

October 2009

# ZL UNIFIED ARCHIVE

## Unified E-Discovery

ZL TECHNOLOGIES | White Paper



**ZL TECHNOLOGIES INC.**

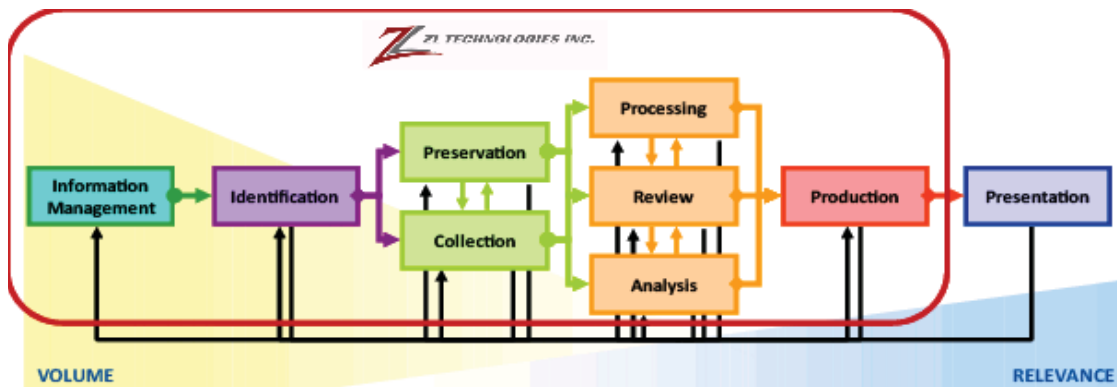
## Unified E-Discovery with ZL Unified Archive

Traditionally, the laborious and expensive process of responding to discovery has involved: (a) identifying electronic repositories where information might be stored, (b) preserving data from destruction, (c) gathering data into a usable repository, (d) culling the gathered material for basic relevance, (e) reviewing data for attorney-client privilege and legal analysis, and finally (f) production. The pain involved in these steps has been exacerbated with the limitations of disparate IT systems – often requiring that litigants deal with many different vendors and solutions to get through the production gauntlet.

This complex process is typically represented by the Electronic Discovery Reference Model (EDRM). The EDRM diagram (Figure 1) was designed to represent a conceptual view of the electronic discovery process. EDRM is an organization that develops guidelines and standards for e-discovery consumers and providers.

Now, with ZL Unified Archive, companies can store all unstructured data (e-mails, loose files, multimedia, etc.) in a real-time archive, and use that existing archive to perform all electronic discovery processes, covering all EDRM steps from information management to production in a single solution.

Figure 1

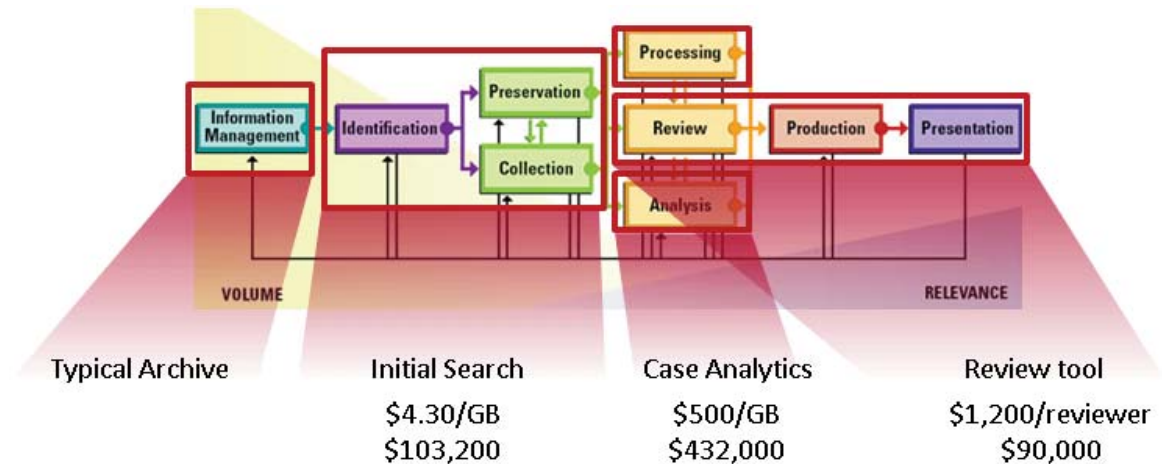


- **Identify.** Maintain a single, central repository for all enterprise data so you only have one place to look.
- **Preserve.** Search hundreds of millions of records across the entire enterprise in seconds, and place a “litigation hold” on all relevant documents within hours of a preservation duty arising.

