



# Optimizing eDiscovery Processes: IT and Legal Checklist

The IT and Legal Checklist is a must-have for any legal or IT professional in today's electronic information age. Simply reference these suggestions for making your eDiscovery activities more efficient and defensible for your organization.

It's no secret that IT and legal speak different languages. But, legal and IT must work hand-in-glove during eDiscovery. Clear communication between IT and legal can go a long way to bridging eDiscovery gaps. Communication issues typically can be categorized into two types: organizational and personal.

## Organizational roadblocks:

- Legal teams often do not know who within the IT department to ask, or don't ask the right question.
- Legal must know:
  - what systems are in the IT landscape
  - what information each has
  - who the subject matter expert (SME) is

This is one of the primary benefits of a robust information governance process and current, functional data map. Used in a disciplined way, a data map can function as a Rosetta Stone between the two departments, delivering institutional knowledge.

With well-run information governance and a well-kept data map, your organization will be able to answer the following questions:

- Where is your company's electronically stored information (ESI) housed?**
- Is the data replicated?**
- Where and in what form(s)?**
- Does your company cross-reference its list of expired records with active legal?**
- What about custodians who leave the company?**

## Personal barriers:

People who can communicate with IT and legal, and understand and explain both are worth their weight in gold. You need a liaison to navigate the IT organization that is both diplomatic and technically skilled. Honing so-called “soft skills” will effectively open the lines of communication.

## Tips for Legal:

- Ask questions:** For attorneys, admitting they don't know something can feel like a courtroom blunder. Don't be afraid to ask IT why something won't work or how something could be done better – it can only strengthen your position, and IT folks are happy to share their technical knowledge.
- Be specific:** In the IT world, everything needs to be specified, so try to frame your needs accordingly. When there are ambiguities, reduce the scope into phases or tiers.
- Communicate the “Big Picture:”** Often the communication from legal is on a need-to-know basis. But discussing the reason for a request could avoid a disaster and open the door for the IT team to contribute information that makes your case. So, when in doubt, share the context for your requests.
- Tone Matters:** Many people, IT included, may feel on edge communicating with lawyers under any circumstance, let alone at work. Don't increase stress with unnecessarily demanding or alarming language.

## Tips for IT:

- Be flexible:** In the IT world, actions are very specific. But, to attorneys, “everything depends.” Assess what legal's actual needs are when you're faced with what seems like an unreasonable request. Can you export information to tapes, for example, instead of ceasing deletion? Be sure to communicate all the options and explain how pursuing a different path may still meet what legal needs.
- Don't speak “geek:”** To an attorney, a system restore tape is a backup tape, and the words “delete” and “purge” are synonymous. Use familiar terms to help them understand the complexities of executing requests.
- Be patient:** A willingness to answer questions – in layperson's terms – will build trust and facilitate realistic expectations.
- Be helpful:** IT people love to dazzle with their smarts, but being helpful is the way to get through a successful eDiscovery project.

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