

## Compliance Readiness – Legal Service Providers

# A Case Of The Whole Being Greater Than The Sum Of The Parts

The Editor interviews **Karen Schuler**, Vice President, Consulting Practice Group of ONSITE<sup>3</sup>.

**Editor:** Please describe your role at ONSITE<sup>3</sup>.

**Schuler:** The goal to engage me by ONSITE<sup>3</sup> was to serve our clients with offerings in the areas of discovery management, discovery reengineering, litigation readiness, document retention and destruction, and technology management. This goal extends to growing a national consulting practice that assists clients with our current offerings in eForensics, eDiscovery and eReview and expands our current offerings to additional corporations and law firms.

Before joining ONSITE<sup>3</sup>, I served the U.S. SEC as a forensic examiner and had worked for multiple companies in the areas of electronic discovery and computer forensics. In addition, for several years, my company in Pittsburgh focused on computer forensics, data recovery, technology delivery, electronic discovery, and security solutions.

**Editor:** Please define the marketplace in which you operate.

**Schuler:** ONSITE<sup>3</sup> operates in two primary markets – the legal (law firm) market and the corporate market. We also have a third, smaller focus on government contracts, but we are very selective in terms of the types of projects that we undertake.

On the legal side, we assist attorneys and e-discovery practice groups within law firms in regards to managing their large cases, which is probably best known as discovery management. We also assist with smaller cases, but the majority of our time involves managing the discovery portion of large and complex litigation. In addition, we assist our clients with their regulatory requests to ensure that they are providing the population of responsive data required.

On the corporate side, we also support our clients by managing their e-discovery needs as well as assisting them with their proactive, upfront work that can lead to the prompt discovery and segregation of electronically stored information (“ESI”). This work entails identifying our client’s data locations, cataloging and mapping that information, and looking at their ESI globally so that we can account for all facets of data. In effect, our proactive offerings provide our clients benchmarks and the tools to reengineer their discovery processes if necessary.

Our litigation readiness and document management offerings help clients prepare for litigation in cases typically for serial litigators where regular requests for discovery are commonplace within the company. Corporations realize that the amendments to the Federal Rules of Civil Procedure require them to prepare for litigation by identifying data locations, mapping network and email locations, and properly documenting this information prior to a “meet and confer” meeting. As consultants, we are also at their behest once litigation begins to speedily meet the demands of their adversaries. Our proactive and reactive services help our client to understand and address the response phase as well as the preparation phase.

Additionally, to elaborate on our proactive service offerings, we routinely provide technology management services to clients, primarily corporations, to allow them to bet-

ter manage their infrastructure with an understanding of the legal discovery world. While technology groups understand the need to maintain a network or infrastructure for business purposes, ONSITE<sup>3</sup>’s consultants work with the technology group to address the often-overlooked legal discovery and regulatory requirements associated with ESI. The marriage of the two enables our clients to better prepare for their business, disaster recovery, business continuity, retention, and legal discovery requirements.



**Karen Schuler**

**Editor:** What is the challenge of this marketplace?

**Schuler:** One challenge is cost. Many organizations have long been burdened with the costs of responding to legal discovery requests. Many do not have their discovery entities centralized – this becomes an issue when an organization needs to collect data or preserve data based on a discovery request, because our clients are typically not sure where the data resides in possibly multiple offices and from hundreds of users. A third challenge is the technological complexity that faces organizations, which in turn leads to a need to understand how organizations are handling their email servers and how they are storing data. Do organizations use portals, enterprise-content management systems, databases, ERP systems, or even instant messaging? These are complex issues and an organization must decide what is reasonably accessible data that it must provide versus inaccessible data that cannot easily be produced.

**Editor:** Why is meeting this challenge so essential?

**Schuler:** What it comes down to is the cost that organizations are willing to bear to better manage their responses to legal discovery and ultimately to maintain their corporate governance. When organizations attempt to meet their legal and compliance objectives, they need to assess how best to fulfill these two fundamental requirements and bring together the necessary storage and mailbox management systems, including consideration of how to access their historical data and handle disaster recovery issues. Often, when an organization focuses on its business needs, the legal discovery and corporate governance will actually fall into place naturally, as many of the same systems can meet all these requirements if properly implemented.