- **Cull.** Use Proximity and Boolean search to identify the right data set and reduce the amount of data that needs to be reviewed.
- **Review.** Tag data in bulk or individually, based on easy-to-create issue tags, and generate reports by tagged data. Identify duplicates and review data by issue tags and annotations.
- **Produce.** Documents are produced in native format, with configurable Bates numbers.

Alternative solutions require litigants to perform fragmented E-Discovery, conducting separate EDRM steps with multiple solutions, wasting both time and money.

Figure 2



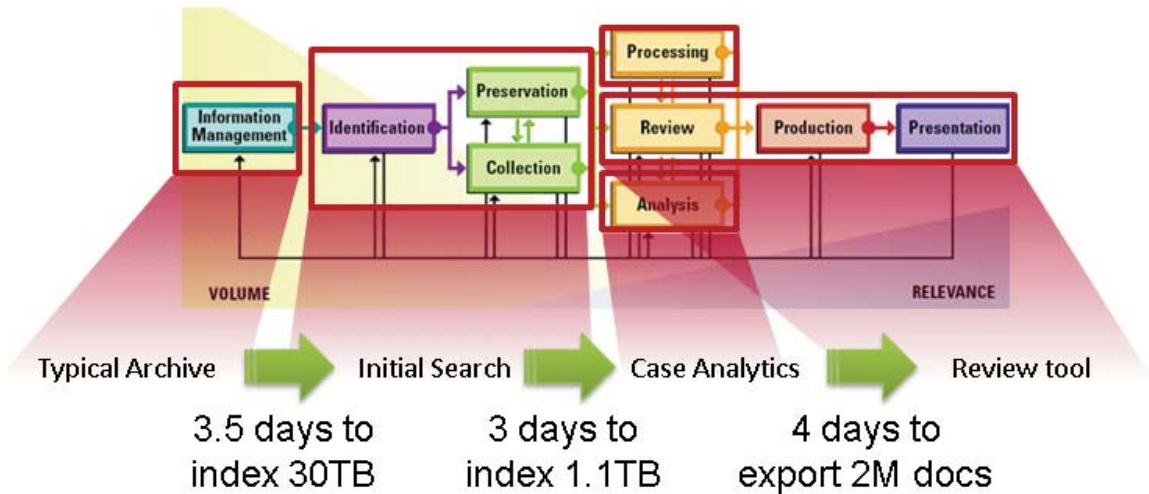
This example represents an enterprise performing end-to-end E-Discovery across an electronic records archive of 24TB. Fragmented E-Discovery requires that the enterprise purchase, deploy, and manage four disparate E-Discovery tools: 1) an archive, 2) a search tool, 3) a case analytics tool, and 4) a review tool. In addition to the cost of an archiving solution, this fragmented approach to E-Discovery results in \$635,200 in unnecessary cost for the additional products.

This comparative example of fragmented E-Discovery also results in 10.5 days of wasted time. Time is an extremely scarce resource in litigation involving E-Discovery. The Federal Rules of Civil Procedure codify very tight deadlines in the E-Discovery process. Less time involved in processing data results in more time available to review the data, resulting in litigants gaining a clearer, more

comprehensive view of the merits of the case at hand.

The time loss involved in conducting fragmented E-Discovery is broken down in the following diagram:

Figure 3



Also, keep in mind that the EDRM diagram portrays E-Discovery as an iterative process, wherein litigants might repeat the same step numerous times to hone in on a more precise set of results. These costs would escalate even further as litigants cycle back to earlier steps. ZL’s unified E-Discovery process minimizes the time and financial costs of an iterative approach to E-Discovery, encouraging litigants to refine their approach as a better understanding of the data emerges or as the nature of the matter changes.

