

# INTEGRATED LEGAL HOLD

## TECHNICAL BRIEF

### HIGHLIGHTS

Integrated Collection & Preservation

Hold Notification

Auto Reminders

Auto Escalations

Automated Tracking

Single-Instance Hold

Incremental Collections

Hold-in-Place Option

Notice Library

Template Variables

Single-Click Hold Release

Active Directory Integration

### INTRODUCTION

*The duty to preserve materials arises when a party acquires notice or should know that materials are relevant to an existing litigation or investigation, or to reasonably anticipated future litigation or investigation<sup>1</sup>.*

Courts have a variety of actions and sanctions in their arsenal to penalize corporations for failure to preserve data. Recently the Court of Appeals for the Federal Circuit recently affirmed, in *Eon-Net LP v. Flagstar Bancorp*, No. 2009-1308 (Fed. Cir., July 29, 2011), a decision that assessed almost \$500,000 in attorney's fees against a patent licensing and litigation firm for litigation misconduct, including failure to preserve documents.

Historically, performing legal holds has been a manual, silo'd, and labor intensive process spanning a multitude of data sources and custodians, making it time-consuming to administer and almost impossible to track. This complex process also heavily relied on custodian self-preservation which greatly interrupts daily workplace productivity and often results in evidence spoliation.

### STOREDIQ INTEGRATED LEGAL HOLD

With StoredIQ Legal Hold, companies benefit from a simplified yet robust solution for managing the entire legal hold process. As an integral part of DiscoveryIQ, StoredIQ's eDiscovery application, users can follow an intuitive eDiscovery-based workflow for executing legal holds. From

notification, to tracking acknowledgement, to analyzing custodial data, and finally collection and preservation – legal and IT users gain complete control and insight into the duty to preserve process with a reliable, repeatable, and auditable solution that seamlessly integrates hold notifications with the collection and preservation of data.

At a glance legal or IT users can track which custodians have been notified, which have responded, whose data has been analyzed and whose has been collected. The result – reduced risk of spoliation, make earlier and more informed settle vs. litigate decisions, more productive workers, smaller data sets for review, and full chain-of-custody throughout the discovery process.



*Single Integrated Solution for Managing the Legal Hold Process*

## HOLD NOTIFICATION

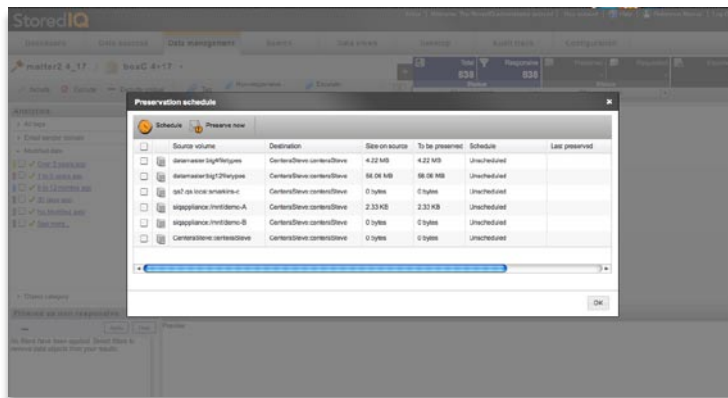
Using DiscoveryIQ, a user can quickly select potential custodians and initiate a hold notification, determine follow-up and reminder intervals for non-responders, and schedule escalation notifications for non-responsive custodians to a custodian's manager. After notifications have been distributed users can track acknowledgements at-a-glance within the matter dashboard.

## EARLY CASE ANALYSIS

Once potential custodians have been notified users can take advantage of StoredIQ's unique Analyze Anywhere technology. Legal teams can perform early case analysis on data where it natively resides, cull obvious non-relevant data based on 100s of possible analytic dimensions, and get an immediate look at the scope of matter data at the earliest possible point in the legal process.



Easily track the legal hold process from the StoredIQ dashboard.



Automatically see custodial data sources and initiate collections.

## COLLECTION & PRESERVATION

With a simple click, data can be copied from the data source to a secure repository for legal hold – or it can be held in-place depending on an organization's infrastructure. To ensure that the copy is forensically sound, a hash is performed on the source file and is compared to a hash of the copy on the repository. In addition, the entire set of metadata associated with the file is preserved,

including any classifications that have been placed on the data for legal, records or compliance reasons. This classification data is invaluable as it provides significant insight for the legal analyst or counsel during downstream formal review, enabling a faster, qualitatively enriched review process. The entire legal hold process is documented with comprehensive audit trails, preserving the authenticity and a chain-of-custody.

