



# LITIGATION RESPONSE PLAN DEVELOPMENT & STANDARDIZATION

A Litigation Response Plan (LRP) is a summary of current practices, cost and history of past litigation, and recommendations for standardized responses to litigation including ESI preservation and identification of sources, coordination of discovery activities, and selection/management of resources for collection, processing, review, and production.

The end result is a set of standardized plans for responding to litigation that mitigate risk and provide valuable insight to improve the outcome of litigation matters.

## THE SITUATION

Today's corporate world of powerful computers and networks, remote availability from virtually anywhere, wireless connectivity, pocket-sized devices, communicators, cameras, and recorders, all generate Electronically Stored Information (ESI) which is all subject to legal discovery according to new civil litigation rules. Also, many such corporations are frequent participants in litigation, and oftentimes are party to multiple simultaneous litigations.

The rules of legal discovery require litigants to take affirmative action to preserve all known sources of ESI that may contain any relevant ESI to the litigation. When a corporation has multiple ongoing matters this can create

a complicated and risky situation for a corporation, as they attempt to adhere to their legal obligations while minimizing disruption to their business.

The situation is further complicated by the existence of many new forms of ESI such as Instant Messaging, SMS Text Messaging, Cell Phones, Blackberrys, and now the increasingly popular Social Networking. Each new litigation matter brings additional legal and cost risks and corporations are struggling to determine their available options and the best way to develop Best Practices. In addition, it's difficult to find legal counsel that have developed any significant knowledge and expertise in these relatively new technologies.

## THE SOLUTION

The solution Scarab Consulting offers is a focused approach designed to lead to standardized methodologies that enable a corporation to prepare for and respond to litigation. The analysis looks at the costs and risks associated with possible approaches to litigation, and presents options for consideration.

Historical litigation costs are assessed and discovery portions are evaluated, as well as the number, type, and size of litigation matters providing insight into where more cost-effective measures could be most beneficial. In addition, an assessment is conducted on past responses to litigation and how these contribute to the overall expense of litigation.

Discussions with key management serve to develop an understanding of the corporation's risk and cost inclination, and how these might differ for the variety of litigation matters commonly experienced. Information systems, practices, and capabilities are analyzed with regard to identification of content, preservation, and collection via forensically valid methods.

Evaluation of potential changes and enhancements to support the needs of litigation is made and options are presented with the cost-benefit analysis of policy, technology, third-party assistance, or combination(s) which may also involve internal and/or external solutions.

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

- ✓ A summary of current and past practices and cost history
- ✓ Recommendations for standardized responses to litigation by type/size
- ✓ Options for standardization of ESI preservation and identification, and management of discovery activities and vendors
- ✓ Options for selection and management of resources for ESI collection, processing, review and production

### THE BENEFITS

A Litigation Response Plan is a readily available written plan of action that corporations and their law firms utilize for multiple and subsequent litigation that provides;

- ✓ A defensible process to follow throughout all phases of the discovery cycle
- ✓ Reduction of time and costs spent on unnecessary discovery activity
- ✓ Better preparation for compliance with amended FRCP rules
- ✓ Reduction to the 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).