

# Operationalizing Your eDiscovery Process To Realize the Benefits of Proportionality

Hosted by:



**X1**





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# Our Panelists



**Larry Gill**  
CEO  
X1



**Allan Long**  
EVP, Product Strategy & Consulting  
X1



**John Patzakis**  
CLO & Executive Chairman  
X1



# Agenda

- Proportionality Rules and Trends Today
- Overview and Challenges to the Traditional eDiscovery Process
- Leveraging a More Targeted, Modern Approach
- Operationalizing eDiscovery with Technology - *Demo*
- How Do I Prove it? A Look at Case Studies
- Q&A





# The Importance of Proportionality and Trends Today

- FRCP 2015 Amendments
  - Rule 26(b)(1): Duty to Disclose, General Provisions Governing Discovery; Discovery Scope and Limits; Scope in General
  - Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is *relevant* to any party's claim or defense and *proportional* to the needs of the case, considering the:
    - **Importance** of the issues at stake in the action:
    - **Amount** in controversy
    - Parties' relative **access** to the relevant information
    - Parties' **resources**
    - **Importance** of the **discovery** in resolving the issues
    - Whether the **burden** or expense of the proposed discovery outweighs its likely **benefit**
- The Sedona Principles - Principle 6
  - *"Responding parties are best situated to evaluate the procedures, methodologies, and technologies appropriate for preserving and producing their own ESI."*

# Case Study:

## *Raine Group vs. Reign Capital*

*(S.D.N.Y., Feb. 22, 2022)*

- Rules 26 and 34 require parties to conduct a **reasonable** search for materials **relevant** to the claims and defenses.
- Court applies proportionality analysis at the preservation and collection phase.
- **Parties can determine the contours of a reasonable search** by eliminating custodians or locations with redundant information, eliminating inaccessible sources, culling information by date, etc.
- Inadequate, **overly broad search term requests** are typically **not sufficiently targeted to find relevant documents**.





## **Two Questions Arose Regarding Proportionality and Implementing a Defensible eDiscovery Process...**

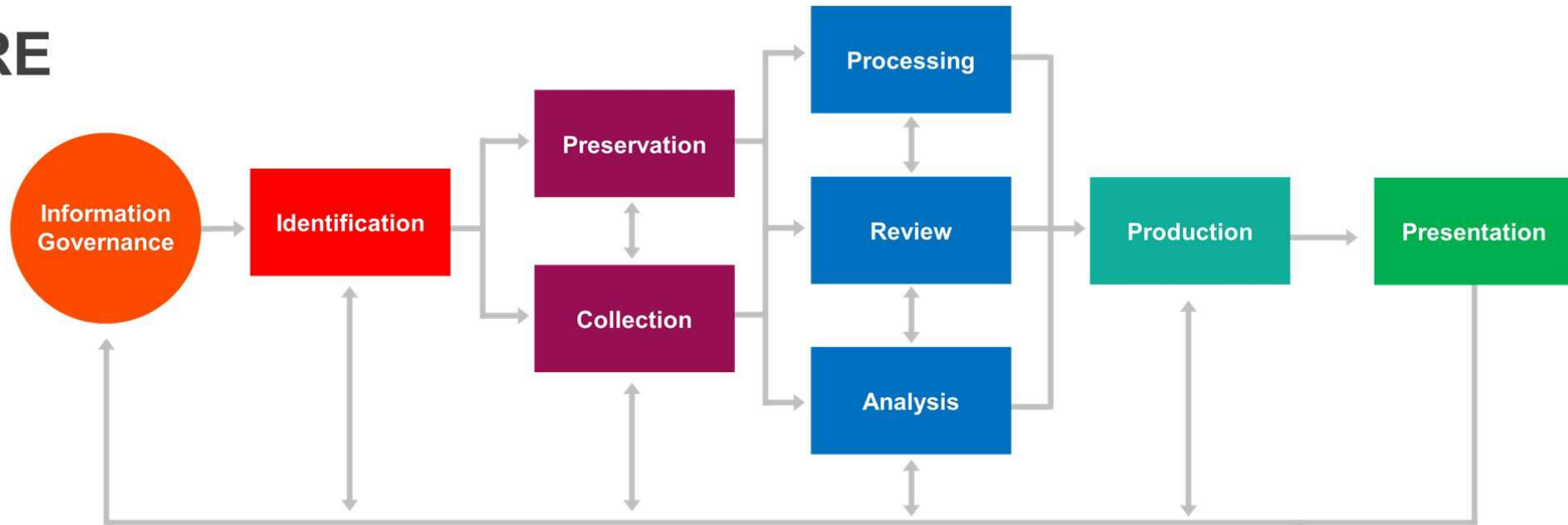
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- "What do you need to demonstrate to the court to best support your position on proportionality disputes?"
- "How do we index data in-place to perform a targeted search based on proportionality?"

