

e-Discovery Services

2,000,000 files on
240 computers in
3 countries. By Monday.

How?*

*connectedthinking

PRICEWATERHOUSECOOPERS 

“Our professionals have the know-how to assist you with all aspects of your e-discovery efforts in both civil and criminal cases. From the initial investigation to identify potential sources of electronically stored information (ESI) through the collection, processing and ultimately the production of relevant ESI to support your case.

In addition to our Canadian experience, we have the global reach to ensure large and complex cases are handled in a proactive and efficient manner, when speed and consistency are of the essence.”

Peter Vakof
Canadian Leader, Forensic Technology Solutions

“Our network of dedicated forensic technology professionals in more than 30 countries is committed to helping companies and their counsel understand their exposure and respond to discovery requests.

We combine forensic accounting and technology expertise with state-of-the-art tools and a uniform, worldwide methodology to provide you with sound, experience-based advice.

By seamlessly integrating with your teams and your technology, we ensure that you have all the information that you need, when you need it, to present a comprehensive, defensible discovery.”

Dyan Decker
Global Leader, Forensic Technology Solutions

Complying with an electronic discovery order is critically important, highly complex, time-consuming and disruptive. Getting it wrong is not an option. If you need to produce electronic discovery, you need a trusted partner who can provide you with the advice and tools to respond quickly and completely, while minimizing disruption.

A pedigree and a wealth of experience

Since 1990, we have advised in more than 5,000 electronic discovery cases in over 100 countries. We have worked on every kind of case imaginable, from accounting malpractice and patent infringement to asbestos litigation. And our breadth of experience covers the spectrum of industries, from software to semiconductors and financial services to forestry and paper.

Knowing how to apply legal principles to information technology is in our blood, and we understand the risks and consequences of spoliation and non-compliance. And while we have both lawyers and non-lawyers as part of our team, we all speak your language.

More than just technology

We pride ourselves on our technological capabilities and ongoing investments in software, hardware and training. But producing electronic discovery is about so much more than just employing sophisticated tools capable of scanning vast amounts of files. It's also about giving you sound advice so you can:

- Take **immediate action** to ensure compliance with the preservation order.
- Translate the preservation order into **concrete instructions** to staff.
- Correctly **document the process** to prove compliance.
- Efficiently **review vast amounts** of data to determine what's responsive.
- Deliver a complete and defensible discovery **on time**.

As part of the world's largest professional services firm, our team has the experience, knowledge and skills supported by cutting-edge technology to help companies and their counsel understand exactly what's required of the electronic discovery order—and then deliver it with minimum disruption.



No margin for error

For any organization, the delivery of a discovery request or subpoena creates a high stress situation and places the client-counsel relationship under the spotlight. To ensure an advantageous working relationship and a positive outcome, you need to be sure that you have the best forensic technology advisors at your side, experts who:

- Understand the legal ramifications in every jurisdiction;
- Can deploy and secure evidence immediately;
- Use state-of-the-art, evidentially sound tools and methods;
- Can integrate with your own teams and technology; and
- Will deliver expert advice wherever you operate in the world.

The PwC difference

With more than 300 dedicated professionals in over 30 countries, we understand local legislative and cultural environments, and are able to deploy personnel to assess and secure potential evidence from the moment we receive instruction.

On a global basis, we invest over \$5 million every year in developing cutting-edge facilities, technology and software. That speeds the review time and means we can interface with the world's major case management packages (including software such as Concordance) so that electronic document production is seamless.

We also invest in ongoing training, continuous improvement and knowledge-sharing programs for our people, so that everywhere we operate you can be certain of uniform excellence and sound methodologies as well as intelligent, valuable, experience-based advice and the very highest quality service.

And, having worked with legal counsel day-in, day-out for many years, we understand the importance of maintaining a strong working relationship at this critical time. We stay in close contact with you from the initial analysis stage right through to delivery of court bundles. It's a matter of pride that we help you strengthen your client/counsel relationship by acting as your trusted forensic technology advisor.

