



Simplifying the Cost of eDiscovery

eDiscovery is a complex and costly beast. In this e-book, you'll learn why eDiscovery costs so much and how Oasis' unique delivery model is simplifying in-house management for partners around the globe.



Introduction

The exorbitant cost of eDiscovery lies in its technology—a challenge that Oasis has spent over a decade solving for hundreds of companies. Their solution removes technical barriers and provides teams with a streamlined, cost-effective, and independent platform for taking control of their eDiscovery business.

This whitepaper will explain:

- A summary of the eDiscovery industry's evolution
- The challenges and costs associated with eDiscovery technology
- Oasis' simplified solution for eDiscovery

eDiscovery in the Beginning

The early days of eDiscovery (2000 – 2006) are often characterized as the “wild west” because no standards existed for handling electronically stored information (ESI) as evidence.

As people became accustomed to communicating over email, texts, and apps, paper trails transformed into ESI faster than laws could adapt. ESI continued accumulating, and while its volume and complexity were relatively low compared to today, it remained a new challenge for litigators. Some handled it with arduous homegrown applications and workflows while others simply ignored it.

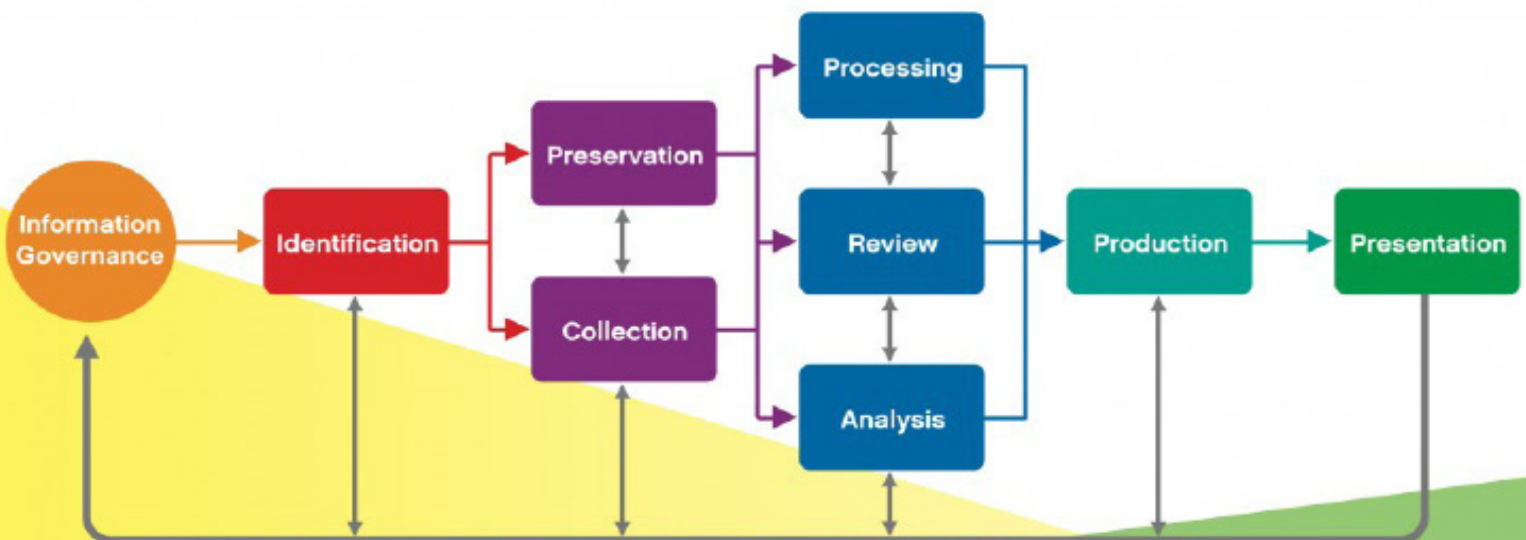
Standardizing the Use of ESI

With ESI entwined in daily life, its proper use in litigation became critical. Two big changes occurred: first, the Electronic Discovery Reference Model (EDRM, pictured below) was created “to address the lack of standards and guidelines in the eDiscovery industry.” Second, 2006 amendments to federal rules of civil procedure began requiring lawyers and their clients to understand and be prepared to facilitate the exchange of ESI.