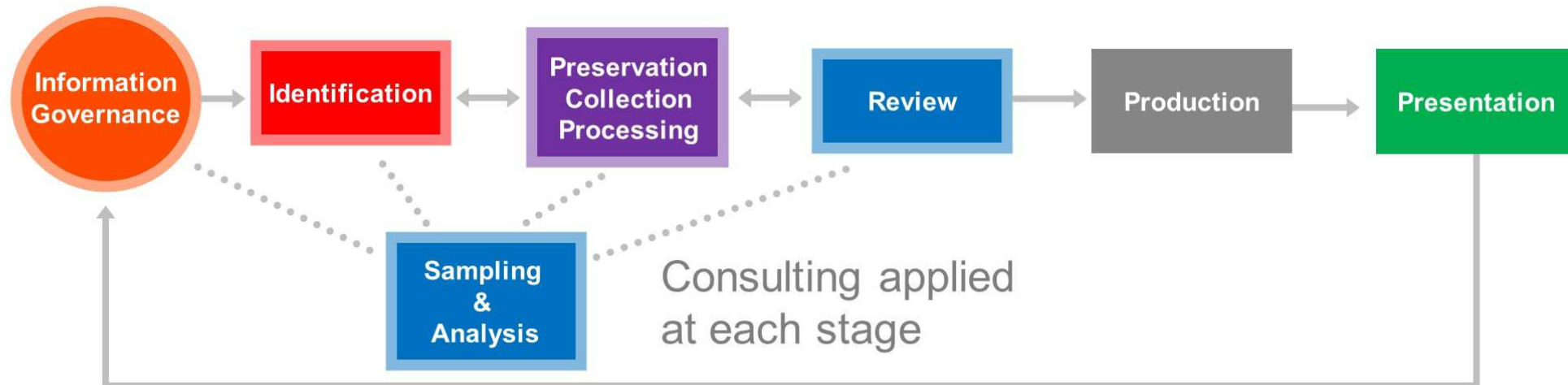


# Traditional vs. Modern eDiscovery Workflow

**BEFORE**



**AFTER**





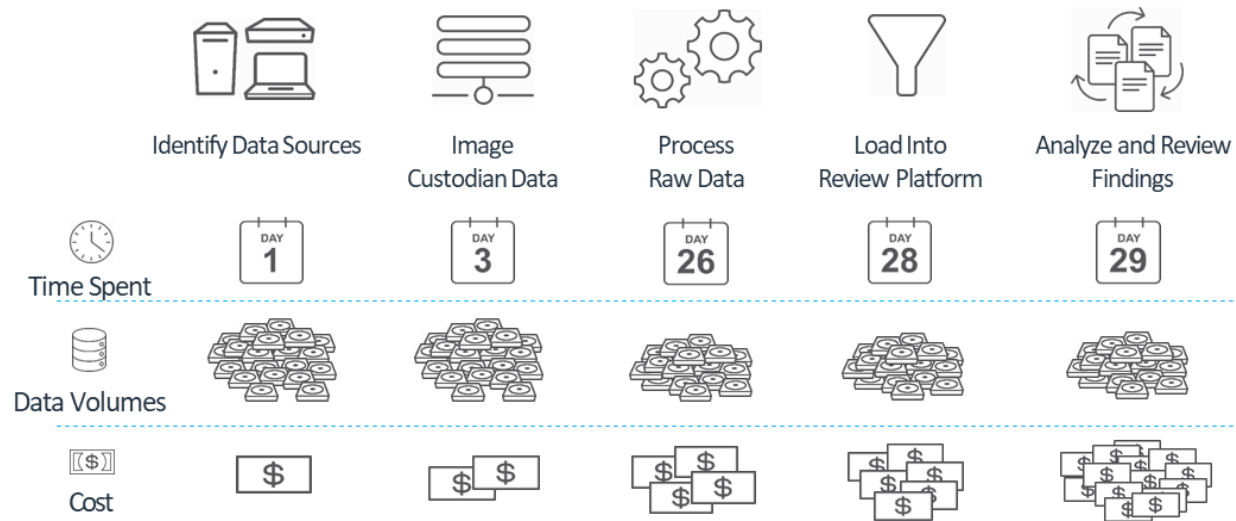
# Challenges with the Traditional Process

- Physical access (remote workers)
- Lack of pre-collection analysis results in over- or under-collection
  - Under-collection results in *repeating* costly and inefficient processing
- Image extraction and processing is expensive and time consuming
- Multiple hand-offs increase costs, risks, and time delays
- Hosting of bulk collected data set can significantly increase cost and data remediation issues



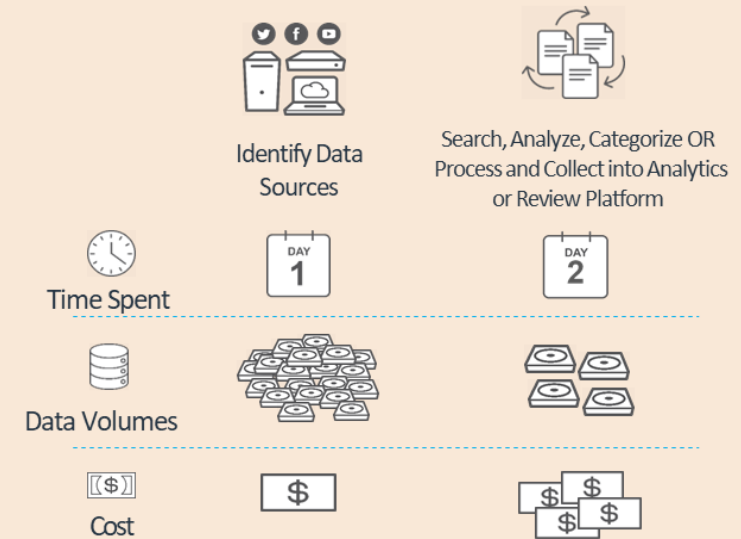
# Streamlining the Traditional Collection Process ...

