation of custodian responses in a searchable format, enabling the discovery team to review responses both individually and collectively across a population.

Devices. This is a central location to document all pertinent information for each of the identified data sources, whether physical or on a network. It also enables the discovery team to document those devices that were identified but never collected, thereby reducing duplicative efforts if those devices are called into question at a later time.

Collection. This module documents forensic and hard-copy collections to show the steps taken for preservation of custodial devices. It also enables granular tracking, such as file paths collected, collection names, file counts, and MD5 hash values and sizes.

Shipment. This module helps the discovery team document the movement of data after collection, enabling companies to track where their data resides and identify sources for potential deletion as part of their defensible disposition protocols.

Production. This module helps the discovery team track and document productions of data.

CTS includes additional modules that discovery teams may find useful, depending on the type of matter being tracked:

Evidence. A full-scale evidence capability tracks the "check ins" and "check outs" of a given device, building an electronic chain of custody and enabling discovery teams to track a device throughout the workflow until it is returned to the custodian or flagged for disposition.

Ticketing. This module helps the discovery team move the workflow from emails to a centralized system directly linked to the matters, custodians, and devices in question, then enables tracking of the status of all requests in order to report accurately to case teams about in-progress and outstanding items.

Reporting. This module helps discovery teams review and report on various data sets within a module or across multiple modules. Standard reports are included, and additional reports can be customized and exported as needed. A matter status report feature allows reporting across multiple matters by using matter-specific commenting.

The Deloitte advantage

Deloitte's CTS helps discovery teams reduce discovery costs through real-time tracking, documentation, reporting, and reuse of data. Visibility into historical activity and decision making helps discovery teams reduce redundant efforts, increase visibility into legal spend forecasting, and improve resource allocation. Ultimately, the system is designed to reinforce and enhance processes in an effort to reduce variances and increase defensibility and completeness.

CTS's built-in validations and standardization of field values and their definitions can significantly improve data quality and integrity across all discovery modules. The system also can improve discovery team efficiency through reduction of manual processes, fewer instances of multiple teams tracking the same information, less time identifying and tracking open items, and reduced use of email to initiate processes and request updates.

Keep discovery on track

Efficient, timely discovery is a top priority when litigation and regulatory matters arise. And, discovery demands can explode in size depending on the matter at hand. Whatever the situation, Deloitte's Custodian Tracking System can help legal departments navigate the twists and turns with robust data tracking, rapid fulfillment, and sustained data quality and defensibility.

Let's talk

Bryan Foster

Principal

Deloitte Discovery

Deloitte Transactions and Business Analytics LLP

bfoster@deloitte.com

+1 713 982 2747

Mike Stanioski

Senior Manager

Deloitte Discovery

Deloitte Transactions and Business Analytics LLP

mstanioski@deloitte.com

+1 617 437 2234

Deloitte.

This publication contains general information only and Deloitte 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.

Deloitte does not provide legal services and will not provide any legal advice or address any questions of law. Deloitte shall not be responsible for any loss sustained by any person who relies on this publication.

As used in this document, "Deloitte" means 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. Deloitte Transactions and Business Analytics LLP is not a certified public accounting firm. 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.