**IBM** `Information Management` software

# IBM eMail Search for CommonStore
*Cross-mailbox search for legal discovery and corporate governance*

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### Highlights
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■ *A cross-mailbox search and discovery tool for compliance, legal and corporate staff*

■ *Advanced search and search refinement for e-mail discovery orders*

■ *Keyword highlighting for easy visualization*

■ *E-mail hold management to preserve and protect discovered e-mail*

■ *Export .pst or .nsf files for further analysis, legal review and forensics*

**The enterprise risk management landscape**

In the current on demand world, it's no surprise that people rely heavily on e-mail to conduct business. Most users take the benefits of e-mail almost for granted: instant communication and collaboration, immediate access to critical information and the ability to mobilize people and resources rapidly to meet the requirements of a dynamic marketplace. Little did companies realize how much space e-mails and other business documents would consume on desktop computers, e-mail servers and networks, and more importantly, how much intellectual property and business information would be contained in e-mail. E-mail is the most widely used but least controlled business communication method, and as such, has become a highly sought after target by compliance regulators and opposing litigators. Similarly, understanding what has been communicated via e-mail is essential for good corporate governance.

Along with this explosive growth in e-mail, businesses face several new challenges. Companies are being asked to provide a complete, legally valid e-mail history, often reaching back many years, to demonstrate good governance and compliance or to provide evidence for a lawsuit. Compliance and legal evidence are areas where time is of the essence and errors cannot be tolerated. Indeed, many discovery orders need to be filled in as little as 72 hours, and keeping too many or too few e-mails, for too short or too long a time, can all be huge liabilities.

**The cost of doing nothing**

Requests for legal discovery related to e-mail messages are increasing. According to a recent litigation trends survey conducted by Fulbright & Jaworksi, LLP, nearly 90 percent of U.S. corporations are engaged in some type of litigation, and while the average company may balance a docket of 37 cases, companies with revenue over

$1 billion average about 140 cases. Internationally, the case load may vary, but as more companies want to do business in the U.S. or with U.S.-based companies, their need for e-mail compliance and legal evidence is also growing. E-mail is now subpoenaed in a high percentage of these cases, and companies are fined millions of dollars for not being able to produce adequate e-mail records in a timely manner. In fact, many lawsuits are settled prior to trial, guilty or innocent, because of the potentially enormous costs of discovery.

IT organizations have quickly realized that searching e-mail backup tapes just does not work — e-mail backup tapes are for system backup and disaster recovery, not for legal discovery. Legal staffs have also found employee personal archives (e.g. .pst or .nsf files on their c-drives) to be a major concern and significant risk exposure, since these completely unmanaged files may also be discoverable. Consider an audit or discovery order that comes in. IT may need to pour through countless backup tapes or search every user's private archive to find relevant e-mail — an extremely invasive, costly and error prone process, and one that may uncover the proverbial "smoking gun."

IT organizations can incur tremendous costs when searching for old e-mail. Gartner estimates that the cost for one e-mail discovery could be as much as $150,000 to $250,000, and the typical cost per lawsuit is between $1.2M and $1.4M. For some small and mid-sized companies, a single lawsuit has the potential to severely strain cash flow, consume tremendous amounts of IT and legal resources, not to mention distract senior management, and potentially put the company out of business.

**E-mail archiving and discovery solutions**
Capturing all or selected e-mails as they are sent or received in a central archive is the first step in effective and efficient discovery. By off-loading e-mail from the messaging system to a robust and scaleable content repository, the messaging system performs better, backup and restore times are reduced and server migration and consolidation becomes easier. All archived e-mail remains easily accessible by end users, so they remain fully productive. With archived e-mails now residing in a central repository, e-mail discovery becomes a simple matter of executing a search against the repository. Resulting e-mails can then be placed on legal hold to suspend scheduled disposition until all matters are resolved.

Organizations reap tremendous rewards by being better prepared for legal discoveries, and they are better able to predict both the time and cost of executing a discovery order. No longer do they have to pour through countless backup tapes or search personal archives on user desktops. Armed with this information, legal staff can better discuss and negotiate the electronic evidence discovery process with opposing counsel, as suggested by the new U.S. Federal Rules of Civil Procedures, and be confident in their representations. This also provides more time for legal review, forensics and redaction before turning the final discovery over to opposing counsel.

**IBM eMail Search for CommonStore**
IBM eMail Search for CommonStore is an optional feature of IBM Common-Store for Lotus® Domino® and IBM CommonStore for Exchange Server that provides effective and efficient initial e-mail discovery and case management that can be exported for deeper legal review and forensics. eMail Search is a Web-based interface used by selected authorized users, such as compliance, legal or authorized corporate staff, to search cross-mailbox for e-mail archived and managed in IBM Content Manager Enterprise Edition.

An e-mail search can search on any standard e-mail metadata information, such as date, from, to, cc, bcc, and subject, as well as keywords and phrases within the e-mail or attachment after being full text indexed. Advanced capabilities such as Boolean logic, fuzzy search and wildcards provide significant flexibility and control over the search process. Keyword highlighting provides clear visual indication of found keywords and phrases in the e-mail body and whether an attachment in Lotus Notes® e-mail contains the keywords or phrases. Search refinement provides the ability to quickly and dynamically edit search criteria to cull down or filter the number of e-mails found.

From the result set, any number of identified e-mails can be placed on hold to suspend scheduled disposition or deletion. If IBM Records Manager is utilized as part of the solution to manage
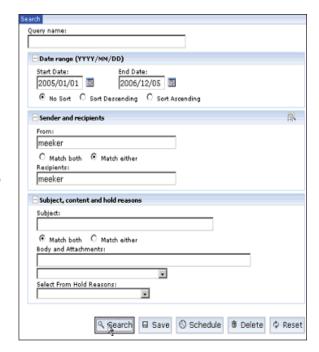
*Figure 1: IBM eMail Search for CommonStore search interface.*

e-mail as an official company record, then e-mail that has not previously been identified as a record can be declared and classified before being placed on hold. Final search result sets can easily be exported in .pst or .nsf

format for Exchange Server or Lotus Domino, for more detailed legal analysis and processing by specialized e-discovery tools.

With the proliferation of e-mail and the increasing number of lawsuits where e-mail must be provided as evidence, companies need a fast and effective way to respond. IBM eMail Search for CommonStore provides a way to integrate e-mail discovery within your Lotus Domino or Exchange Server messaging environment. As the risks and costs of countless litigations increase, solutions for e-mail archiving, discovery and compliance can often pay for themselves within a year, or less.

For more information, please visit http://www-306.**ibm.com**/software/data/commonstore/.

*Figure 2: Sample search result set. The first three e-mails were previously placed on hold from other searches, as indicated by the lock icon. Multiple holds can be placed on any item.*

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