



Producing from Back-up Tapes

One challenging issue in eDiscovery is determining whether ESI is “reasonably accessible”. Clearly, data from personal computers is available, but what about data saved for immediate restoration on local back up tapes? Or data stored on disaster recovery tapes and drives? More often than not, tapes are considered reasonably accessible as aggressive retention policies and archiving become standardized, and as processing backup data becomes increasingly cost-efficient.

When producing from back-up tapes, make certain that the stored data is saved according to industry standard. Older tapes often include unique storage sys-

tems, including expensive to process “brick-level” storage. Newer tapes, however, are generally straightforward to process and are typically considered in the same category as data from a local computer or server share.

Check what information may be included on the tapes. If you believe that the stored data will be largely responsive, producing the entirety of the tape can create significant cost savings for your client. Alternatively, if you believe that only a few key documents are included, ask for an index and produce only that subset.

Always plan to de-duplicate data found on back-up

tapes; as they typically store data regardless of whether it is also saved on a computer or server, the backed-up information is typically highly duplicative. Removing duplicates reduces processing and review cost and ensures that consistent tagging occurs across the document population.

Finally, make sure that you have everything you need. For example, information from the same date range, custodian and topics may be saved on separately stored tapes. Ensure that the tapes encompass the entirety of the relevant population by working closely with the IT department.

Enhancements to LEX's iQube Service

LEX iQube service provides early case assessment, analysis, processing and review altogether in one, easy-to-use, web based platform. As of March 2009, we have upgraded the MetalINCS engine at the heart of iQube to the latest 4.5 release, along with a major upgrade to our iQube server infrastructure.

The enhanced iQube service offers exciting new features which will streamline analysis and review even further. For example, there are two new analytic categories: Sender Domains and Receiver Domains. This enables, for example, all communications to or from a particular Law Firm to be identified which is useful when searching for potentially privileged documents. The domain categories can also be used to identify communications with ecommerce or social network sites such as eBay, Amazon, Facebook etc. which can be rapidly reviewed and foldered as non-responsive.

In addition, scripts can be run before the start of a review to identify communications based on their domains and organize them into pre-prepared folders, so that attorneys can commence their review with top-level organization already in place.

Improvements have also been made to the thread analysis algorithm. A communication thread and its constituent messages can now be viewed side by side, facilitating review. Communication thread analysis is particularly useful when searching for collusion or when trying to ascertain who knew what when.

Also included within the update is the option to view all metadata associated with a document. MetalINCS extracts a very large amount of metadata from each

document. Previously, only the key fields were viewable. Now all of them are, enabling users to check and fine-tune their search strategies.

Contact us at info@lexondemand.com to learn more about LEX on Demand's innovative, cost-effective iQube Service.

