ADAPTING E-DISCOVERY TECHNOLOGY FOR PROACTIVE USES

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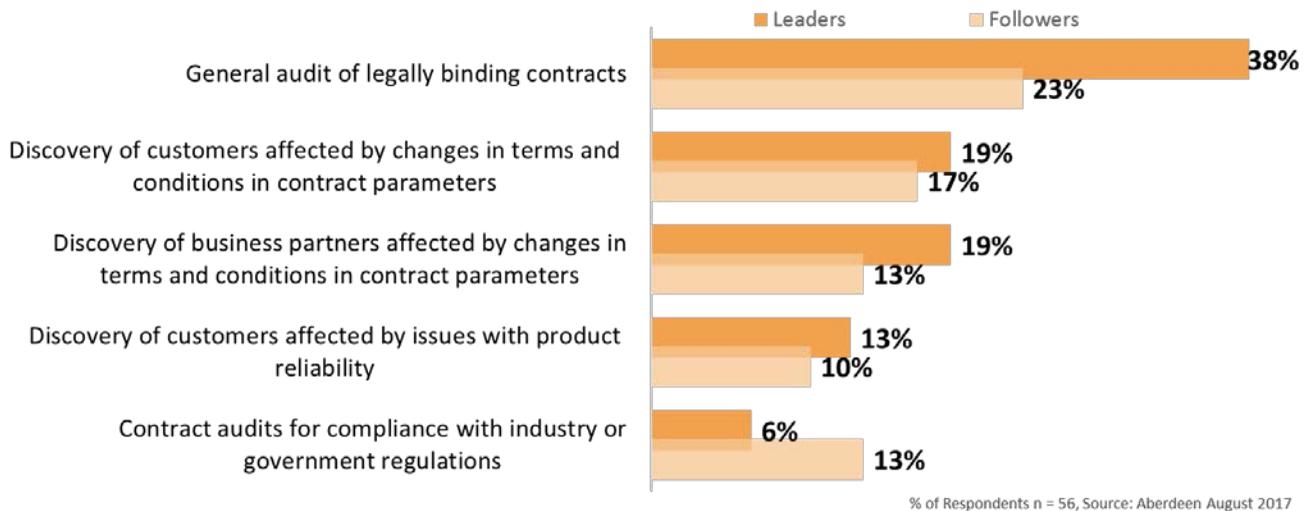
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Companies have an opportunity to better leverage their investment in e-discovery technology to get ahead of the impact of business change and perform periodic contract audits. To do so, legal teams need some independence from their IT organization, as they will not want to be too reliant on them if they expect to be successful at these efforts.

Leading organizations have a considerable advantage in performing audits of contracts.

While it is tempting to think of e-discovery software as the tool you hope to never use, companies use it proactively to help legal teams and their peers ensure good and effective corporate behavior.