## Traditional Method



Result: Increased time and cost at every stage

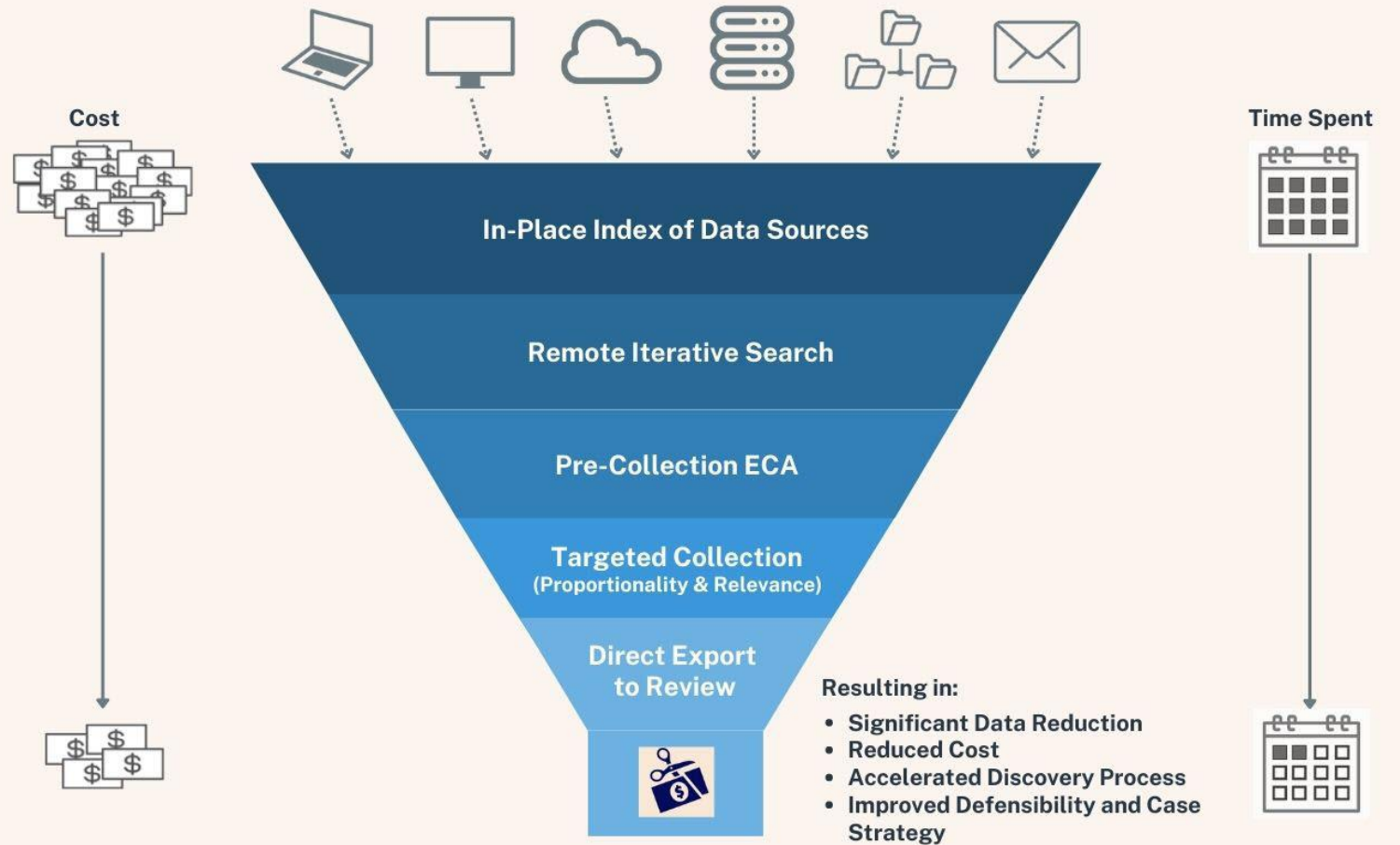
## Targeted Index-in-Place



Result:  
