



Global eDiscovery: An integrated, end-to-end approach

Global eDiscovery is difficult, and it keeps getting harder. Data volumes continue to grow, doubling every two years, as do the number and variety of data-carrying devices that could be relevant to a discovery matter. Companies can face prickly dilemmas as compliance and legal requirements in one region or country clash with privacy mandates in another. Across the globe, authorities are expecting companies to respond faster and more forthrightly to discovery dictates.

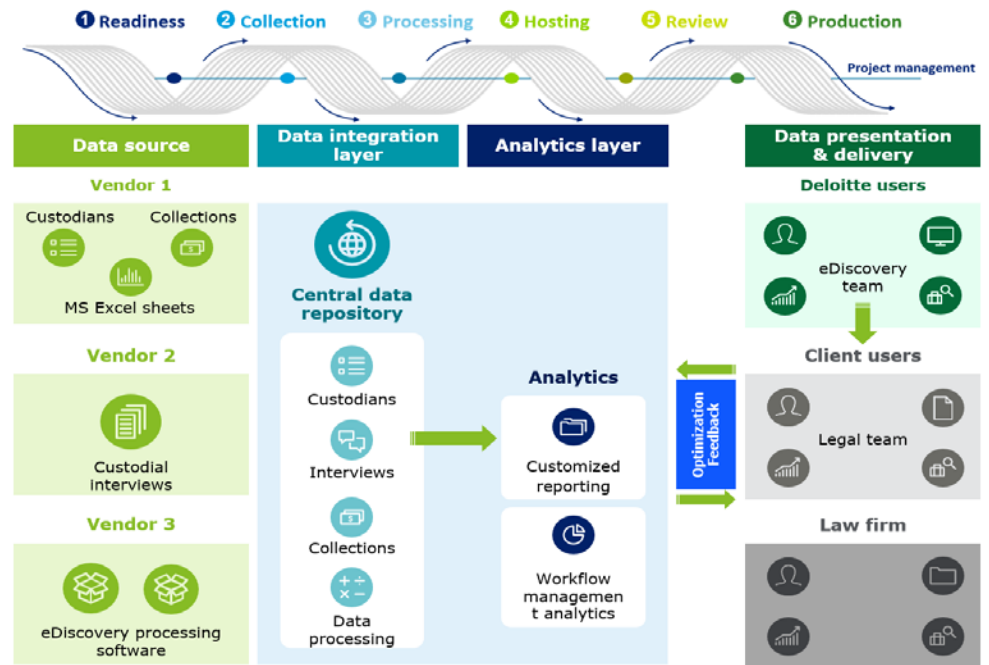
These and other factors highlight the need for companies to consider an integrated, end-to-end approach to

cross-border eDiscovery. This type of systematic approach can address the many requirements of eDiscovery workflow management, including downstream report production, while providing the flexibility to incorporate new processes and data (Figure 1).

With an end-to-end eDiscovery approach, a central repository harnesses data from internal departments, vendors, eDiscovery platforms, and other sources. Data quality improves as built-in validations and standardized field values and definitions enforce data entry rules. Efficiency increases as

the need for manual and multiparty tracking diminishes. The end-to-end approach also provides a broad view of the data lifecycle and individual custodians' devices, collections, and shipments. Automated reports, the centralized data source, and enhanced data quality enable faster response to information requests. At the same time, this approach improves other reporting and expanded use of data analytics. Finally, and lastingly, an end-to-end approach helps transform eDiscovery from a situation-driven undertaking into an embedded, business-as-usual process.

Figure 1. A systematic approach to end-to-end eDiscovery workflow management



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An end-to-end eDiscovery operating model can equip a company to not **only increase efficiency as described** above, but also to better understand costs and improve effectiveness. Data can be better secured and response times reduced. In-house early case assessment methodologies can be developed to oversee external counsel, helping create consistency, control expenses, and establish the foundations for ongoing organizational learning based on data insights.

Potential challenges to be aware of

Despite its many apparent benefits, an end-to-end eDiscovery operating model may present hurdles that companies will need to overcome. For example, technical, legal, and operational issues can cause the discovery capability to straddle several internal organizational units and departments. Determining who should be responsible can be difficult, but is an essential first step.

The lack of a broadly accepted standard for eDiscovery operations is another potential impediment to end-to-end model development. In the absence of such a standard, some companies are finding guidance in the organizing principles of the ISO 27001 family of information security standards, which lend themselves to the discovery operating model challenge.