A snapshot of the benefits

The features of our electronic discovery services are designed to maximize compliance and minimize disruption while being as cost-effective as possible:

Preserved: Data is secured for full compliance with the preservation order

Contained: All files are available in one repository

Accessible: over the internet by authorized users, at any time, from any location

Secure: Access to evidence is encrypted and can be tightly controlled

Structured: review data according to selected criteria

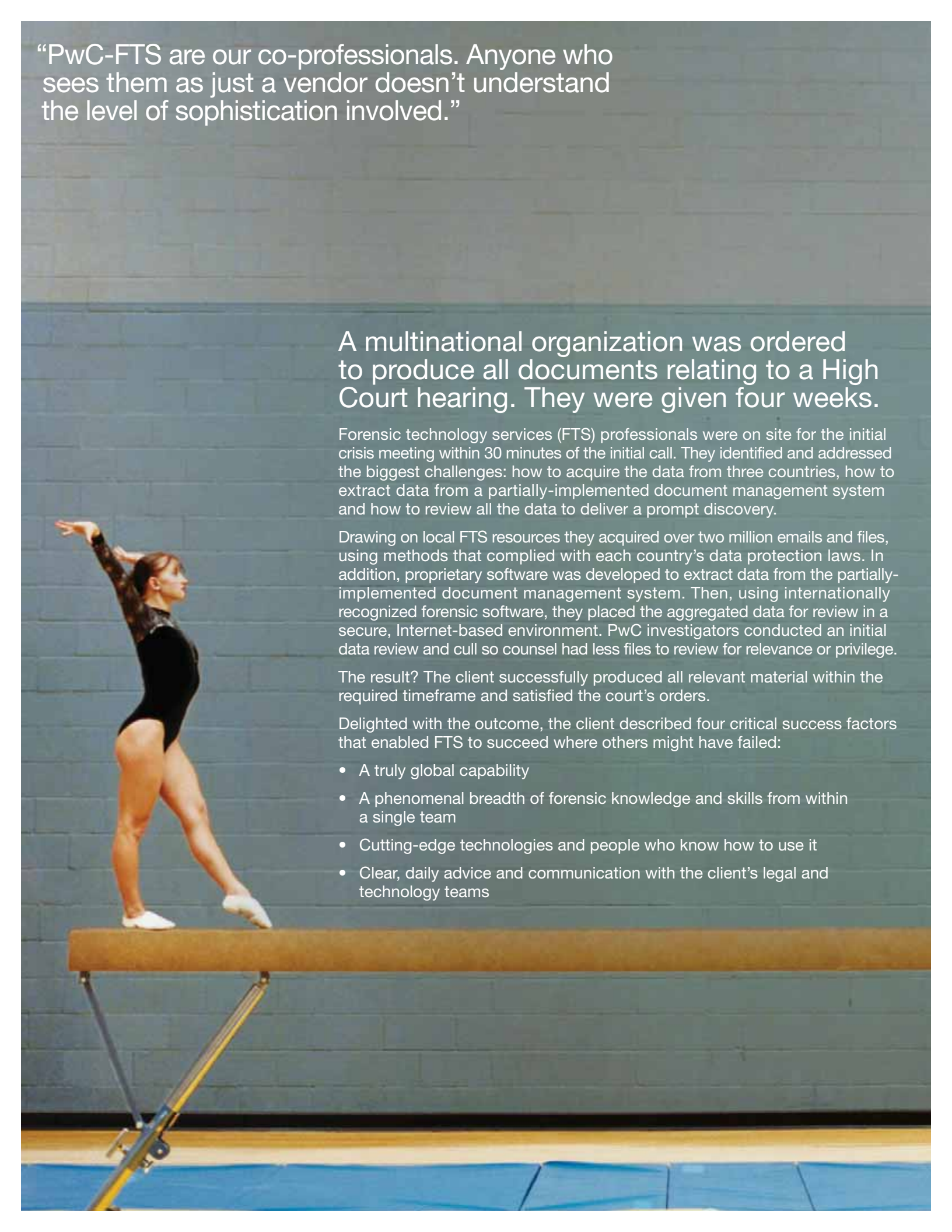
Searchable: Rapid identification of relevant documents by keyword searching

Collaborative: Share discoveries/ideas through circulation of annotated documents

Transparent: Each and every review and use of data is logged

Scalable: No practical limit to the volume of data manageable

Flexible: Interface with most major case management programs



“PwC-FTS are our co-professionals. Anyone who sees them as just a vendor doesn’t understand the level of sophistication involved.”

A multinational organization was ordered to produce all documents relating to a High Court hearing. They were given four weeks.

Forensic technology services (FTS) professionals were on site for the initial crisis meeting within 30 minutes of the initial call. They identified and addressed the biggest challenges: how to acquire the data from three countries, how to extract data from a partially-implemented document management system and how to review all the data to deliver a prompt discovery.

Drawing on local FTS resources they acquired over two million emails and files, using methods that complied with each country’s data protection laws. In addition, proprietary software was developed to extract data from the partially-implemented document management system. Then, using internationally recognized forensic software, they placed the aggregated data for review in a secure, Internet-based environment. PwC investigators conducted an initial data review and cull so counsel had less files to review for relevance or privilege.