Perhaps most importantly, these new rules meant that failing to treat ESI properly could result in sanctions (Zubulake v. UBS Warburg, for example). The landscape had changed dramatically and now it was the legal industry’s responsibility to determine the best way to handle eDiscovery.

What is eDiscovery?

eDiscovery (electronic discovery) is the modern form of discovery, or the pretrial process of collecting and producing potential evidence. Discovery became eDiscovery when forms of communication began evolving from physical memos and meeting notes to email, network shares, and other forms of electronically stored information (ESI)—hence the name, “electronic discovery.”



Electronic Discovery Reference Model/©2014/v3.0/edrm.net

Technology and Its Challenges

The federal rule changes brought on a tidal wave of ESI that homegrown eDiscovery applications and workflows couldn't handle. As a result, dozens of eDiscovery technology solutions emerged seemingly overnight. These purpose-built technologies solved specific problems within the EDRM: identification, collection, production, etc. [Relativity](#), for example, emerged as the market leader for document review, [Brainspace](#) (now [Reveal-Brainspace](#)) for analytics, and [Nuix](#) for processing. Yet there wasn't (and still isn't) a standard software for handling the process from end to end. Therefore, teams were and are required to use more than one tool to complete the process, forcing them to shell out license fees for each. Add in the purchase of servers to host them, a team to manage them, plus security and IT to configure and secure them properly, and you've got a hefty financial burden on your hands.

Primary Factors Contributing to the Cost of eDiscovery

In a [recent survey among the eDiscovery community](#), many respondents reported that they do not know their organization's cost for managing eDiscovery in-house. It's clear that there are a lot of components involved that vary from one business to another, but they're all the same in what makes them complex and costly.

Variability

ESI comes in all shapes and sizes: structured data like email and PDFs, rich media like audio and video, and unstructured data like Slack and Facebook. To work with terabytes of data that was never intended to be used outside of its original context, purpose-built software, expertise, and ample computing power is required. Often, a variety of specialty software applications must be licensed to carry the data through each stage of the EDRM, plus accommodate for any unique needs of the

data (automated language translation, in-video speech recognition, audit logs, etc.)

Scalability

Organizations have more data on more devices than ever. Authorized users need constant, secure access to data from any location. Workloads vary (sometimes unpredictably) and need to be flexible. To control cost at scale, vendors make heavy upfront investments in large server environments, data centers, and experienced professionals to manage it all.

Security

eDiscovery data is sensitive. Beyond the protective measures taken within the context of the data (privilege logs, redactions, etc.), physical, administrative, and technical protections must be put into place to meet compliance requirements and avoid a [data breach](#) (via hacking, [misconfiguration](#), etc.). These protections include things like access and identity management, data encryption, antivirus, and guarded data centers.

Uptime

Applications like Relativity showcase the power of relational databases and distributed architecture, but their strength is also their weakness. So many moving parts can make it difficult to keep everything working as it should. Not to mention, lawyers don't sleep and neither do their service providers. Therefore, the system needs to run smoothly 24/7/365.

Further Reading

An eDiscovery technology timeline: "[Can eDiscovery Keep Up With Us?](#)"

Another breakdown of cost: "[Why is Hosting Data in Relativity So Expensive?](#)"

The Hidden Cost of Document Review

A 2012 study by [RAND.org](#) stated that 73% of eDiscovery costs are attributed to document review. What it doesn't say is how document review comes to be that expensive in the first place.

Though some may think the cost of document review hinges on the rates paid to document reviewers, it's more affected by data processing. The way data is processed prior to review (the efficacy of technology and workflows used) is the driving force behind the cost. For example:

- Workflows that initially “over-collect” data dramatically increase the number of documents to review.
- Inefficient processing fails to properly cull irrelevant documents from the population, thus increasing the review count.
- The failure to apply Technology Assisted Review (TAR) can make review more expensive than it needs to be.

In other words, the more efficiently data is processed, the less document review will be necessary, and the less money will be spent.