**Dramatic cost savings**

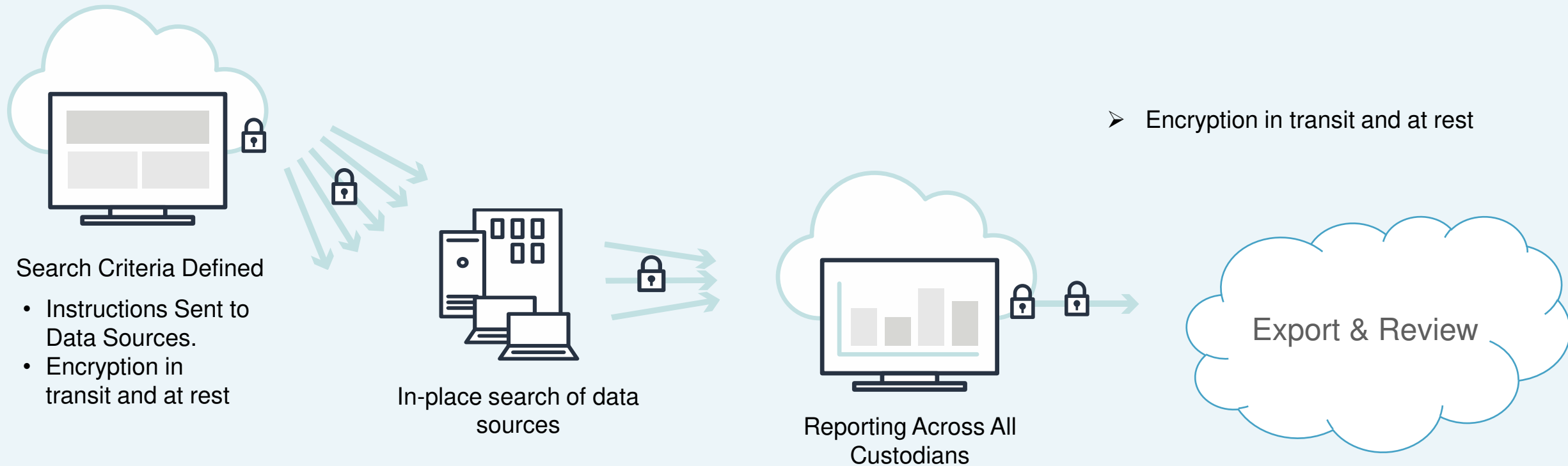
# ... By Operationalizing a Modern eDiscovery Process