**Editor:** What are the potential solutions for meeting the challenge?

**Schuler:** There are multiple options available right now, and this really represents another challenge faced in the market today. There are just so many segmented options that do not bring everything together in one package that it becomes overwhelming for most organizations to decide what to implement and how. We at ONSITE<sup>3</sup> can provide assistance by tying together all the business needs within an archiving solution linked to an enterprise e-discovery solution. This does not necessarily mean implementing a software solution. It could mean providing

an annual type of management solution for compliance needs as well as a legal discovery solution. Our goal is to integrate a holistic solution that is both easy to use and easy to understand for the people managing it internally. We also seek to streamline all the various workflows so that different elements can work together efficiently, instead of as disparate or opposing processes. Our aim is to create solutions that enable our clients to search their own data and to be able to show due diligence in their approaches to data storage. In addition, the possible savings that will accrue with an annual or comprehensive solution versus a segmented approach will be manifest.

**Editor:** Are you also describing individual scanning or separate archiving operations?

**Schuler:** We start with a primary objective toward electronically stored information, including email messages and attachments, ERP systems and databases. We do account for hard copies as well but we find that most of our clients rely more on electronic data for discovery purposes, and so we want to ensure we provide a diligent methodology for treating this electronic data.

**Editor:** How do you test whether the system is doing the job?

**Schuler:** We have an initial interview where we inquire into what an organization’s current methodology is. We can also test the organization’s approach to handling its data and have at times found glitches in their installed internal systems. Often a patch may need to be updated on the software or a troubleshooting analysis conducted. Commonly, when we find these kinds of issues, we give our clients a resolution to their problem and provide recommendations for how they can move forward.

We also have specific applications that our clients can use, but we also offer an entire service which affords a *complete* solution using our experts in addition to our technology. This approach is really the best method to allow organizations to improve management of their legal discovery and compliance needs.

**Editor:** How do professional services help?

**Schuler:** If done right, the client will not realize that our consultants and professional service providers are on the premises. Our professionals should be able to interact seamlessly with the internal group and build those relationships to make sure that we are answering the questions that need to be answered.

**Editor:** Why did ONSITE<sup>3</sup> decide to establish a Consulting Practice Group?

**Schuler:** Clients had been requesting consulting services for some time. From our sponsorship and participation in the E-Discovery Corporate Forum, which consists of 100 representatives from top *Fortune* 200 companies and brings together corporate counsel and e-discovery teams, the forum has allowed us to hear about the struggles these organizations are having in order to address e-discovery issues as well as changes in the law. With ONSITE<sup>3</sup>’s expertise and the growing client need, it was clear that a consulting practice group would provide considerable benefits to our existing

and prospective clients.

**Editor:** What is your portfolio of offerings from the Consulting Practice Group?

**Schuler:** We have two major offerings for discovery and technology management. Within the discovery practice, we help law firms respond to their large, complex litigation needs. A number of services fall under the discovery management umbrella, including for example the proactive side of helping corporations with litigation readiness planning and document retention and destruction policies. We also provide training in one and two day packages. If a company needs to be brought up-to-speed and already has an internal team, we can introduce the most recent changes and adaptations that might be applicable. Often a manual of information is also provided for ease of reference by the client.

On the technology management side, because we have professionals with such strong e-discovery backgrounds, we work to assist technology groups within law firms and corporations to better manage ERP systems and desktop solutions. We also provide dedicated legal teams and e-discovery teams to ensure success for our clients.

**Editor:** Why is a complete service offering – eForensics, eDiscovery and eReview and now consulting – of such benefit to clients?

**Schuler:** These service offerings provide a single, well integrated program. Our 15 years in the business of traditional discovery, then moving into electronic discovery, gives ONSITE<sup>3</sup> an advantage for our clients. Our strong background bundled with our forensics and review tools, featuring powerful searching capabilities, can provide a one-stop shop for our clients’ litigation needs. In addition, we have people on our staff with unparalleled reputations in the industry, which really means a lot to our many clients. The type of interaction we have between our groups is just something that you do not find in a lot of other companies, where our people are happy to work together and are constantly talking about what is best for our client. We want to make sure that moving forward we continue in this vein. ONSITE<sup>3</sup> has really become a valuable resource in the industry that people can turn to, even for an answer to a simple question or for a small piece of advice.

**Editor:** Is there anything that you would like to add?

**Schuler:** One of the major driving forces behind the creation of ONSITE<sup>3</sup>’s consulting practice group, beyond our clients’ requests for information and assistance, is simply the knowledge that email applications are now storing as much as 75 percent of the intellectual property for many of today’s organizations. This knowledge also supports the notion that for litigation, regulatory and compliance needs, the information an organization has in its electronic files may be the single, most valuable aspect of an organization’s assets. On the compliance side, there is also a need to address regulations as set forth by the SEC, NASD and Sarbanes-Oxley. All these factors are driving client needs of data management and represent why many organizations look to us as consultants to help them address near term challenges and to proactively prepare for future requirements.

Please email the interviewee at [kschuler@onss.com](mailto:kschuler@onss.com) with questions about this interview.