

## Iron Mountain-Stratify 9.0 Delivers Multiple Benefits

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**Author:** Brian Babineau, Senior Analyst

**Abstract:** The most recent release of Iron Mountain-Stratify's electronic discovery service (Stratify Legal Discovery) is a combination of enhancements to its rich application platform, conscientious client services, and legal expertise. While Iron Mountain-Stratify added more legal experts and improved project management protocols, the greatest improvements center on Matter Portfolio Management capabilities.

### Introduction

Nearly 60% of attorneys surveyed by the American College of Trial Lawyers indicated that they were involved in cases which raised electronic discovery issues. Of that 60%, approximately 86% have directly issued or received a discovery request for electronically stored information (ESI) since December 2006.<sup>1</sup> As more and more business is conducted digitally, this trend is likely to continue—regulators and litigators are targeting PCs, file shares, message repositories, and other IT systems as prime evidence sources.

Exacerbating the challenges posed by the complex electronic discovery process are increases in corporate data creation and retention. ESG estimates that database information is growing at a rate of 25% per year with unstructured data—including e-mails and files—increasing at two to three times that rate.<sup>2</sup> The average retention period for archived or historical information saved for compliance and business reference purposes is between four and six years.<sup>3</sup> All told, corporate counsels must deal with surging data volumes when an electronic discovery request does arrive.

Designed to help customers process, analyze, and review piles of data so that only the appropriate content is produced to opposing counsel (or the court, if necessary), Stratify's electronic discovery service is welcome relief to many corporate and external counsel. While most electronic discovery services primarily involve the delivery of a processing, review, and analytics application via a Software as a Service model, Stratify's service encompasses comprehensive client services/project management and legal expertise/consulting in addition to a feature-rich application.

The latest release, version 9.0, of the service includes enhancements to all three aspects of the solution, including expanded 24x7x365 support for any client around the world and additional reporting capabilities so that clients can more effectively monitor reviewer productivity and matter workflow. However, considering that organizations face an increasing number of cases involving electronic discovery (ESG recently interviewed one litigation support specialist at an energy firm that receives one ESI-related inquiry per day) and growth in class-action lawsuits (there were 255 securities related class action lawsuits filed in 2008—up from 131 in 2006<sup>4</sup>) along with other multi-party matters, ESG believes that the greatest improvement to the Stratify service is its 'Matter Portfolio Management.'

### What is Matter Portfolio Management?

Stratify's Matter Portfolio Management is the grouping of three capabilities—multi-matter support, multi-party review, and automated review workflow—that offers the greatest advantages to customers using the service.

<sup>1</sup> American College of Trial Lawyers, *Interim Report on the Joint Project of The American College of Trial Lawyers Task Force on Discovery and the Institute for the Advancement of the American Legal System*, August 1, 2008.

<sup>2</sup> Source: ESG Research Report, *Database Archiving Survey*, November 2007.

<sup>3</sup> Source: ESG Research Report, *Database / E-mail / File Archiving Surveys*, November 2007.

<sup>4</sup> Source: NERA Economic Consulting, *2008 Trends in Securities Class Actions*, December 2008.

In aggregate, these three capabilities enable customers to improve the efficiency of the review process by leveraging external parties and making review managers more productive. In addition, clients involved in Joint Defense, Class Action suits, and other multi-party matters can securely share information without needing to construct parallel databases or export from Stratify's platform. Not only does this facilitate collaboration on a subset of the work product in a timelier manner, but it removes many of the chain of custody challenges and risks associated with sending data to multiple parties.

The most compelling benefit of Stratify's Matter Portfolio Management addition is the flexibility it provides customers by managing multiple case types with one service. Many different case profiles (multi-matter, single litigant, etc.) involve ESI. Some electronic discovery services are not designed to optimally handle all of them, forcing corporate counsel to use multiple offerings. This leads to disjointed internal processes, duplicate efforts if a matter involves the same data sources, and the need for more in-house management resources. With its latest version, customers can utilize Stratify for most of their cases, get the same level of service, and call on available legal expertise as necessary.

## **The New Matter Portfolio Management Capabilities**

### ***Multi-Matter Support***

As an organization deals with multiple cases involving ESI, it can develop repeatable operating procedures for electronic discovery by consolidating matter management via the Stratify Legal Discovery service. The multi-matter enhancement allows companies to run several cases within a single company database using the Stratify application that underpins the service. Customers can set up one master matter database for all of their cases or set up topical databases (IP, Human Resources, etc.) for multiple cases falling under a specific subject matter.

The multiple matters per single database architecture allows customers to achieve significant economies of scale in the electronic discovery process as they can manage all matters from a single screen without having to create copies of data in the event that a subset of information is pertinent to more than one matter. Such simplified management, in turn, enables them to use Stratify for any number of cases—large or small.

