



# ENTERPRISE ANALYSIS AND DATA MAPPING

A Data Topology Map identifies, captures, and classifies all the electronically stored information (ESI) on an organization's servers, PCs, and storage systems in a legally defensible manner, as well as identifies the organizations policies and practices surrounding ESI. Having all this information readily available will place the organization at a time and cost advantage when faced with litigation.

It is well established that the better-prepared an involved party is for a "Meet and Confer", the better the chances for a favorable Discovery Plan.

## THE SITUATION

New rules in civil litigation have made ESI subject to legal discovery. An essential element for litigants is the identification of all potential sources of relevant ESI, both for required disclosures according to FRCP 26(a), as well as the strategic development of a Discovery Plan in advance of the Rule 26(f) "Meet and Confer" now mandated in Federal Court, and increasingly mandated or recommended in State courts.

Often times the most important element of a Discovery Plan is the scope of ESI that is subject to discovery. Parties to litigation are required to make a "reasonable" effort to search for and produce "discoverable" ESI. This can be a daunting task due to the massive quantities of ESI most organizations maintain. Since all ESI is understood to be potentially discoverable, unless a party can develop a strategy to limit the ESI in discovery, the time and cost to search for and produce it can be enormous. In fact, e-discovery costs in the millions have become increasingly common.

The new rules though have not abandoned the concept of "proportionality" and have provided a means for involved parties to argue to limit ESI in discovery. Parties can designate subsets of their ESI to be "not reasonably accessible" due to a disproportionate burden on their organization and must be prepared to defend that assertion if challenged. This process obviously must begin though with a thorough inventory of IT resources and a general understanding of where ESI resides within the organization.

## THE SOLUTION

Scarab will develop a document that is often referred to as a "Data Map" which includes descriptions of an organization's physical IT systems, operational protocols, primary applications, and policies and practices that affect the creation, storage, archiving and destruction of ESI. This document can be utilized repeatedly, which poses a significant benefit for companies with frequent litigation.

The process of creating the Data Map begins by gathering information on business practices and systems. Through interviews with relevant company personnel and a review of computer system architecture, document retention policies and other relevant documents, an overall view of company systems policies and practices is established. Typically, this process involves interviews with staff in legal, compliance, information technology and business operating units.

From the information gathered, Scarab develops a master document, which includes;

- ✓ Graphical depiction of the enterprise
- ✓ Descriptions of primary applications used in the enterprise
- ✓ Descriptions of operational protocols such as back up, record retention, and document management procedures
- ✓ Description of ESI storage locations within the enterprise

### THE BENEFITS

A Data Topology Map identifies, captures, and classifies all the ESI on an organization's servers, PCs, and storage systems in a legally defensible manner. By having all this information readily available for multiple and subsequent litigation, an organization can;

- ✓ Prepare for FRCP (26a) and Legal Hold
  - Identification of all potential sources of relevant ESI
- ✓ Prepare for FRCP (26f) Meet & Confer
  - Identify where ESI subject to litigation is maintained
  - Improve ability to negotiate with opposing counsel
  - Balance the burdens and cost of discovery against the potential benefit and value of discovery
    - Determine whether certain data is inaccessible
    - Determine whether certain deleted data is discoverable
    - Determine whether certain production formats are acceptable
- ✓ Significantly reduce risk of spoliation

### ABOUT SCARAB CONSULTING

Scarab Consulting provides global, results-driven, litigation and investigation oriented discovery services including collections, social media surveillance, processing (electronic and paper), hosting, managed review and court reporting/ deposition services to corporations and their law firms, managing the risks and cost before and during litigation. Scarab Consulting's professional consultants utilize their industry-proven experience inside large corporations and law firms to provide proactive, legally defensible and technically sound services relative to information governance and litigation preparedness. With a suite of fixed-priced consulting solutions, Scarab Consulting is able to custom design a solution to fit each client's needs. Legal/technology driven solutions for litigation and e-discovery including electronic data processing, review, and hosting, as well as document scanning and coding, help increase efficiency and reduce costs for organizations. Powerful technology enables Scarab Consulting's Social Media Surveillance Services to monitor web sites and collect information related to the issues and target individuals associated with a particular matter. In addition, Scarab Consulting provides accurate, timely, and quality court reporting and deposition services delivered by a highly qualified, dedicated Scarab Consulting case management team. Scarab Consulting's alliance with numerous technology providers ensures that the industry's best practices e-discovery and litigation tools are utilized, guaranteeing the best possible solution for every client. For more information, go to [www.consultscarab.com](http://www.consultscarab.com).