

# Electronic Discovery

## "An Overview"

Dojo Technology  
866-DojoTek (365-6835)

# Electronic Evidence Discovery (EED)

- What is it?
  - “EED is the process of identifying, extracting, converting and organizing high volumes of computer-based data.”
  - In English: “EED is finding computer files in an efficient and responsible manner and presenting those files to you in a format that co-exists with your current work flow tools.”

# Electronic Discovery

## Why "Yikes!"

- Myth #1: "It's expensive"
- Myth #2: "I can get by with paper"

# Electronic Discovery

## Why "Yikes!"

- Myth #1: "It's expensive"

Properly managing Electronic Discovery Projects will significantly reduce costs of both production and review.

- Actions:

- Acquire MD5 Hash document information to identify duplicates
- Provide alternatives to producing a high number of pages for large documents (i.e. limit documents to 50 pages)
- Identify documents based on their location in the document population, person or department. Exclude irrelevant documents.
- Eliminate (or include) emails and documents by searching the metadata and text of all documents for keywords, dates, privileged information, people or concepts.
- Provide a review set in images leaving print production to responsive documents as a second step in the process

# Electronic Discovery

## Why "Yikes!"

- Myth #1: "It's expensive"
  - Results:
    - Eliminating duplicate documents can reduce total population %10 - %80
    - Culling documents through keyword searches, date range limitations or privileged content can provide a double digit document reduction.
    - Use of litigation support tools (Concordance or Summation, for instance) will eliminate production of the entire document set to paper.
    - All these steps result in:
      - reduced production size
      - reduced review time
      - reduced overall project management expenses
      - reduced expense

# Electronic Discovery

## Why "Yikes!"

- Myth #2: "I can get by with paper"
  - 99% of all corporate documents are created electronically \*
  - 50% or more of all corporate data exists ONLY in electronic format \*
  - A paper document does not contain all the critical information relevant to your discovery process

\* Larry Johnson, Esq. LTG Digital Data News January, 2003 Vol 1.

# Power of Electronic Discovery

## Ed Hamilton

**From:** Jason Stiles [jasonstiles@comcast.net]  
**Sent:** Tuesday, June 15, 2004 10:31 PM  
**To:** 'Ed Hamilton'  
**Subject:** RE: Trade?

What if we did Ichiro for Bonds and Michael Young... Young is on the verge of, if not already a hold player for next year. Think about it...

Thanks,

Jason Stiles

-----Original Message-----

**From:** Ed Hamilton [mailto:edhamilton@comcast.net]  
**Sent:** Tuesday, June 15, 2004 8:14 AM  
**To:** 'Jason Stiles'  
**Subject:** RE: Trade?

Jason,

Sorry I didn't get back to you. Having a crazy day, week and month.

You want an Ichiro for Bonds? I don't think I would be interested. Ichiro has too many categories he gets me help in - steals, hits, avg. My closers I'm keeping, for now, as I need the stats - it's the only pitching category I'm doing anything in. Some sort of trade for someone else with numbers could help. Let me look into your team and see what Mesa's done lately.

At this point I haven't tossed in the towel so I'm not looking to loose hold players. Nonetheless, I'll take a look.

Ed

## Email on Paper:

- From
- Sent on Date
- Recipient
- Subject
- Body

# Power of Electronic Discovery

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## Email after Electronic Discovery:

- From
- Date Created
- Date Sent
- Date Received
- Recipient (s)
- CCs
- BCCs
- Subject
- Body
- Entry ID
- Email Hash Value (de-duping)
- Attachments
  - Count of attachments
  - Attachment Names
  - Documents types
  - Parent/Child relationships maintained

This information is stored in a database and is fully searchable !!



# Power of Electronic Discovery

## Memorandum

**To:** All Staff  
**From:** Human Resources  
**Re:** Sexual Harrassment Policy

Attached please find the new version of the company's sexual harrassment policy.

Documents on Paper:

- Text

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### Documents After Electronic Discovery:

- Filename
- Document Type (i.e. MS Word)
- File Location
- Date Created
- Date Last Modified
- Date Last Printed
- File Size
- Author
- Company
- Subject
- Keywords
- Comments
- Last Edited By
- Hash value
- Where the document came from (loose file, email attachment, zip file, etc.)

# Electronic Discovery

Revisiting "Yikes!"

Myth #1 "It's expensive"

Specific actions can significantly reduce the production and thereby expenses.

- De-duping (removing exact duplicates)
- Limiting document selection by:
  - Date Ranges
  - Document Source
  - Key Words
  - Names

Myth #2: "I can get by with paper"

Paper documents represent the tip of the iceberg for the collection of potential information. Truth is, "You can get by without paper!"

# Electronic Discovery

## A Real World Example

### Data Set (Currently Under Production):

11 CDs of loose files – 5.25 GB

2 DVDs (Double-sided) – 13.6 GB

### Production Steps:

- Index all files – capture metadata and MD5 Hash
- Identify documents – Primary or Secondary
- Cross-reference documents to earlier indexed/produced sets to identify previously encountered documents
- Eliminate documents by metadata or text searching (opt.)
- Produce all Primary documents
- Provide custom Concordance database
- Provide image load file
- Provide database of all exception files
- Provide original metadata database with cross-reference to produced images where applicable

# Electronic Discovery

A Real World Example

Produced to Date:

5 CDs – 1.91 GB

Documents: 8,530

Duplicate Documents: 2,261

Total Images (single page tiff): 109,376

Original Production (excl. dupes): 82,375

Non-produced duplicates: 27,001

Production Cost Savings: 25%

Estimated Savings on Total Project: 270,010 Images