**zDiscovery Manager**

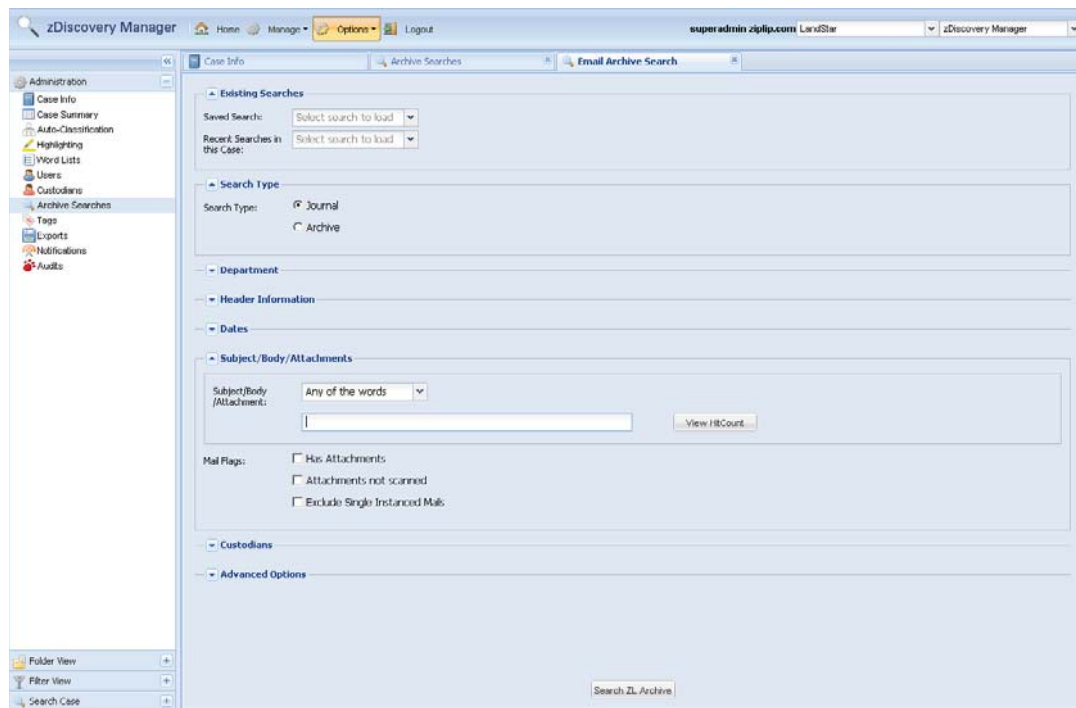
zDiscovery Manager (“ZDM”) is an optional module that sits on top of the ZL Unified Archive Platform (“Unified Archive” or “UA”). ZL UA can manage and search hundreds of millions of records in seconds, across the entire enterprise. And with ZDM, companies can execute every step in the discovery process, from “litigation hold” to production.

The great advantage of ZDM is that it sits on top of the existing archive, which means that identifying, preserving, searching, culling, reviewing, and producing data all happens under the control of the company within a single, unified product.

### Powerful Search across the Entire Enterprise

The single most important value of any archive solution is its ability to quickly and effectively search its contents, which is critical to complying with tight discovery deadlines and conducting early case assessment. ZDM captures the history of searches that have been executed, by whom and when. This enables a litigant to demonstrate to a court, if necessary, the reasonableness of its search for responsive material. And it also provides litigants with a powerful arsenal for reducing the scope of searches to those queries that are not over-inclusive.

Figure 4



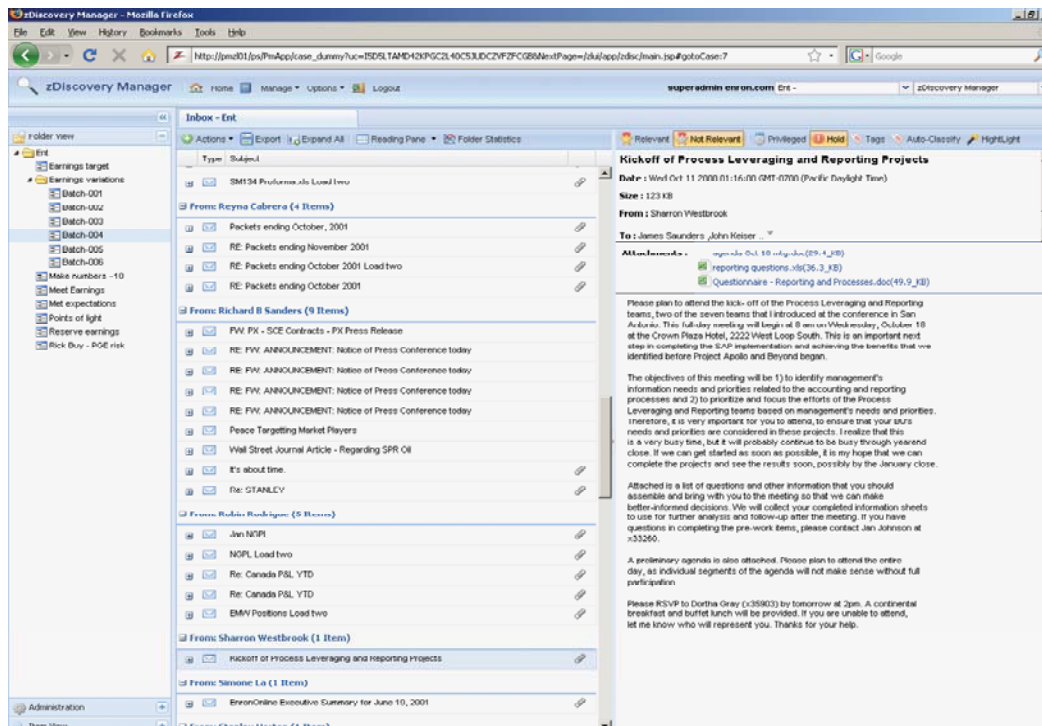
The importance of being able to search across all enterprise data was recently highlighted in *Rhoads Industries, Inc. v. Building Materials Corp. of America*, 2008 WL 4916026 (E.D. Pa.). In that case, a litigant had inadvertently produced a number of attorney-client privileged e-mails because it limited its search to from/to metadata. Because the e-mails in question were part of forwarded e-mails (and not original messages) – the attorney-client communications that were part of the forwarded messages were not identified. Rhoads Industries illustrates the need to do searches across all custodians, across all enterprise data, and across multiple fields – which is illustrated in Figure 4 above.