The Solution

Purpose-built hardware

Legacy hardware couldn't meet eDiscovery's performance and scalability demands, so Oasis constructed machines from the ground up. Servers and hardware made to handle intensive workloads were sourced from best-in-class providers like Dell and HPE. Not only could this equipment handle heavy processing, but it could also scale to accommodate the size of any workload. The servers were housed in [Switch](#), one of the US's most advanced data centers, which guarantees 100% uptime.

A secure, hosted cloud

Oasis hired industry veterans to build a cloud environment made for eDiscovery. It acted like a public cloud by sharing storage and compute resources among tenants but leveraged private cloud infrastructure by isolating tenants through virtual local area networks (VLAN). Then, Oasis licensed a collection of industry-leading [eDiscovery software](#) and hosted it in the cloud, making more tools available to more teams than ever before—without the licensing investment.

An enterprise security program

Housing servers in Switch had benefits beyond uptime: heavy-duty physical security including thick concrete and steel construction, armed guards, monitored surveillance, man traps, and more. Oasis added to this by undergoing certification for various accredited security standards (like [ISO 27017](#) and [ISO 27018](#)) which would bolster their secure configuration and information security management system (ISMS). Then, Oasis created a proprietary defense-in-depth security program to cover all data (Oasis and client), all hosted applications within their environment, and the environment itself. It included data encryption, granular access controls, activity logs, the latest in antivirus detection and prevention software, and a laundry list of other protective measures.

A smart team of people

There was a significant learning curve for IT, security, and eDiscovery professionals when it came to the technical challenges presented by eDiscovery, so Oasis sought out experts in specific fields (eDiscovery software specialists, database engineers, etc.) to remove that burden from clients. This team, comprised professionals in eDiscovery, IT, information security, support, and development, had the knowledge, experience, and skills to manage it all.

Plus, the team was tasked with teaching clients to become power users in all the hosted eDiscovery applications by providing them with demos, custom workflows, and training documentation.

Integrating these solutions created an infinitely scalable, highly efficient eDiscovery platform—one that didn't inflate document review costs or host technology on an outdated or insecure platform. For Oasis clients, the benefits were clear: they could avoid paying for procurement and management of hardware and software, have the latest technology available to them (while only paying for what they used), lower their security risks, and have a full team of experts supporting them along the way. While Oasis' cost was slightly higher than the industry average, it saved companies money in the long run by removing heavy upfront investments, reducing overhead and outsourcing costs, and increasing overall efficiency.

Leveraging the Oasis Solution

There are a variety of situations well suited to leverage Oasis' eDiscovery solutions, regardless of a company's position in its eDiscovery journey. The most dramatic cost savings are reported from those who have migrated all business data to Oasis from on-prem models, as they were able to offload hardware and software management entirely. However, benefits are also seen by those using Oasis as one pillar within their multi-cloud strategy, leveraging its privacy for sensitive workloads, or its performance for intensive workloads. Other use cases include:

- Reducing spend on DIY cloud products like AWS and Azure
- Centralizing and organizing scattered eDiscovery data

- Reducing the cost of document review with better workflows and technology
- Updating legacy systems to meet modern demands
- Gaining per-workload ITAR, HIPAA, or other authorizations for compliance requirements
- Standardizing the technology and workflows used in the eDiscovery process
- Developing custom scripts and workflows to meet case requirements
- Reducing time spent managing and troubleshooting eDiscovery software
- Making eDiscovery workloads highly available and scalable
- Streamlining eDiscovery contracts and expenses
- Adding specialty eDiscovery tools for advanced capabilities

Conclusion

The cost of eDiscovery can be complicated. By focusing on what makes eDiscovery work—the right technology and people—Oasis has successfully found a way to simplify and reduce costs, enabling eDiscovery vendors to place all their attention on the legal aspects of eDiscovery—not the technicalities.

Since beginning to provide this solution in 2012, the Oasis team and its client base have grown extraordinarily. They've earned the reputation of being "the vendor to the vendors" by serving hundreds of clients with custom eDiscovery solutions, and have been able to apply similar solutions to complexities in other industries to reach the same effective results.



About Oasis

Focusing on performance and compliance, Oasis builds and manages custom private clouds that integrate high-performance hardware, network infrastructure, cybersecurity, and a variety of managed services. Oasis' comprehensive and purpose-built cloud solutions are fit for eDiscovery and other challenging workloads. Learn more or contact us at oasisdiscovery.com.



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