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## E-Discovery Consolidation Fueled by Client Demand for Multi-step Solutions: Survey

Legal professionals overwhelmingly favor one-stop-shop e-discovery solutions, but their workflows preferences are spurring market segmentation.

Ricci Dipshan, Legaltech News

June 29, 2016

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The e-discovery market has momentum on its side. A recent IDC report found that while the global e-discovery market hit \$10 billion in 2015, it is on pace to reach \$14.7 billion by 2019, spurred by strong growth in the Americas and Europe regions. But what this growth will look like, and what segment of e-discovery providers will most benefit, has been the subject of much debate.

If the first half of 2016 is any indication, however, fewer companies may be around by 2019 to capitalize on this growth. The level of consolidation during these months cannot be understated—take, for example, discovery services and litigation support firms, which have recently acquired solutions providers, acquired each other, and been acquired themselves by solution providers themselves.

There may be many reasons behind these market consolidations, but ZL Technologies and the International Legal Technology Association (ILTA) have uncovered at least one major factor in recently released findings

from their 2016 Information Governance Survey: client demand.

The survey found that employing multiple e-discovery products for different e-discovery processes and needs is standard across legal businesses, with the average number of software provider solutions used in-house estimated at 2.1, not counting any outsourced or auxiliary e-discovery services.

But it also found that users are not content with having to divide e-discovery processes among different solutions. When given the option between an e-discovery product with broad, multipurpose EDRM functionality, a one-stop shop of sorts, and a "best-in-breed" e-discovery product focused primarily on one step in the e-discovery process, 70 percent said they preferred the former.

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Linda Sharp, associate general counsel of ZL Technologies, notes one reason behind the proliferation of e-discovery offerings, "marketing." She says why legal companies are using more e-discovery products than before is that for every e-discovery product, there are just too many products to accurately compare. "The market has converged a lot over the last several years."

While it's hard to pin down a single reason, Sharp says the proliferation seems to have something to do with the marketing before. For a legal team in search of an e-discovery product, the marketing language of vendors

"Another reason is misalignment between legal goals and broader information governance goals," she added. "E-discovery product purchases often predated the formation of official enterprise information governance committees because there were clear-cut legal repercussions for losing or mishandling data during litigation. There was an immediate need, so e-discovery purchases were made that may not have been ideal for the organizations' strategic information management goals."

Other problems, she explained, included legal teams preferred workflows as well as "our very perception of the e-discovery process. When the EDRM became the de facto model for what the e-discovery process should be, it suddenly made e-discovery seem like a discrete nine-step process. It was easy for tools to proliferate, especially early on, because vendors could clearly say, 'We do these two steps' and legal teams would understand what they meant."

When asked to rank data types they most frequently used in e-discovery, survey respondents selected email as the most used, while file shares came in second, followed by database data, SharePoint content, and non-SharePoint collaborative content. Instant messages, social media, and text messages were the fifth to eighth most-often discovered content.

"Most organizations," Sharp said, "have a ton of discoverable data that is not being fully managed, and those that manage the majority of their data have systems that were added incrementally with new products that are now interconnected and unwieldy."

The survey further found that legal teams take an all-or-nothing approach in executing legal hold, with 26 percent noting they self-preserve data from all their cases solely by using end-users, while 20 percent entirely rely on technology for preservation, and relatively few use both end-users and technology together.

Sharp noted that the reason this approach may have caught on "is that once you have a product that can perform legal holds, that's pretty much it. You tend to use it in all cases. Even if that legal hold tool doesn't completely prevent items from being deleted from the master repository or archive—although it should—the company is still using it."

She noted that "most legal hold tools in the market do not truly implement a 'hold' and, as such are not without risk. Generally, the legal hold tools are merely a notification software that tells the employee that they aren't to delete specific types of information."

These tools "have to be used in conjunction with an archive/governance platform that prevents deletion of content from the moment a litigation has been anticipated and custodians determined," Sharp added.

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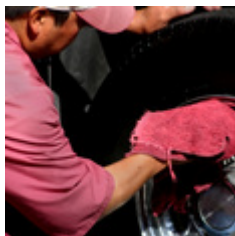
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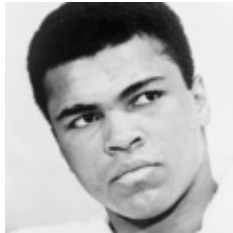
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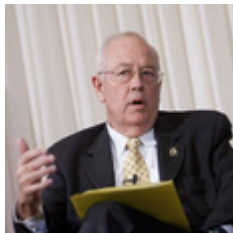
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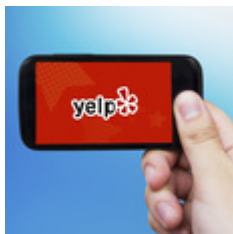
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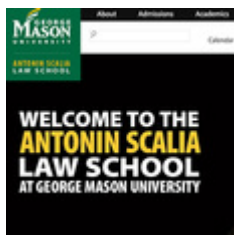


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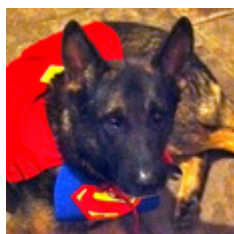
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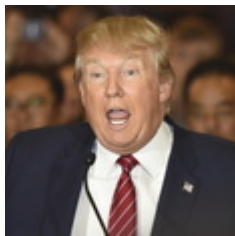
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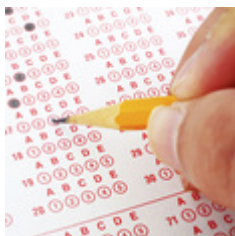


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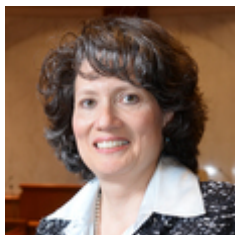
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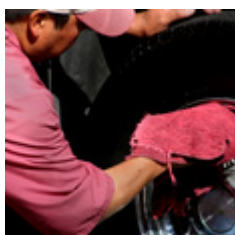
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