IBM

Information Management software

IBM eDiscovery Analyzer 2.1

Highlights

- *Helps reduce eDiscovery review costs by identifying case-relevant e-mails while excluding irrelevant e-mails*

- *Provides conceptual search and content analysis capabilities to help legal and supporting IT teams quickly locate key evidence needed to form preliminary strategies*

- *Preserves chain-of-custody documentation to support the security, auditability and defensibility of e-mails*

Helping to lower the high cost of discovery—and helping you manage litigation risks

Litigate or settle? It's a calculated risk. And the more you know when you take that risk, the greater your odds for success. But now that an estimated 90 percent of all business is conducted via e-mail, finding the information you need to evaluate your risks is more difficult than ever. Like the proverbial needle in a haystack, your case-relevant evidence is probably buried among terabytes of e-mails in file servers across the enterprise—along with many irrelevant and nonresponsive e-mails. Gaining the early insight you need to form strategies and make crucial "litigate or settle" decisions is both time consuming and costly. In fact, Gartner Group estimates that, in larger companies, "the average cost of defending a lawsuit exceeds $1.5 million per case, with 20% to 30% of that being internal and mostly IT-related."*

What's more, as recent court decisions have illustrated, the cost of failing to comply with discovery rules while engaged in litigation—for example, in cases involving the Federal Rules of Civil Procedure—can be even higher, including sanctions, fines and damage to corporate reputation.

IBM eDiscovery Analyzer 2.1 software is a key component of the IBM eDiscovery solutions suite and a complementary offering to IBM eDiscovery Manager 2.1 software. It enables legal professionals and litigation support specialists to conduct early case assessments, prepare for meet-and-confer discussions, and refine case matter to help mitigate legal risk and dramatically reduce eDiscovery review costs. Leveraging the enterprise content management (ECM) platform from IBM, eDiscovery Manager and eDiscovery Analyzer provide a foundation for a proactive, in-house eDiscovery solution.

This platform can help address the underlying discovery issue in most organizations: terabytes of e-mails that are disorganized, irrelevant, or duplicative. Unlike ad hoc, one-off, reactive eDiscovery solutions that do not address this underlying problem, proactive and disciplined eDiscovery solutions from IBM deliver a scalable litigation repository that is integrated with intelligent content collection, as well as with classification, records management, content analytics and discovery process automation. As a result, organizations can achieve, sustain and prove compliance with multiple legal and regulatory mandates, while also reducing cost, complexity and risk.

Like eDiscovery Manager, eDiscovery Analyzer is optimized to use the following leading-edge repositories as a litigation repository:

- *IBM Content Manager software—e-mails captured by IBM CommonStore software*
- *IBM FileNet® P8 software—e-mails captured by IBM FileNet Email Manager software*

The Web 2.0–based user interface for eDiscovery Analyzer is designed to be intuitive and easy to use. Users can launch the application through their browsers, so there's no need to install software on client machines. Once the application is up and running, users can begin their analytics in less than an hour—there's no training required.

Helping to lower eDiscovery review costs

While eDiscovery Manager can help you significantly reduce discovery costs through its search and cull capabilities, eDiscovery Analyzer can help reduce your costs even further. When a discovery request comes in, you can use eDiscovery Manager to collect all of the potentially relevant e-mails by performing keyword or date-range searches. For example, this step could identify the 100,000 potentially relevant e-mails in an archive containing 2 million.

Going a step further, you can use the advanced analytics capabilities of eDiscovery Analyzer to quickly identify and flag irrelevant e-mails, potentially reducing the possible case-relevant e-mail pool by another 10 to 15 percent. Because the going rate for outside analysis is almost US$1 per e-mail, and because many organizations are managing hundreds of active cases, the ability to quickly eliminate "noise" can help organizations dramatically reduce their eDiscovery review costs.

Increasing your odds for litigation success with early insight

Using the conceptual search and content analysis capabilities of eDiscovery Analyzer, you can understand key facts about a case, locate key pieces of evidence, identify key witnesses and profile documents for review, thereby gaining a clear view of available case-related e-mails. Once you understand the key facts of a case, you can form early case strategies and effectively negotiate queries and search term lists during the meet-and-confer stage.

eDiscovery Analyzer provides a number of search and analysis capabilities, including:

