



# ReduceMail Pro e-Discovery *A Lawyer's Guide*

A White Paper from Avalon

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## Introduction - Taming the Non-Paper Tiger

Over the past several years, there has been enormous growth in electronic documents in the enterprise. All organizations have adopted the paperless office to some degree and are now creating and maintaining most of their business records electronically.

While there are many advantages to this approach, there are major disadvantages from a legal standpoint. First, back in the day of paper, many fewer documents were created. Now, there are many, many documents pertinent to every business transaction, investigation, compliance issue, and litigation. In the modern organization, it is easier to create and maintain records than to throw them away. Second, records management in the time of paper was relatively straightforward and easy to follow by most business actors. Paper files were maintained in file cabinets and archived in warehouses where they were, mostly, available to auditors and litigators. Now, electronic documents are less well-managed in the typical enterprise, with data residing in various electronic systems and platforms, sometimes on obsolete systems, sometimes on personal hard drives and thumb drives.

Finally, when paper was the rule, when a litigation, investigation, or compliance audit began, the lawyers could simply visit the key employees and the paper archives and remove the boxes of paper and put them in the “war room” to be reviewed. Now, legal must rely on the IT department to help locate and gather the relevant documents. This creates a host of challenges: the IT workers speak a different language from the legal staff that is hard to understand, IT creates access issues even if they have the time to help you, and there is a lack of certainty that all of the relevant documents have been located and collected.

Outsourcing of these e-discovery functions comes with its own headaches. Besides the cost, the organization can lose control over the process. Data can be vulnerable to loss, leaks, or misappropriation. And you still can't be sure the job of locating all relevant documents is being done right.

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## **ReduceMail Pro e-Discovery – The In-House Solution**

We understand your concerns about data management and search. That's why we created our in-house discovery tool, ReduceMail Pro e-Discovery. Leveraging our knowledge of Notes email management (archive, delete, search), we developed an advanced search tool that can be utilized by in-house counsel to search email throughout the enterprise. The system allows you to place legal holds, search for relevant email, gather the relevant documents along with their metadata, and defend these searches through a complete audit trail. This tool can be used by the legal department with only basic training by the IT department and utilizes basic hardware for simplicity and cost-effectiveness.

It is truly Early Case Assessment Anytime technology.

### **Lotus Notes Mail 101 - What Every Lawyer Should Know**

Lotus Notes is a state-of-the-art mail system owned by IBM and currently in use by approximately 40% of corporate email users. It is a client-server system where the client is referred to as "Lotus Notes" and the server as "Lotus Domino." When Notes was introduced close to twenty years ago, the initial reason for its popularity and widespread adoption was the concept of "replication" which allows the identical mailfile to exist both on a server and on a local computer. A travelling sales force could work remotely on the road and generate new emails, look over old emails and when they were able to connect to a corporate network, send the new mails and synchronize their laptop email with the server email.

A second reason for its popularity was that it was a new kind of "database" that allowed documents to sit in a file folder that could be organized in a variety of ways – much like a paper file drawer. Thus Lotus Notes became more than mail - databases were made for administrative tasks like invoice receipt and tracking. Because Notes also included a mail component, invoices could be sent around via email, signed by the various approvers and organized in ways that made the business process streamlined.

A third reason for its popularity was the templates that came with Lotus Notes. "Discussion" databases were the predecessors of today's social networking. Contact databases allowed you to manage contacts and have those contacts integrated into your mail system.

Lotus Notes has mailfiles both on mail servers and on local desktops. A server is a central computer that runs all computer applications and also hosts some data. Most organizations have separate mail servers that operate the mail system. These servers send and deliver all mail to individual email "boxes" or mailfiles which reside on those mail servers. There are also local exact copies of the mailfiles referred to as "replicas". Each individual desktop mailfile contains the same mail information as the server as long as it is connected to the network. When the individual desktop is disconnected from the office network the mail continues to be available but is no longer an exact replica of the mailfile on the server. The

next time the desktop is connected to the network the two replicas synchronize.

When an e-Discovery matter presents itself and RMP e-Discovery is deployed, it works on the server mailfiles. It sets a legal hold, preventing the end users from manipulating the mail. In addition, the tool helps identify additional locations where mail might have been placed by the user, an all too common phenomenon. Once those locations are known, those repositories can be searched as well, to give you a complete picture of all data.

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## How Our System Works

### *Early Case Assessment*

ReduceMail Pro e-Discovery is an excellent early case assessment tool because:

- it targets email, the most important set of documents in today's litigation environment
- it is simple to use and reuse as often as necessary to cull the correct information from your company's email data store
- its reporting on the search, audit trail, and custodial legal hold is thorough and accurate while being affordable and doable for most organizations

### *Legal Hold and Collection – The Start of the ReduceMail Pro e-Discovery Process*

Once the legal department determines that email must be preserved for various actors within the organization for the purposes of affirmative or defensive litigation, RMP e-Discovery can be deployed to hold the email of those actors. RMP e-Discovery, via use of our simple interface, allows you to enter the names of the custodians of the suspected relevant email, then removes the ability for the email of those actors to be deleted. That means that neither the custodian of the email (a person) nor the IT department (which could potentially be running a deletion product) can delete the email.



