The Highly Efficient eDiscovery Process

AccessData and Summation

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THE NET NET The volatile eDiscovery space has seen many acquisitions over the past several years. Some of them worked; many did not. Some acquiring companies tried to integrate the acquired technology but were unsuccessful. Other acquiring companies simply intended to destroy a competitor by buying and dismantling them. Still other acquisitions succeeded because a) both companies fulfill different but important stages in the customer value chain, and b) the acquiring company successfully adopted the acquired technology into its own development cycle and product family.

AccessData acquired CT Summation in July 2010 to extend its eDiscovery platform. We believe they will be one of the success stories. AD eDiscovery already offered identification, collection, preservation, processing, analysis and early case assessment. What they lacked was a review and production platform, and they filled this gap by acquiring venerable CT Summation.

This acquisition follows an important trend in the eDiscovery industry: minimizing the need to continually move data between different eDiscovery tools and platforms. Single-vendor platforms can offer real process efficiencies *if* their technology is sufficiently advanced to support individual eDiscovery tasks and stages. We find that AccessData meets these qualifications. Ongoing development moves even farther in this direction as AccessData works to move processed files directly into the Summation review platform without the need for load files.

This Technology Profile will discuss the challenge of integrated eDiscovery workflow, how it offers distinct economies to customers, how AccessData with Summation is achieving it now and what future development holds.

Challenge of Integrated Workflow

So-called "end-to-end" terminology has fallen out of favor, but the idea was a good one: deliver single-vendor efficiencies to reduce the complexities of the traditional eDiscovery workflow. The problem was that end-to-end as the customer perceived it did not actually exist. Customers thought of end-to-end as a single-vendor eDiscovery platform that would simplify the workflow, render eDiscovery data more accurately and efficiently, and grant dramatic cost

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efficiencies. The truth was far different. The eDiscovery industry set up the expectation but could not meet it.

For example, one popular approach skated close to unethical: the vendor simply defined end-to-end as only those stages their particular product handled. Good trick, that. Other approaches came closer to the ideal. Some eDiscovery software vendors offered products for one or more stages and integrated with other vendors' products to fill gaps in the workflow. Some eDiscovery consultancies offered end-to-end capabilities that were a collection of multi-vendor products and services. There is nothing intrinsically wrong with either model: the problem is that what customers expected from end-to-end and what these models actually delivered was very different.

Ironically we are inching closer to meeting the expectation as eDiscovery vendors start to deliver integrated platforms with built-in cost efficiencies. It is this model that AccessData followed with its acquisition of CT Summation, now AD Summation. Both companies were prominent in different areas but lacked the ability to achieve single-vendor efficiencies across the eDiscovery workflow.

The integrated model now offers customers the chance to greatly reduce the cost, time and risk of data movement across the complex eDiscovery workflow.

Workflow: How It Works, Why It Matters

eDiscovery is a complex workflow involving different corporate departments, external firms, multiple complex stages, and large volumes of data. Individual eDiscovery stages like collections, processing or review do not exist in a vacuum. Instead data moves in, out, and back between multiple eDiscovery stages. For example, customers are likely to use one tool to collect and perhaps preserve, one tool to provide early analysis, one tool to process, and yet another tool to review and produce.

Making it even more complicated, data does not flow smoothly in one direction. Common scenarios include: 1) Attorneys review data and release it only to re-collect it in another phase. 2) Some vendors preserve collected data in-place, but then require a single repository of collected data to perform analysis. 3) Processing requires re-indexing every time new data is added. 4) Even in otherwise efficient eDiscovery processes, collected data must be exported to suit specific review platforms – a frequently cumbersome and expensive process.

The crux of the matter is that the more data must move the more actions it is subjected to. This gives rise to several poor outcomes, including:

- **High costs.** Whenever a product requires an index data storage requirements increase by 30%. So

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multiple products each requiring their own index dramatically impact storage and data management costs. In addition, separate purchases, installations, management and training for multiple products are inefficient and expensive. Large and/or multiple indices also increase purchase and energy costs by requiring more storage.

- **Consulting costs.** Companies who don't want to deal with a crazy quilt of point products might go to an eDiscovery consultancy. However, the consultants face the exact same problems: lacking a fully integrated platform they must administer multiple products with all the attendant time and expense.

- **Lengthy cycles.** The more that data must move the longer the entire process is going to take. This is not a good plan in light of shrinking deadlines during the eDiscovery process.

- **Risk of spoliation.** Data movement invites spoliation risk. Different tools process data with varying levels of technical expertise, which makes consistency a challenge. Even when companies are careful to guard and verify data defensibility, this procedure adds time, risk and expense to the eDiscovery process.