## SINGLE INSTANCE AND INCREMENTAL COLLECTION

In instances where the same files are relevant for multiple cases, StoredIQ will copy and place on legal hold only a single instance of that file. If that file is required for multiple matters, each matter will utilize that single copy, saving storage space as well as the time and bandwidth required to collect the data. And, with incremental collections, only files that are new or have been modified since the last collection will be collected for preservation, further streamlining the collection process. Only when all matters for a given file are concluded, and the obligation for legal hold is removed, will the file be available for disposition from the repository. Since StoredIQ Legal Hold is synchronized across all applications, including Legal, Records Management, and Compliance; a file that is no longer relevant for a legal matter, may still in fact be obligated to legal hold for other use cases, and will therefore continue to be held.

## HOLD-IN-PLACE OPTION

As an alternative to copying data to a repository for legal hold, StoredIQ also supports the ability to hold data in-place. This strategy is typically recommended for advanced systems that provide robust hold-in-place technology (i.e. Microsoft Exchange 2010 and Microsoft SharePoint 2010) and for existing archives that don't contain work-in-progress data. In these cases StoredIQ will set the 'hold-bit' on items in these locations, while copying items from other data sources to the selected retention platform. When it comes time to export files for a given case, StoredIQ will automatically bring together the held files from the various repositories into a consolidated load file.

Additionally supported, but not recommended, is the ability to change permissions on responsive data to prevent the custodian from opening or editing the contents. There are two primary reasons that this is not an ideal solution. First, this approach locks users out of their data, leaving them potentially unable to conduct their normal course of business and job functions. Second, in the most malicious of examples, a worker could physically destroy their workstation (and, therefore, the local copy of potentially matter-relevant data). The preferred method of copying data to a preservation platform negates both of these issues.

## KEY FEATURES OF STOREDIQ LEGAL HOLD

- **Integrated Legal Hold and Collection:** Single solution which seamlessly integrates hold notifications with the collection and preservation of data.
- **Hold Notification:** Quickly select potential custodians and initiate a hold notification to be sent via email. Notifications can be sent immediately or scheduled for delivery.
- **Auto-reminders:** Schedule notification reminders to non-responsive custodians, eliminating the need for manual follow-up.
- **Auto-escalations:** Schedule escalation notifications for non-responsive custodians to a custodian's manager, simplifying the legal hold process while maximizing compliance.
- **Automated Tracking:** Acknowledgements can be tracked at-a-glance within the matter dashboard providing immediate visibility into the status of all legal hold notices across all cases. Legal and IT users can drill-down by case to view the status across all custodians.
- **Single-Instance Legal Hold:** If a file is required for multiple matters, StoredIQ will copy and place only a single instance of that file on legal hold, saving storage space, time, and bandwidth required to collect the data.
- **Incremental Collections:** Only files that are new or have been modified since the last collection will be collected for preservation, further streamlining the collection process.
- **Hold-in-Place:** StoredIQ also supports the ability to hold data in-place, typically recommended for advanced systems that provide robust hold-in-place technology and for existing archives that don't contain work-in-progress data.
- **Notice Library:** Hold notices can be saved as templates in the Notice Library for reuse in future matters.
- **Template Variables:** Variable fields such as Matter, Custodian, etc. can be automatically populated in templates to deliver customized custodian notices, eliminating manual effort.
- **Single-Click Hold Release:** Quickly and easily release multiple custodians from legal hold with a single click.
- **Active Directory Integration:** Custodians can be dynamically populated into DiscoveryIQ from Microsoft Active Directory®. Custodians deleted from Active Directory remain in Legal Hold until formally released.
- **Audit Reports:** Every action within the legal hold process is documented with comprehensive audit trails, preserving the authenticity and a chain-of-custody.

## ABOUT STOREDIQ

StoredIQ is a leading provider of enterprise-class Information Governance solutions, enabling organizations to gain visibility and control over business-critical information to help meet their compliance, information management and legal discovery requirements. The company provides a range of integrated solutions for fast response to litigation and investigations, for proactive "litigation readiness," and for information protection and risk management, as well as storage management. Industry-leading companies rely on StoredIQ's award-winning technology to streamline their information management and eDiscovery processes to reduce the risk, complexity and cost of litigation. For more information, visit [www.storediq.com](http://www.storediq.com).

1 Fujitsu Ltd. v. Federal Express Corp., 247 F.3d 423, 436 (2d Cir. 2001). See also Convoke, Inc. v. Compaq Computer Corp., 223 F.R.D. 162, 175 (S.D.N.Y. 2004)