

8 WAYS TO CONTAIN THE COST AND RISK OF LITIGATION

8 Ways

- 1 Get your (information) house in order
- 2 Know how long to keep your information
- 3 Bring some processes in house
- 4 Look for a complete solution from a single vendor
- 5 Have a defensible data gathering plan
- 6 Identify and scan high-risk information in advance
- 7 Ensure secure chain of custody
- 8 Make a plan to apply technology

Ensuring an effective and timely response to litigation requests has never been more critical to corporate success. But as the costs, frequency and stakes associated with the discovery process continue to rise, many organizations struggle to strike the ideal balance between litigation-related expenditures and organizational risk.

What's needed are tools that help you manage the request and discovery processes and effectively supply evidentiary data for pending litigation. These solutions can help you review hardcopy records to locate and digitize relevant documents so they can be processed more efficiently for legal review. However, such technology must be employed within the greater context of a comprehensive and legally defensible program that includes defined and consistently applied records management policies, according to a retention schedule – and preservation with effective management of legal holds.

As such, it's important that your organization draw upon best practices to define a program that meets its specific needs. Working with a knowledgeable partner that offers the right portfolio of litigation support software, services and expertise can speed your journey to a stronger, defensible records management program. With more than 55 years of experience helping organizations manage information, Iron Mountain stands ready to help.

Having helped dozens of firms improve litigation response processes, we've compiled eight best practice tips for containing the cost of litigation preparation and response, while minimizing your organization's risk exposure.



1 GET YOUR (INFORMATION) HOUSE IN ORDER

It's no secret that companies of all sizes in all industries are creating and storing more documents, in more formats, than ever before. Gaining control of your information has always been sound business practice, but given today's increasing regulatory and compliance pressures, it's never been more important. And, knowing what physical and digital assets you have - and where they can be found - is critical when litigation occurs.

2 KNOW HOW LONG TO KEEP YOUR INFORMATION

Every official record has a lifespan, some longer than others. It's vital that your organization develops and implements a sensible and legally credible retention schedule that defines how long various records must be retained while considering relevant legal, regulatory, business and compliance obligations. Doing so helps to reduce data volumes - by disposing of certain items per the schedule - while ensuring you can produce the right information when needed. Oftentimes, there are industry or federally mandated guidelines for these schedules. In some cases, it's just good business to retain certain records. If you don't have a retention schedule or need help developing one, seek out external experts and consultants for guidance.

3 BRING SOME PROCESSES IN HOUSE

General Counsel and corporate legal teams must find creative ways to contain legal costs. Functions that were traditionally performed by outside counsel, such as conversion of physical records to digital for review purposes, can often be more efficiently and cost-effectively handled by an information management service partner. These providers can achieve greater cost savings and deliver consistent national coverage versus the more regional, niche vendors. If the provider already stores your physical records, the improved chain of custody reduces risk while saving on transportation and delivery costs.

4 LOOK FOR A COMPLETE SOLUTION FROM A SINGLE VENDOR

Choosing an integrated solution improves regulatory compliance, reduces the complexity of the discovery process, improves response time and helps mitigate the high cost of litigation. In addition, a comprehensive program gives you enhanced accountability across all phases of the litigation process with greater speed and accuracy. Plus, you get the assurance that your solution provider can scale up or down to meet your needs.

5 HAVE A DEFENSIBLE DATA GATHERING PLAN

In most cases, parties in litigation have 99 days or fewer to confer about what data must be preserved and to produce it. When litigation requests arrive, organizations must create a plan for finding and collecting information that can be implemented quickly and is legally defensible. To be successful, General Counsel, IT and Records Management should all be involved in the development and implementation of such a plan. By leveraging records management software, you will be able to classify information for streamlined access, consistently manage retention policies to reduce the amount of data that needs to be searched and apply holds to ensure preservation. Reducing the volume of information required for review also minimizes legal fees, which can easily be \$100 per hour or more.

6 IDENTIFY AND SCAN HIGH-RISK INFORMATION IN ADVANCE

Many organizations have begun digitizing their physical records to streamline storage and access processes. The benefits of this approach are better management, greater levels of compliance and less risk – not to mention faster access to information. But, one of the biggest benefits is the ability to identify high-risk documents, which can then be pre-loaded into a discovery platform before litigation. This approach provides greater processing and review efficiencies, as well as cost savings.

7 ENSURE SECURE CHAIN OF CUSTODY

The handling of sensitive records and information involved in discovery may be critical to the outcome of your case. It is essential that you establish a comprehensive chain of custody, so you know where that information is at all times. If you choose a partner to manage your information, they should be able to provide the same or greater levels of security and peace of mind as you would. Failure to do so can be extremely costly in financial terms, and has the potential to damage your organization's reputation.

8 MAKE A PLAN TO APPLY TECHNOLOGY

There are many tools that promise to deliver a complete solution for litigation support, but technology alone is not the answer. You can maximize the return on technology and process investments by creating a litigation readiness plan that reflects the expertise and best practices of a trusted partner. A true solution partner will give you capabilities, such as conversion services, and valuable consulting to help solve even the most complex litigation challenges.





ABOUT IRON MOUNTAIN. Iron Mountain Incorporated (NYSE: IRM) provides information management services that help organizations lower the costs, risks and inefficiencies of managing their physical and digital data. Founded in 1951, Iron Mountain manages billions of information assets, including backup and archival data, electronic records, document imaging, business records, secure shredding, and more, for organizations around the world. Visit the company Web site at www.ironmountain.ca for more information.

© 2010 Iron Mountain Canada Corporation. All rights reserved. Iron Mountain and the design of the mountain are registered trademarks of Iron Mountain Incorporated in the U.S. and other countries and are licensed for use by Iron Mountain Canada Corporation. All other trademarks and registered trademarks are the property of their respective owners.