**Faceted Search**

zDiscovery Manager’s Faceted Search capability automatically builds histograms on 18 different aspects of case items, including date, size, tags, folders, legal hold, privilege, from, recipient, BCC, department, user Id, custodian, attachment type/ counts, AutoTag rule, review status etc.

Clickable facets enable users to navigate or surf to the relevant information quickly. Users can create joint histograms, and the refinements can be subsequently used to further cull, Tag, mark as privileged, put on legal hold, export, and delete records.

Figure 5



**Document Retention Policies**

The purpose of a document retention policy is to dispose of un-needed records in a systematic fashion. If properly implemented, all copies of a record within the enterprise should be deleted at the same time when those records have reached the end of their “lifecycle”. An example of such a document retention policy

is: “Delete all e-mails between executive officers after 1 year.” The results of a properly crafted document retention policy are: (a) reduced storage requirements and (b) reduced potential liability arising out of potentially inculpatory records.

### **“Litigation Hold” Duties**

Immediately upon litigation arising, or a reasonable likelihood thereof, a litigant is legally obliged to preserve all documents that may be relevant to the litigation in question. This means, among other things, suspending any automatic document retention policies. With ZL Unified Archive, there is a single repository that needs to be searched for relevant records. And with ZDM, a litigant can place a “litigation hold” on individual records or on a bulk result set.

### **Automatic Preservation Engine**

zDiscovery Manager includes an automated “litigation hold” engine that will send preservation notices to each custodian and track acknowledgements & periodic reminders.

### **Early Case Assessment: Accurate Search, Issue Tags**

Early Case Assessment, or “ECA,” refers to the initial analysis of litigation claims within the first days to determine their merits – so that the litigant can undertake the optimum litigation strategy, such as early settlement. ZDM accelerates ECA by providing fast, accurate search, and by providing easy to use review tools, such as issue tags. ZDM allows users to easily create and apply issue tags to records, either individually or in bulk.

### **Advantages of Unified E-Discovery**

In conclusion, ZL Unified Archive provides far superior E-Discovery support for the enterprise by providing the following:

- **Single Product.** Use a single product for all steps involved in electronic discovery, thereby significantly reducing IT and consulting costs.
- **Manage Service Providers.** Control the E-Discovery process by owning the entire archive and discovery platform, thereby gaining transparency into status, review, and attorney productivity.
- **Recycle Reviewed Data.** Once data has been reviewed, it can be recycled for related litigation. Eliminating the need for repeated review of the same document in different litigation will result in lower costs. Again, because the company owns

the repository and the review tool, it is the company that controls how the data and review information is used (and re-used).

This results in the enterprise completing E-Discovery faster, at lower cost, and with far greater confidence that all responsive data is discovered. Litigants mitigate risk by making decisions sooner with an accurate view of the merits of a case.

### **About ZL Technologies**

Established in 1999, ZL Technologies, Inc. (ZL) provides cutting-edge enterprise software solutions for e-mail and files archiving for regulatory compliance, litigation support, corporate governance, and storage management. ZL's Unified Archive, offers a single unified platform to provide all the above capabilities, while maintaining a single copy and a unified policy across the enterprise. With a proven track record and enterprise clients which include top global institutions in finance and industry, ZL has emerged as the specialized provider of large-scale e-mail archiving for E-Discovery and compliance. For more information, please visit [www.ZLTI.com](http://www.ZLTI.com)