### ***Multi-Party Support***

The multi-party capability complements the multi-matter architecture as customers create standalone or shared matters within a single database. For each matter, administrators can define which external resources (external counsel, contract reviewers, auditors, etc.) should be given access to the documents and work product. An external resource is considered a 'party' and the administrator must configure the restrictions and permissions associated with that party. For example, multiple external counsels representing different geographies may be grouped as part of the 'External Counsel' party, which is only able to review and annotate documents created by a subset of custodians (i.e., all executives) within the matter. Another party, 'External Reviewers,' will have permission to review and annotate information created by the remaining custodians.

For each matter, a number of permissions and restrictions can be established on a per party basis, including what documents can be accessed and what actions, if any, can be taken against the content. If data needs to be shared across multiple matters, customers can take advantage of what Stratify terms a 'Shared Matter Repository' that resides within the database.

Multi-party support facilitates secure sharing and interaction for multi-party matters, making it much easier for organizations to leverage external resources in the electronic discovery process. This, in turn, makes it easy to manage Joint Defense and Class Action suits without constantly shipping data between various parties.

### ***Automated Workflow***

In many matters involving ESI, there is usually a series of review cycles or levels. Typically, a first pass review determines basic information classification with common categories including 'responsive,' 'unresponsive,' 'privileged,' etc. The responsive and privileged information moves to a second level review where the content is further categorized and, very often, one review team works with the 'privileged' data while another handles the 'responsive' data to improve review consistency. Depending on how much data there is and how corporate counsel wants it to be grouped, there can be several review levels before a final subset of documents is deemed relevant and produced to opposing counsel (or to the court, if necessary).

The biggest issues with a multi-level review are transitioning documents from one review team to another, ensuring that reviewers are consistently tagging content, and completing the process in a reasonable timeframe. The automated workflow capability portion of Stratfy's Matter Portfolio Management addresses these challenges with what is known as a "Work Pool." A Work Pool is a set of documents that is automatically created by a recurring query running inside the Stratfy application or by transitioning documents from another Work Pool. A Party Administrator, a role based in Stratfy's application, establishes the initial query criteria that will be used to move data into a specific Work Pool. For example, there may be four first level review Work Pools, one for each of the following criteria: documents created in the last 90 days, documents older than 90 days, documents with the keyword 'sub-prime mortgage' in them, and any documents that are in a language other than English. As information is processed by Stratfy, they are automatically assigned to the appropriate Work Pool.

A Party Administrator also creates several policies associated with each Work Pool, including what review team is responsible for reading and tagging the documents for a specific Work Pool. The Party Administrator also determines what tags can be applied to the documents within the Work Pool. For example, a review team responsible for the 'non-English documents' Work Pool may be able to tag the documents as 'unresponsive,' 'responsive-translate,' or 'needs additional review.' Reviewers working on the 'over 90 days old' Work Pool may only be able to tag documents as 'responsive' or 'unresponsive.'

A Party Administrator can also establish what happens to a set of tagged documents after they have been reviewed, including the automatic transition to another Work Pool. For example, any document tagged as 'responsive' in any of the first level review Work Pools can be transitioned to a second level review Work Pool called 'Responsive Level 2 Review.' The Party Administrator must assign a team and a set of tags associated with this Work Pool. The process of generating a subsequent review pool based on a tag allows Party Administrators to establish a multi-level review process based on tags—the best part is that the data is automatically transitioned from one review level to another.

When working within a Work Pool, the review process is extremely simple. Reviewers pull documents from a Work Pool and assign tags, the tags are validated by the Stratfy application, and then the documents are transitioned to the next Work Pool based on their tags. This process repeats so long as there is another Work Pool for documents to be transitioned to. With this new workflow capability, Party Administrators can track reviewer productivity and monitor tagging consistency, rather than constantly assigning documents to various review groups and then manually copying the data for the next level review cycle.

## The Bottom Line

The American College of Trial Attorneys' study also found that over 75% of the respondents stated that discovery costs, as a share of total litigation costs, have increased disproportionately due to the advent of electronic discovery. When ESG asked North American corporate counsels about the most expensive portion of the electronic discovery process, the Processing, Review, and Analysis phases received the highest response.<sup>5</sup> Interpreting both research statistics as a whole implies that customers who want to cut electronic discovery costs should utilize solutions that improve information processing and automate data analysis and review. Iron Mountain-Stratfy's service does just that—allowing companies to control the costs, along with the associated risks, of managing large volumes of ESI through the electronic discovery process. More specifically, the new additions to the 9.0 release of the service make it much easier for customers to manage all their matters centrally, utilize external resources, and significantly expedite multi-level review processes.

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<sup>5</sup> Source: ESG Research Report, *Electronic Discovery Requirements Escalate*, November 2007.