



Knowledge Retention in an Electronic World

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Regional Technical Director

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Topics



- "It is difficult to deny the global impact of electronic communication on business. Over 90 percent of all information is in electronic format."
 - » The Digital Evidence Project (American Bar Association)
- Discussion areas:
 - E-Discovery and Digital Forensics Overview
 - EDRM and ESI Processing
 - Preservation Obligations
 - E-Discovery Readiness
 - E-Discovery Project Scope and Cost
 - RIM Assessment
 - Reducing Costs

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Avansic's Background



- Joe Mulenex – Regional Technical Director
 - Background in corporate compliance and IT
 - Manages implementation, support, and advanced services for Avansic's online review
- Avansic
 - E-Discovery and digital forensics company founded in 2004 by Dr. Gavin Manes, who holds a Ph.D. in Computer Science and is a former Computer Science professor
 - Strong background in academics and research
 - Based in Tulsa, OK with numerous regional offices

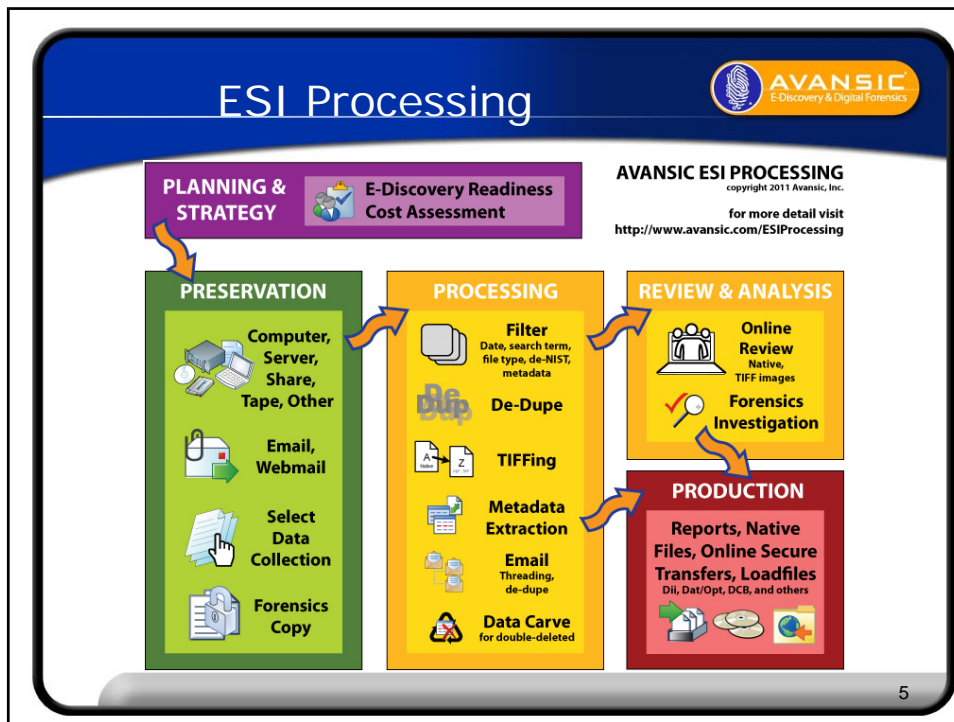
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Challenges



- Sources of ESI
 - Computers, servers and network devices
 - Removable media (thumb drives, CDs)
 - Portable electronic devices (MP3 players, cellphones, GPS)
 - Digital cameras (timestamps, metadata)
 - Communications devices (voicemail, faxes, printers, etc)
 - Surveillance equipment
 - Automobiles
- Types of ESI - files, email, latent data
- Rules and regulations have changed the landscape
 - 2006 amendments to Federal Rules of Civil Procedure
 - State and Federal decisions

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- # Cost of Disorganization
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AVANSIC
E-Discovery & Digital Forensics
- Problems:
 - Huge amount of information
 - Single document may exist in multiple places
 - Metadata may be important
 - How to find information quickly and easily?
 - Make decisions before a crisis
 - Use technology to your advantage
 - Use common sense
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IT and E-Discovery



- IT decisions have knowledge management and e-discovery impact
- Keep that in mind when:
 - Implementing new IT systems
 - Evaluating existing IT systems
 - Developing or managing documents

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Sample Project



- Typical employee separation investigation, standard e-discovery project
 - email and computer of employee in question
 - 1 backup tape from dates in question
 - email and computer of employee's supervisor
 - email and computer of human resources representative
 - This totals \$19,000
- If local PSTs are eliminated:
 - email server
 - computer of employee in question
 - backup tape of the dates in question
 - This totals \$7,225 – a **62% decrease**

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Litigation and Business



- Preparing for litigation or e-discovery can help with routine business
 - Document retention
 - IT setup and implementation
 - Email archiving

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Email



- Storing and searching email is very different than “normal” documents
- Email has a special set of considerations for knowledge management
- Tracking

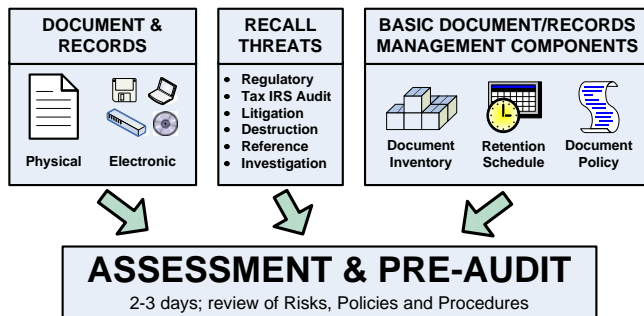
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Responsibilities



- Obligation to preserve evidence
 - Obligation to preserve evidence begins the moment you knew or “should have known the evidence was potentially relevant to future litigation”
 - Zubulake vs. UBS, Barnett vs. Simmons, Pension Committee vs. Banc of America Securities*
- First
 - Litigation hold
 - Suspend document destruction
- Second
 - Speak to key players about hold
 - Reissue hold as necessary
- Third
 - Obtain unadulterated copies of digital documents
 - Produce copies to counsel

Readiness





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