## Targeted In-Place Data Discovery





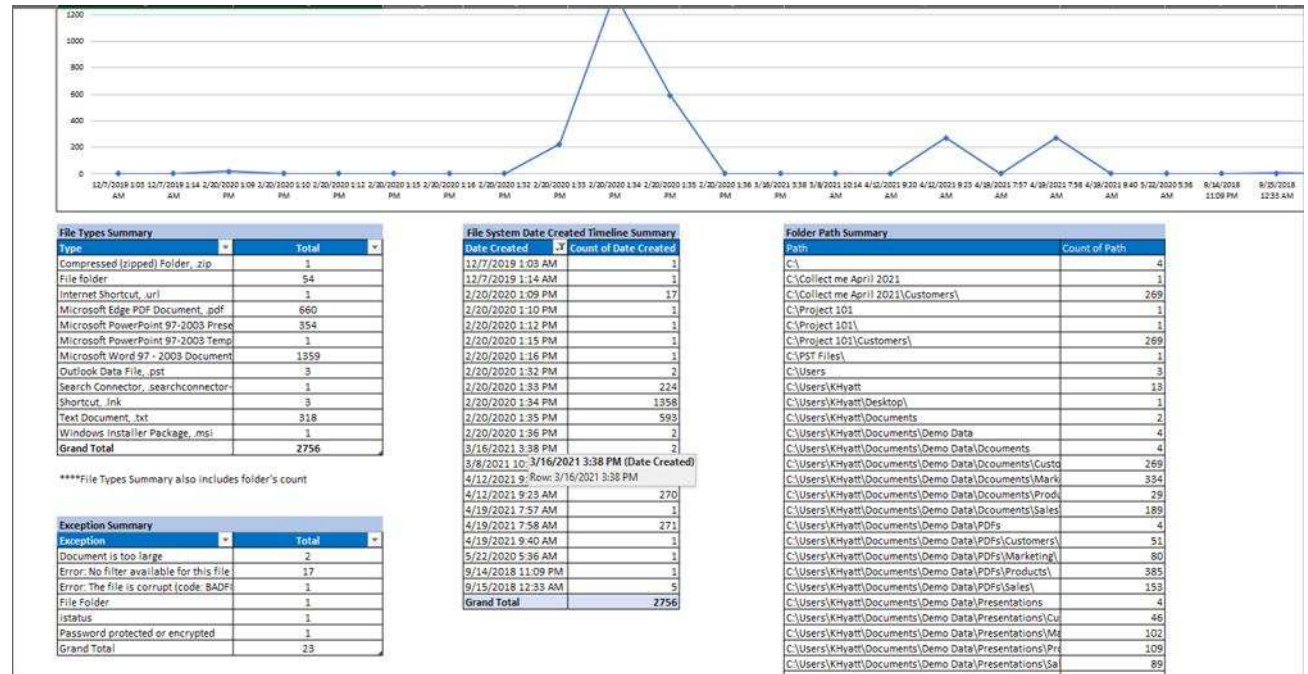
# The Modern Collection Workflow



# Demonstration

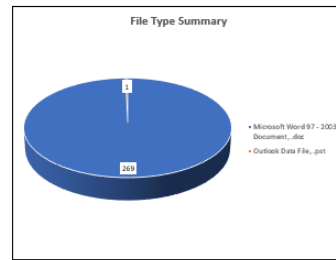
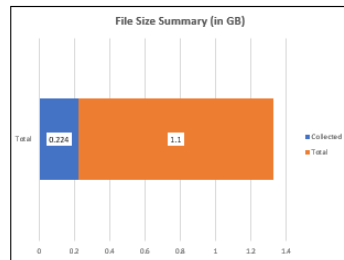
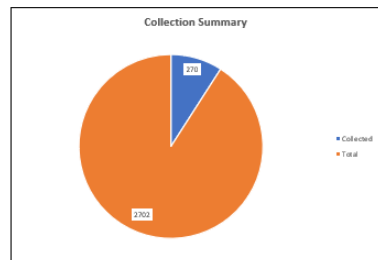


# Collection Reporting

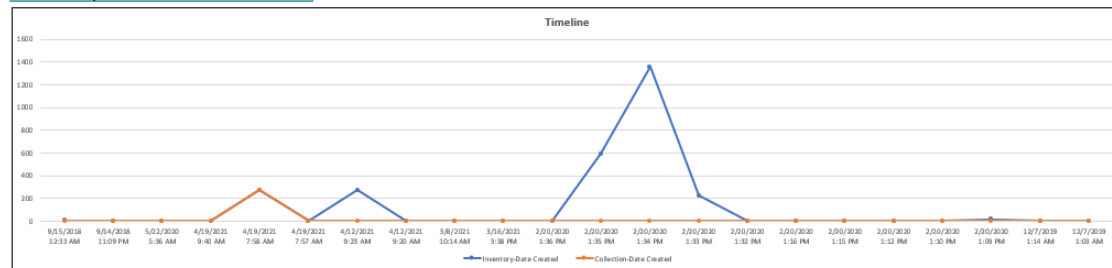


Inventory Summary				
Data Source	Email	Target	Total Items	Total Size
Kevin Hyatt	Khyatt@x1.com	KHyatt@x1-mc-	2702	1.1GB

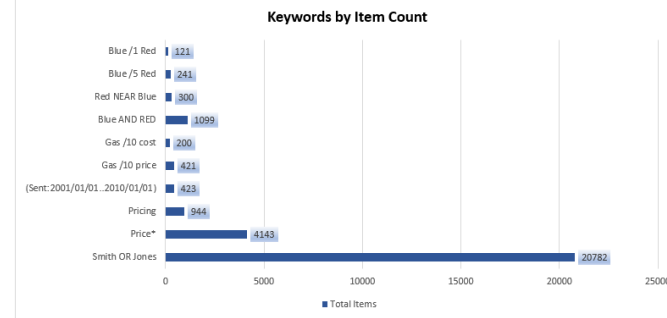
Collection Summary					
Data Source	Email	Target	Criteria	Collected Items	Collection Size
Kevin Hyatt	Khyatt@x1.com	KHyatt@x1-mc-	Path: Project 101	270	224.6 MB



