What E-Discovery Means to DOE Contractor Information Technology

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Required Elements

E-Discovery Team			
CIO Expert knowledge of IT Environment and E-Discovery	**IT Professionals** Expert knowledge of Hold Software and Protocols to place Holds on ESI	**IT Liaison** Expert knowledge of Legal & IT Environments and E-Discovery	**Legal Counsel** Expert knowledge of E-Discovery Laws

- Electronic functionality to enact litigation holds and suspend data destruction on ESI

- Documentation and inventory of all hardware, software & ESI storage and processing mechanisms

- Documentation, enforcement, and auditing of Retention and Destruction Policies

- Internal Litigation Hold Policies & Procedures and Roles & Responsibilities

Roles & Responsibilities

Counsel	• Communicates Legal-IT requirements • Develops Legal procedures with input from IT
Chief Information Officer	• "Most Knowledgeable IT Person" for discovery purposes • May be required to testify; must have complete inventory of IT infrastructure, retention policies and data management procedures • Collaborates with Legal
IT Liaison	• Serves as Legal Counsel and Litigation Representative • Ensures Legal's IT requirements met by electronic functionality • Collaborates/Extensive interaction with IT Professionals to advance E-Discovery project
IT Professionals	• Work with IT Liaison to determine appropriate Hold software • Work closely with CIO, Counsel and IT Liaison to ensure Legal "gets it right" • Manage electronic functionality to enact ESI searches, Holds, and other requirements • Activate data Holds upon request from Legal

E-Discovery Functionality as a Standard Business Practice

- Establish and enforce Document Retention Policies
  - Good business practice
  - Supports development of E-Discovery process
- Obtain email and file search functionality (via software)
- Use for disaster recovery purposes

Software Requirements

- Support Document Retention Policies
- Immediately suspend, collect and preserve all litigation-relevant ESI in its original format ("Duty to Preserve")
- Halt applicable destruction protocols during Holds
- Search preserved ESI to reveal all lawsuit relevant information, including searches requested by opposing counsel
- Package relevant ESI in formats dictated by Meet and Confer session, per FRCP Rule 16(b)
- Provide Chain of Custody (Audit Trail) of ESI management
- Meet other IT needs

Benefits for IT

- Disaster Recovery Mechanism
- Reduces size of databases and stored data
- Streamlines data archives and antiquated servers
- Enables quick and efficient response to Legal's ESI production requirements
    - Minimizes resource requirements during Holds

Action Plan

- Understand the FRCP amendments: http://judiciary.house.gov/media/pdfs/printers/109th/31308.pdf

- Create Team (Counsel, IT Liaison, CIO & IT Professionals)

- Document What You Have:
  - How and where all ESI are stored, managed, and purged
  - Data retention policies
  - IT infrastructure

- Establish Functionality:
  - Software to efficiently manage Holds and package ESI
  - Roles and responsibilities for Hold process

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