- *Open, Unstructured Information Management Architecture (UIMA)–based search and content analysis capabilities, including knowledge extraction, faceted navigation, conceptual search, time-series analysis and more.*
- *Auto-categorization of case information by concepts such as phrases, senders and recipients, people and companies mentioned, inter- and intra-company traffic and other entities.*
- *Thread analysis for easy viewing and drill down into an entire conversation.*
- *Advanced search capabilities, including support for Boolean, proximity, fielded, fuzzy, stemmed and wildcard searches.*
- *Flagging of individual e-mails, multiple e-mails, or an entire result and removal of "false positives."*
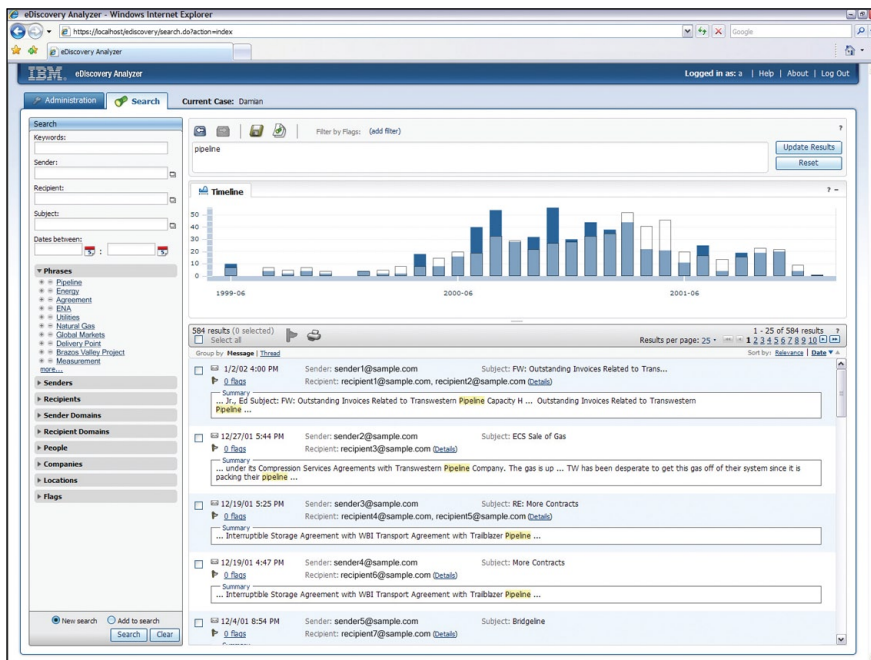
Legal professionals and litigation support specialists can use faceted analysis across several variables to get a more comprehensive picture of case-related content.

Based on UIMA, which IBM developed and contributed to the open-source community, the search and content analysis capabilities of eDiscovery Analyzer go beyond indexed keywords. They generate metadata that can enable users to drill down into specific subsets of e-mails. As a result, your legal team can narrow and filter case results by searching for specific concepts. It can use a timeline to visualize results as an actual-to-expected bar graph for the period of time associated with a particular case or search. Your team can also use faceted analysis to determine phrases, recipients, senders, people, companies and flags for a more complete analysis. In addition, it can flag individual e-mails according to their pertinence to the case.

Helping support content security, auditability and defensibility

By bringing more of the eDiscovery process in-house, you can exert more control over your electronic content and your overall approach to litigation. eDiscovery Analyzer provides chain-of-custody documentation, a privilege model for case access—and an audit trail for all actions. This is important because organizations can inadvertently alter documents during the collection and processing phase or fail to maintain chain-of-custody documentation, an audit trail or reporting capabilities, which can result in an increased risk of spoliation sanctions, fines and negative public exposure.

Your organization can export the full audit trail created by eDiscovery Manager—in conjunction with eDiscovery Analyzer—and use it in court to support the admissibility of e-mail evidence. An automated hold capability helps users to ensure the preservation of e-mails once they are deposited into a litigation repository to help minimize the chance of spoliation sanctions and accidental deletions.

Why IBM?
A longtime provider of corporate IT infrastructure consulting services and products, IBM is now extending its leadership in enterprise compliance with proactive, in-house eDiscovery solutions that fully leverage the leading ECM platform from IBM. The platform provides important features and capabilities that enable organizations to manage the entire eDiscovery process in a security-rich, traceable, defensible manner.

The fact is, ECM software from IBM already helps many of the world's top companies make better decisions, faster. As a marketplace leader in content, process and compliance software, IBM solutions for ECM deliver a broad set of mission-critical capabilities that help solve today's most difficult business challenges: managing unstructured content, optimizing business processes and helping to satisfy complex compliance requirements through an integrated information infrastructure. More than 13,000 global companies, organizations and governments rely on ECM solutions from IBM to improve performance and remain competitive through innovation. Implementing eDiscovery Manager and eDiscovery Analyzer can help clients further leverage their investments in IBM's ECM infrastructure to assist in meeting the challenges of eDiscovery.

As you work to gain greater business value from the information assets spread across your enterprise, just figuring out what you have can be a struggle. eDiscovery Analyzer is part of a portfolio of security-rich and scalable enterprise discovery solutions — including solutions for automated classification, unstructured document search and content analysis — that can help you examine, analyze and classify information assets company wide.

For more information

To learn more about eDiscovery Analyzer, contact your IBM representative or visit:

ibm.com/software/data/content-management/ediscovery.html

*   Debra Logan, "Content, Compliance and E-Discovery: ROI in the First Fifteen Minutes," presentation at Gartner Symposium/ITxpo, October 7–12, 2007.