Just under half of organizations, or 47%, use their e-discovery applications proactively to assess risk and perform audits, in addition to using it reactively to manage the discovery process in a legal matter. Aberdeen has determined that these companies, particularly when they use them for audits, are more likely to be market leaders in areas of customer retention, customer satisfaction and revenue growth.
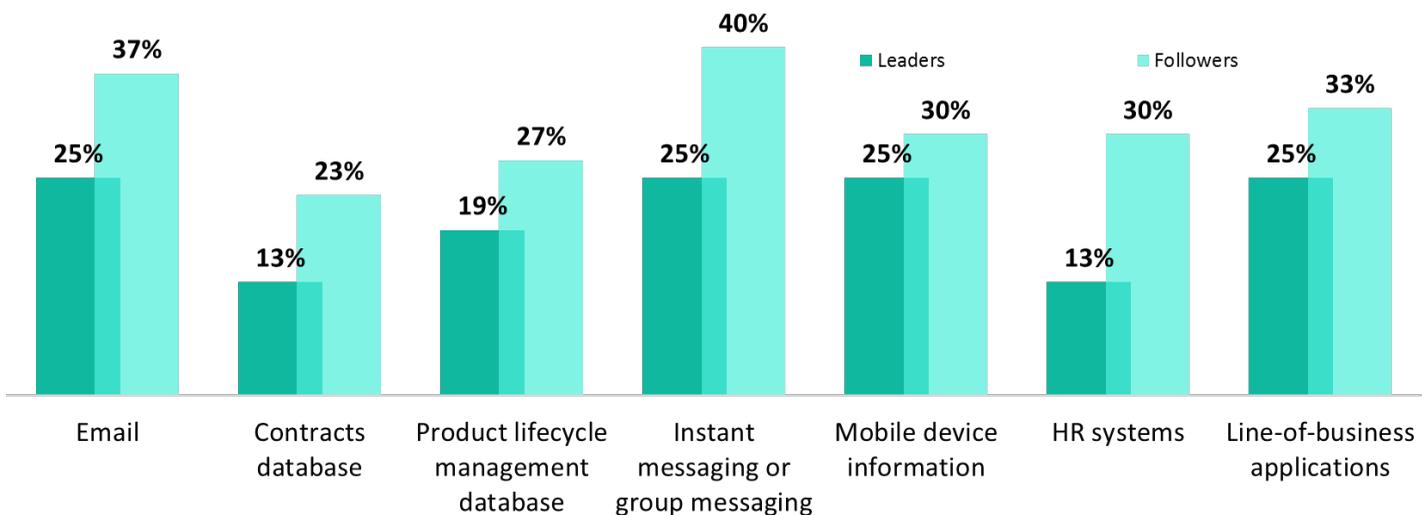
Figure 1: Scenarios for Proactive E-Discovery Usage

% of Respondents n = 56, Source: Aberdeen August 2017

By far, organizations cite the need to perform audits on existing contracts as the reason they proactively use their e-discovery platform, with 24% of respondents indicating that usage. A significant gap exists between market leading organizations, defined as Leaders, and other organizations, described as Followers. Leaders are 61% more likely to do this type of analysis than Followers (see figure 1, previous page). They are also 41% more likely to use e-discovery to research how changes to terms and conditions will affect business partners. When it comes to researching product issues, Leaders are 25% more likely than Followers to use e-discovery.

Why do legal teams use e-discovery products proactively? The answer is because they can do so without asking for much help from IT organizations. The legal teams at Leader organizations tend to be more proactive and less dependent on IT for getting access to the data they need to review with the e-discovery platform (see Figure 2). Of course, given that legal teams focus mainly on the proactive review of contracts, it's no surprise that they outperform other organizations when it comes to independent access to contracts databases and human resources systems. Leaders are 46% less likely to need IT to help perform e-discovery operations on data from the contract database. Furthermore, they are 56% less likely to need IT help to perform e-discovery analysis on HR systems data.

Figure 2: Organizations that Always Require IT Help Accessing Discoverable Data

% of Respondents n = 56, Source: Aberdeen August 2017

The report, "*Strategies to Improve the Performance of EDiscovery Teams*", explores this data more closely, but Leaders have considerable advantages when it comes to IT independence related to e-discovery analysis on critical communications and IT systems.

We recommend organizations be more proactive in their use of their e-discovery platforms, as this helps identify risk, allows legal teams to identify and share best practices, and helps prepare the business for the impact of change on existing partner and customer relationships.

About Aberdeen Group

Since 1988, Aberdeen Group has published research that helps businesses worldwide to improve their performance. Our analysts derive fact-based, vendor-neutral insights from a proprietary analytical framework, which identifies Best-in-Class organizations from primary research conducted with industry practitioners. The resulting research content is used by hundreds of thousands of business professionals to drive smarter decision-making and improve business strategies. Aberdeen Group is headquartered in Waltham, Massachusetts, USA.

About TotalDiscovery

TotalDiscovery is a highly secure, legally defensible web application used by corporations, law firms and government agencies to manage the complex requirements of document preservation and discovery.

TotalDiscovery provides enterprise-class features to simplify legal hold management, data and document preservation, and the discovery process overall. To learn more, visit totaldiscovery.com.

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