The result? The client successfully produced all relevant material within the required timeframe and satisfied the court’s orders.

Delighted with the outcome, the client described four critical success factors that enabled FTS to succeed where others might have failed:

- A truly global capability
- A phenomenal breadth of forensic knowledge and skills from within a single team
- Cutting-edge technologies and people who know how to use it
- Clear, daily advice and communication with the client’s legal and technology teams



We can take care of the entire process

With more than 90% of all business records now created and stored only in electronic form, the discovery process can appear foreboding. We know that you can't afford to invest time reviewing unresponsive documents, so we work to provide the information you need, when you need it.

It's important to understand where that potential evidence is located. Working as autonomously as you require, we can provide you with calm, assured and timely understanding of where to look for relevant data, how to secure it, and how to identify responsive data, all the while ensuring compliance with the preservation order. The result is a cost-effective discovery that's complete and defensible with the peace of mind that comes from using the world's pre-eminent forensic technology advisors.

A sound process

- We act immediately upon instruction to identify and map the data universe
- We forensically preserve and document potential sources of electronic evidence to comply with the preservation order
- We image the acquired data, and use intelligent processing to de-duplicate files and extract only the responsive data
- We establish secure, Internet-based environments for review of key documents (whether locally or across multiple jurisdictions)
- We advise on and develop strategies to cull, search, interrogate and review relevant material and assist in conducting a substantive review
- We assist in the preparation and presentation of discovery


Knowing where to look

Knowing where to look is as important as understanding what you're looking for.

Office PCs, laptops, PDAs, Blackberry devices, hand-held computers, floppy disks, CDs, DVDs, phones, voicemail systems, company car GPS systems, security logs, video recordings, servers, offsite vendor back-up systems, disaster recovery tapes, supplier/client emails and computers, firewall log servers, employee home computers, personal ISP servers, mobile phones, mp3 players... this list goes on.

And how many copies of each piece of potential evidence exist? A file that exists on one computer may have been emailed to others, or synchronized with a PDA, and then taken for use on a home PC. It's also on a server and on back-up tapes. And those copies that were emailed... where have they been forwarded on to?

All this for one file. And you're looking at how many files on how many computers in how many offices?

A firefighter in silhouette is positioned on a tall, angled metal ladder against a soft, hazy sunset sky. The firefighter is wearing a helmet and gear, and the ladder extends from the bottom right towards the top left of the frame.

“We trust PricewaterhouseCoopers FTS, their speed and efficiency. The biggest benefit is their knowledge and experience because the consequences of not doing it right are too significant to contemplate.”

Speed and accuracy is of the essence¹

- Friday p.m.** On being served with a subpoena, the company calls outside counsel. They, in turn, contact PricewaterhouseCoopers FTS.
- Saturday a.m.** FTS investigators arrive at the company’s offices simultaneously, meet with the relevant IT personnel, rapidly map the data available in the company’s IT universe, and examine the company’s data retention policies and documented destruction practices. With the data secure, the company records that they are in compliance with the preservation order.
- Monday a.m.** FTS finalizes strategies for the company’s counsel to cull, search and review all materials and begins to lead them through the data.
- Monday p.m.** Counsel continues review of responsive data. Relevant files are identified and subject to privilege review. Document production begins.
- Thursday p.m.** The company delivers the first production set along with proof of their compliance with the preservation order.
- Outcome** The regulator notes that the company cooperated fully and was extremely responsive to their investigation.

¹Note: This timeline is based on an actual case. The duration of a case can vary greatly depending on a number of factors, including the extent of the corporation’s IT universe, the volume of files, the nature of the discovery request and the preparedness of the company involved.

Are you prepared?

Determining the subject matter of a preservation order can be complex, especially before any claims have been made. And issuing a “litigation hold” email is not enough. Anticipating and establishing processes to handle preservation can ease the burden.

The situation often requires procedures such as:

- Defining data retention policies which include destruction procedures
- Establishing communication protocols and lines of responsibility
- Training staff and communicating the process and penalties
- Regularly monitoring compliance, reviewing and modifying policies
- Where possible, obtaining certification or other accepted proof of compliance
- Ensuring your processes are actioned systematically and audited thoroughly.

We can help.

With the experience of over 5,000 electronic discovery cases worldwide, we are pleased to advise counsel and company executives on how best to prepare for the possibility of a discovery request. Please contact us if you would like a confidential discussion or a free seminar on discovery readiness at your office. Call at an early stage and we will be happy to discuss your case at no charge and with no commitment on your part. For more information, please visit:

www.pwc.com/ca/e-discovery

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