In using such a standard, it is important to stay mindful that companies have different business risks, geographical coverage, regulatory requirements, and internal legal, compliance, and investigative structures. Also, the framework is not prescriptive, but instead provides topics for consideration. A company can choose the personnel, technical, and procedural controls that are appropriate to their needs.

Another potential challenge is deciding which of three broad categories a company's eDiscovery model will fit into: fully in-house,

outsourced, or a hybrid of the two. Whichever approach is chosen, a typical model framework, underpinned by the required data and infrastructure, includes four main components:

- Governance – organizational responsibility for discovery, with representatives from legal, compliance, IT, records and information management, and business units.
- Business model – the service catalog for discovery and roster of internal clients who will consume discovery services.
- Operations model – the skills, technologies, and processes required to deliver services to customers.
- Financial model – how discovery will be funded and charged back to internal customers.

Some other potential issues are worth noting when establishing an end-to-end eDiscovery operating model. Companies sometimes fail to take a global view of the data created within their operations and the jurisdictions that data may be needed for discovery purposes. They also may struggle to provide data from their business-as-usual enterprise systems to the internal staff or vendors managing the rest of the discovery process. Also, if an end-to-end target operating model for eDiscovery is not treated as a business function equal to some others, collection of meaningful metrics that can inform improvement efforts may be impaired.

The vital role of EDRM

Litigation and investigations have historically been anything but business as usual. Organizations have typically worked with their external counsel and service providers to address the complex,

time-consuming, and costly eDiscovery process. Even many large-scale projects have been self-contained efforts, with organizational resources, counsel, and service providers coalescing around a specific matter.

Since 2005, the Electronic Discovery Reference Model (EDRM) has helped guide organizations through the discovery process for electronically stored documentation that may be required in an investigation or litigation (Figure 2). Created and maintained by a community of eDiscovery and legal professionals, the EDRM helps organizations select eDiscovery software tools, determine the skillsets needed to operate those tools, and design documentation that maps the process from end-to-end for legal purposes.

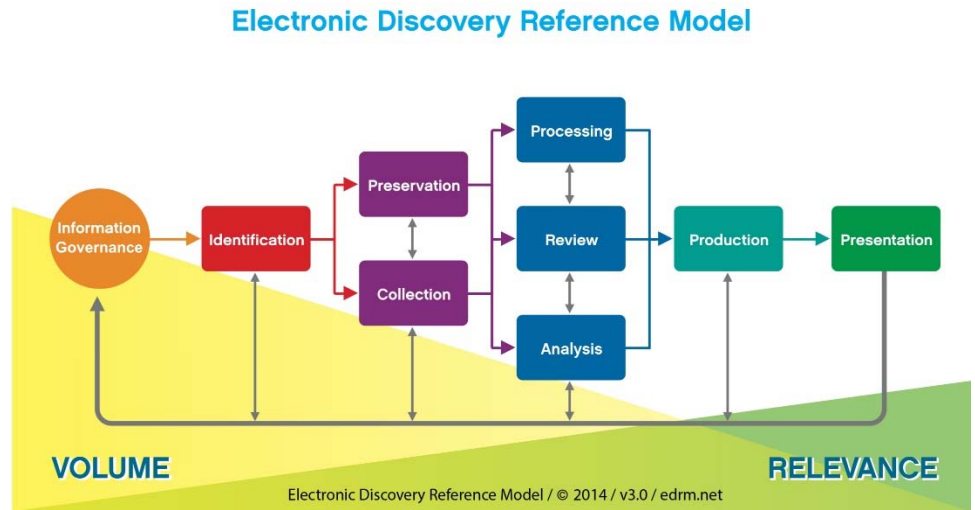
While the EDRM continues to provide a valuable framework for eDiscovery activities occurring *outside* an organization's enterprise architecture, the growing demands, and stakes, of discovery are compelling many companies to take more control *internally*, as well. This is another reason companies are seeing the need to transform eDiscovery from an island of activity into an integrated, end-to-end business process. An evolved EDRM framework that is more seamlessly integrated into an organization's data management strategy and processes, and which dramatically changes when and how data is collected and processed, can support this transformation (see *The future of eDiscovery: The vital role of EDRM*).

The value of an end-to-end eDiscovery approach

Having a live and interactive eDiscovery platform within an enterprise can create a powerful analytics capability that can



Figure 2. Electronic Discovery Reference Model



transform the discovery process, as well as be used for other applications. Leveraging the discovery operating model, framework, and technology, company leaders can have increased access to the enterprise’s intellectual property and identify issues earlier in their development. An evolved EDRM and an end-to-end, business-as-usual eDiscovery operating model together can provide the transparency, efficiency, and quality to sustain a systematic approach to discovery in the global marketplace.

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