## File System Date Created Timeline



Summary		
Details	Items	Size (in GB)
Total Items	27020	5.5
Collected Items	24214	4.2



Search Term	Total Emails	Total Files	Total Items	Size of Emails	Size of Files	Total Size
Smith OR Jones	19215	1567	20782	2.14	1.63	3.77
Price*	1854	2289	4143	0.37	0.47	0.84
Pricing	679	265	944	0.11	0.04	0.16
(Sent:2001/01/0	422	1	423	0.00	0.00	0.00
Gas /10 price	320	101	421	0.06	0.02	0.08
Gas /10 cost	104	96	200	0.02	0.01	0.03
Blue AND RED	93	1006	1099	0.03	0.43	0.47
Red NEAR Blue	16	284	300	0.01	0.18	0.19
Blue /5 Red	7	234	241	0.01	0.17	0.18
Blue /1 Red	3	118	121	0.00	0.13	0.13



# Collection Reporting

**Inventory Summary**

Data Source	Kevin Hyatt
-------------	-------------

**Collection Summary**

Data Source	Kevin Hyatt
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**Collection Sum**

**File System Date Created**

ew Inventory Summary

**File Types Summary**

Type	Count
Compressed (zipped) Folder, .zip	1
File folder	1
Internet Shortcut, .url	1
Microsoft Edge PDF Document, .pdf	1
Microsoft PowerPoint 97-2003 Presentation, .ppt	1
Microsoft PowerPoint 97-2003 Template, .pot	1
Microsoft Word 97 - 2003 Document, .doc	1
Outlook Data File, .pst	1
Search Connector, .searchconnector	1
Shortcut, .lnk	1
Text Document, .txt	1
Windows Installer Package, .msi	1
<b>Grand Total</b>	<b>2</b>

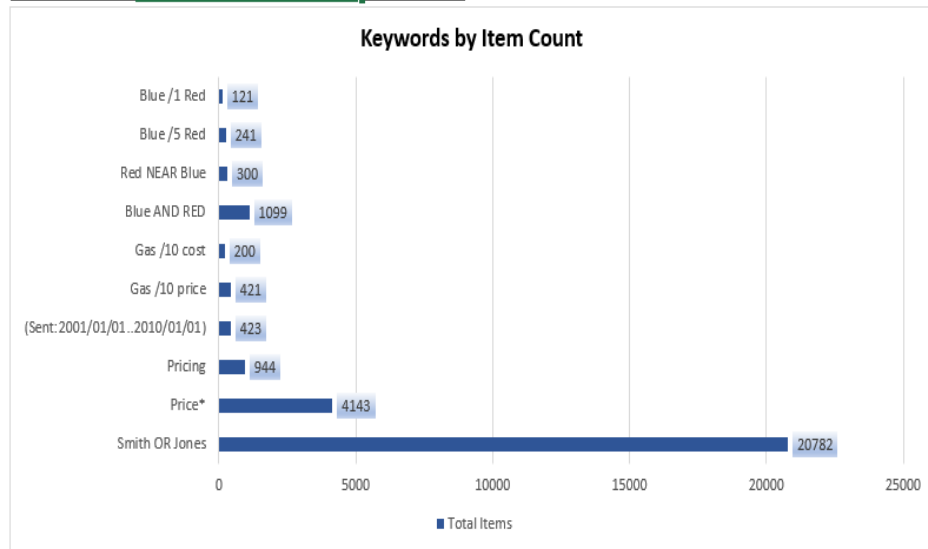
\*\*\*\*File Types Summary also includes folder's count

**Exception Summary**

Exception	Count
Document is too large	1
Error: No filter available for this file	1
Error: The file is corrupt (code: BADFI)	1
File Folder	1
istatus	1
Password protected or encrypted	1
<b>Grand Total</b>	<b>2</b>

**Summary**

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## Technology Best Practices to Operationalize Your eDiscovery Process



True Early Case Assessment with visibility into potentially relevant data before collection