However, a unified eDiscovery platform has simply not been available until

recently. Customers were forced to choose between best-of-breed point products and single-vendor efficiencies with less-than-ideal solutions. This broke the customer base into two groups. The group who prefers best-of-breed solutions will tolerate multiple vendors as long as the platform changes are not too painful. They give up horizontal efficiencies across the eDiscovery process to gain greater functionality in vertical stages.

Other customers value simplifying the eDiscovery process and are willing to give up advanced functionality to get it. They do not require deep functionality as long as the overall experience is relatively smooth.

However, several eDiscovery vendors are attempting to offer both: sophisticated vertical functionality for each eDiscovery stage *and* horizontal efficiencies across the eDiscovery process. This platform breadth enables each stage to contribute to overall cost savings and time efficiencies. Ideally these large offerings are built on a modular architecture so that customers can purchase modules according to their current needs.

Given these disadvantages, a single-vendor approach can make a lot of sense. However, it is no slam dunk. Just being a single vendor does not guarantee vertical products or support, which is why depth matters as well as breadth.

A platform may offer good integration and cost efficiencies from a single-vendor model. But if the platform handles one or more stages poorly, then the bad performance will outweigh any advantages gained from the single platform. For example, a vendor may offer collection and processing modules designed to integrate with its ECA tool, but the collection and processing is primitive. Because the product cannot handle a broad range of complex file formats, the customer cannot verify that it is producing all relevant data. The problem also makes it difficult to employ effective tactics and strategy during early document review. The result is poor analysis outcome and the risk of failing to produce, which outweighs the savings from an integrated workflow.

Instead of choosing one or the other, we prefer the idea of a platform that offers both the breadth of the efficient single platform with the depth of best-of-breed point solutions.

Product Focus	Definition	Efficiencies
Horizontal: Breadth of Platform	**Supports a wide selection of classic eDiscovery stages.**	**Can be a good choice for organizations with infrequent matters having a less significant risk profile. But it is inadequate for large matters or matters with repeatable work product.**
Vertical: Depth of Individual Stages	**Sophisticated support for a single stage or a few related stages.**	**Per-stage quality and efficiency can be excellent. However, data must be moved between different products resulting in lost time, greater expense and poor defensibility.**
Depth + Breadth	**Combines excellent stage technologies with single-vendor platform efficiencies.**	**Excellent choice for organizations handling large, frequent matters requiring highly repeatable work product. Full platform is expensive.**
Depth + Breadth with modular architecture	**As above, supports wide selection of eDiscovery stages with sophisticated vertical offerings. Offers modular purchasing options.**	**Excellent choice for large and frequent matters. Customers may purchase modules as their needs dictate which makes the platform highly cost-effective.**

AccessData: Breadth and Depth

AccessData built its business and reputation on its Forensic Toolkit (FTK) engine. The company then built a strong eDiscovery platform on its technology, and last year acquired Summation to fill out its single-vendor platform.

AccessData eDiscovery coupled with Summation technology dramatically reduces typical data export and import cycles throughout the eDiscovery workflow. The company offers additional features to protect process economies including repeatable functions, distributed processing, an automated notification system, high scalability for massive data sets, and built-in automation and forensic defensibility.

AccessData also acknowledges two closely held corporate values: flexibility and effectiveness. Their modular architecture enables flexibility, and they practice a strategic partnership with their customers to simplify the eDiscovery process and render it far more effective.

Let's take a look at individual features within the framework of the highly integrated workflow.

- **Information management and pre-collection.** Given the fast growth of corporate data, collections is quickly becoming one of the most expensive and time-consuming

eDiscovery stages. A number of eDiscovery vendors use indexing to control time and cost. However, it can take weeks of intensive collection and processing to build the initial index.

AccessData enables a pre-collection search feature that enables attorneys to take an early look at potentially relevant data without indexing and without waiting for the intensive collection phase. The feature categorizes data for fast retrieval and reports critical metrics designed to make early assessment decisions.

- **Litigation hold.** Many attorneys still try to preserve data by emailing IT and custodians with preservation parameters. Needless to say this is a less than ideal approach to preservation. Attorneys need preservation technology tools to do defensible preservation, but they also need simplified and automated interfaces. AccessData eDiscovery provides fully functional and wizard-driven litigation hold functionality.

- **Collection.** AccessData can collect all custodian-created data but also enables culling at the source, which minimizes the collections funnel. Collections occur from a wide variety of data types, operating systems and storage. Collections cover data across cloud-based storage, network shares, workstations and laptops, email servers, and databases. It also collects from dozens of structured

repositories including SharePoint, Domino, Enterprise Vault and Documentum; as well as Windows, UNIX and Solaris operating systems. Searchers may accurately cull data using sophisticated searching and filtering technology that has been developed and refined over the last 20+ years. Incremental collections and re-usable collections for multiple matters also go a long way towards a more cost-efficient eDiscovery process.

- **Forensics processing for early analysis on complex data sets.** The FTK engine was developed to meet the high standards of forensics processing for law enforcement and government agencies. These organizations cannot wait for processing into a review tool, but require early and ongoing analysis of very complex data sets. AccessData offers this same capability to eDiscovery customers, who may quickly process collected sets for early analysis. This enables users to analyze very large and complex data sets early in the eDiscovery workflow, and saves money and time at the later review stage. AccessData supports distributed processing for fast results and massive scalability for very large data sets. Processing also supports rolling collections, so there is no need to delay analysis or to re-process while waiting for collections to complete.

- **Analysis and first-pass review.** AccessData provides early case assessment and document review on the pre-production data sets. AccessData highlights search hits in files, emails and attachments, supports tagging, shows relevancy hits and reports on all user activity in a real-time collaborative environment. Email threading and near-native viewing of documents help reviewers to analyze content in context. Various views into the data allow reviewers to effectively interpret collected data, immediately spot missing date ranges, or filter out chronological activities.

- **Export to review platform.** By this stage, AccessData has already processed files for analysis and does not require re-processing for export or production. AccessData produces all popular review platform load files and allows users to TIFF and PDF on-the-fly. An early review screen displays export data metrics such as data volume and file type categories to allow an organization to more accurately estimate review costs. This is a handy feature for customers weary of processing sticker shock. In addition, AccessData is developing the ability to fully integrate AD eDiscovery with Summation. This will let customers flow data directly into the AD Summation analysis and review platform. The process will eliminate the need to generate distinct load files.

- **Review**. The Summation acquisition yielded a family of review products that are highly flexible and scalable. AD Summation iBlaze is the desktop review platform built for simplicity and power. iBlaze features an efficient user interface along with advanced case data management tools, search functionality, and comprehensive transcript management. AD Summation Enterprise incorporates iBlaze with a flexible case management platform and a database-driven architecture for massive scalability and performance for millions of documents and images. AD Summation CaseVantage is a web-based legal review software platform for serving distributed teams and outside parties. This web-based platform allows users to securely access critical case information, to analyze and edit case materials and to selectively share and collaborate with offsite reviewers and other parties. AccessData will continue to offer these products as options, but is unifying them so they all run on the advanced FTK engine. Each offering will have the same analysis key features.

- **Production.** Some attorneys treat production as an afterthought or even as a weapon. Both choices are frankly foolish in the current eDiscovery environment. AccessData provides compliant data sets by producing responsive documents in native format or as a forensic archive, which supports secure transmission and data exchange. Internal organization features include per custodian or single instance, and can be set to present the original folder structure. Rolling productions enable efficient batching to reduce downtime.

Benefits of the Integrated Platform

- **Simplifies complex workflow.** An integrated workflow takes the onus of integration and data movement off of the customer. AccessData's modular architecture also preserves flexibility and is highly cost-effective.

- **Offers better economies than multiple point products.** AD eDiscovery and Summation streamline the eDiscovery process and reduce cost and risk. Further development between the suites will offer even more speed, defensibility, and financial economies.

- **Offers Summation customers a mature collection, analysis and legal hold technology.** There is an industry movement towards in-house collections and early analysis. Summation review customers can confidently adopt a full collection-to-processing platform with sophisticated early analysis.

- **AD eDiscovery enables review, analysis, and production and case management.** Summation remains an industry standard review and production platform. AD eDiscovery users can take advantage of seamless integration between the eDiscovery side and the review side.

- **Offers an efficient iterative eDiscovery process.** Customers and eDiscovery projects suffer from repeated data movements and multiple products. A single well-engineered platform enables an iterative process that cuts costs and time and lowers risk.

Taneja Group Opinion

AccessData did well to acquire CT Summation, which seemed to be resting on its laurels. The review platform suffered from minimal innovation and a confusing combination of oddly named products. AccessData promises to preserve Summation as an industry standard review platform while developing it to meet evolving eDiscovery challenges. This includes

innovating and enriching the Summation suite, adding a similar look-and-feel as AD eDiscovery, and dispensing with load files for a highly effective eDiscovery process.

This is not a small task but AccessData has already proved that it can evolve a strong eDiscovery offering. They lacked two things: 1) a comprehensive eDiscovery suite including a full review and production platform, and 2) the ability to export processed data directly into the review platform. They achieved the first goal with the acquisition of Summation and are fulfilling the second goal with internal development.

eDiscovery customers do not have to choose between a single platform that might not do everything well, and best-of-breed point products that may not integrate. Many eDiscovery vendors see the advantage in offering this level of integration. Few have achieved it. AccessData is one of the very few who is succeeding, and who has a well-marked path towards even faster workflow and higher single-vendor efficiencies.