Index and analyze TBs of data in-place



Defensible and secure collection with reporting



Integration with review platform of choice

# Case Studies





# Case Study: Healthcare

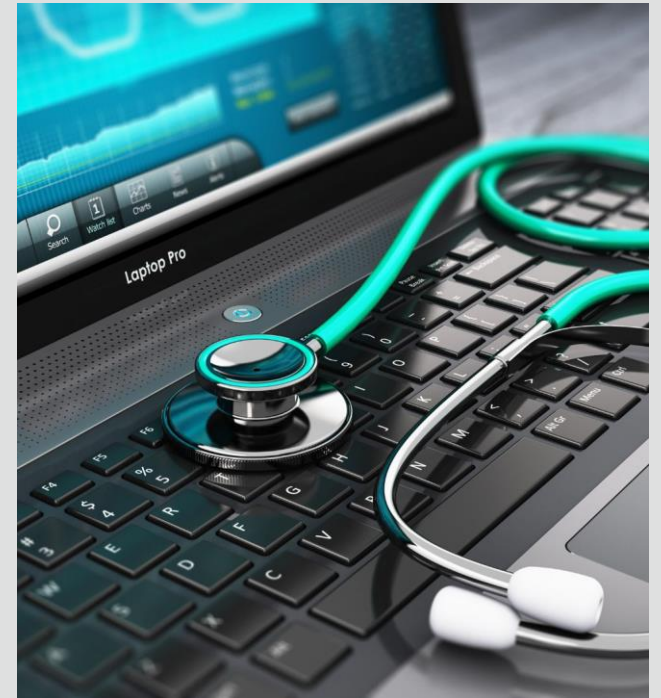
## The Challenge:

A significant amount (over 400) of corporate employees connect into the corporate network on a daily/monthly basis. The ability to collect data from these remote employees was taking weeks or months and, in some cases, could not be performed at all. This created a risk of noncompliance with legal discovery process.

## The Solution:

Remote certificate-based authentication allows in-place data discovery and targeted collections.

- Perform remote collections whenever a machine is connected to the internet.
- The majority of collections complete in less than a few hours.



## Result:

Enabling compliance with the legal discovery process and a streamlined workflow for the legal technology team.

# Case Study: Consumer Product Manufacturer

## The Challenge:

10 TB of Network File Share data stored in North and South America in 10 separate file servers.

- Cost to export and process data for legal compliance was prohibitive.
- Inability to search content or identify relevant information put the company at significant legal risk.
- GC and AGC specified that there was not another solution on the market that could address this case.



## The X1 Solution:

*In-place index* of 10 TB of data and allows the legal teams to search and extract content in **hours not days**.

## Result:

Improving legal compliance and data collection performance.

# Key Takeaways





## Keys to Operationalizing Your eDiscovery Process Based Upon Proportionality

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- An Operationalized Workflow Contains:  
Target>Index>Search>Reduce>Iterate>Refine
- Supports Search term refinement & negotiation
- Enables targeted **search in-place to only collect what you need**
- Process should be proactive, iterative, and non-disruptive
- Provides a consistent, defensible and repeatable process so you can "show your work"



# Meet with X1 at Relativity Fest Chicago October 26-28, 2022

- **Stop by the X1 booth** at [Relativity Fest](#) for a demo. Hyatt Regency Chicago – October 26-28
- **Watch the session** on [Proliferation of Data in Public Sector](#), 10/27 at 2:15pm CT featuring panelists from Relativity, Microsoft, Cellebrite & **X1**
- **Learn more about** ways to operationalize your eDiscovery collection process and social media evidence collection strategies using technology
- **Schedule a time to meet** with the X1 management team in our meeting room. Contact us at [sales@x1.com](mailto:sales@x1.com)

# Questions

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# Contact Us

x1.com

info@x1.com

Larry Gill  
lgill@x1.com

Allan Long  
along@x1.com

John Patzakis  
jpatzakis@x1.com

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