Legal Hold screen. The supervising attorney selects custodians that are the subjects of legal hold and implements the legal hold and/or sends a notification to the custodians.

Next, RMP e-Discovery allows you, via our easy-to-use interface, to notify the “owners” of the email and the IT department of the existence of the legal hold. The advantage to this, rather than notifying first and then holding, is that spoliation is reduced if those email custodians wanted to tamper with the email before it is collected.

After hold and notification, RMP e-Discovery allows you to collect the relevant email by copying the documents either onto a thumb drive or a separate desktop. This can be done also over remote networks for offices located far away with the speed dependent on the remote network speed. The copy contains all metadata and is otherwise an exact replica of the mail that resides in the individual’s datastore. Once the copies are retrieved, RMP e-Discovery begins the search. The entire process of legal hold, notification, and collection can be done in one day.

Legal Hold | Notification

**Subject line (keep empty if you do not want to send a notification):**  
『 Legal Hold: Please keep your records from now on 』

**Body content:**  
『 Please do not even think about deleting anything 』

**Notify the following staff:**

- Alan Jones
- Albert Jones
- Aldridge Jones
- Bob Jones

Notification screen. All custodians can be notified or not, according to the wishes of the supervising attorney.

### The Search Process

Once the documents have been collected, RMP e-Discovery goes to work locating relevant information. A full-text index is added to the database to allow for rapid searching based on keyword, phrase, and Boolean searches. RMP e-Discovery finds the relevant documents using the index, and it places copies of the documents in a separate database, including the metadata. The documents are organized by case name and by keywords used in the search. The result document states how many documents were found using a given keyword; if none were found, it reports none. The results report will list keywords and phrases used to search, number of documents identified, and also lists phrases or keywords that were actively omitted from the search.

<b>Search results file name:</b>	searchresults.nsf
<b>Keywords / phrases:</b>	IBM Blackberry "book return"
<b>Search window start time &amp; date:</b>	
<b>Search window end time &amp; date:</b>	
<b>From:</b>	*
<b>To:</b>	*
	<input type="checkbox"/> Search SendTo field only
<b>Limit search to:</b>	<input checked="" type="checkbox"/> Body <input type="checkbox"/> Attachments
<b>Type of keyword search:</b>	<input type="checkbox"/> Related words, not exact match <input type="checkbox"/> Use stem words <input type="checkbox"/> Use thesaurus synonyms
<b>Remove duplicates:</b>	<input checked="" type="checkbox"/> DeDuplicate
<b>Exclude spam marked mail:</b>	SpamSentinelMsgType="Spam-D"

Search screen. The legal staff can search the collected mailfiles for specific content.

The search process can also uncover the need to expand the search for relevant documents to other custodians not considered in the original search. This is because RMP e-Discovery will list the sender and recipient in its results report and flag those not included in the custodial list. The whole RMP e-Discovery process can then be repeated to include the identification, collection and search of mail documents from the newly discovered custodians.

Once the documents containing the relevant search terms are located and copied, the database can be sent to outside counsel for review.

### ***Defensible Audit Trail***

First and foremost, the product provides an audit trail for legal hold. The product demonstrates when and to whom legal hold notices were sent and helps produce this information as a useful attachment to an attorney affirmation, if needed, for court submission. In addition, all legal holds can be managed by counsel from the RMP e-Discovery interface, which gives counsel the opportunity to see exactly which mailfiles where deletions were prevented and were subject to collection and when.

Date of notification	Case name	Type	Custodians	Date of legal hold	Notification	Return receipt
05/10/2010 04:26:19 PM	Smith vs. ABS Corp	Legal hold	Jim Smith, Martha Smith	05/10/2010 04:26:19 PM	Please retain all correspondence you have with Google	Jim Smith Martha Smith
05/14/2010 02:31:15 PM	Jones vs. ABS Corp	Legal hold	Jim Jones, Martha Jones	05/14/2010 02:31:15 PM	Please retain all correspondence you have with our competitor	Jim Jones Martha Jones

*Legal hold audit trail screen.*

Once the keyword searches are performed, RMP e-Discovery produces a report on which words and phrases were used, which collected mailfiles were searched and when. This report can also be provided as an attachment to an attorney affirmation, if needed.

Date	Case name	Custodians	Keywords & phrases	Documents found
05/10/2010 04:28:52 PM	Smith vs. ABC Corp	Jim Smith Martha Smith	"Unfair determination" -rental	12
05/10/2010 04:30:44 PM	Jones vs. ABC Corp	Jim Jones Martha Jones	"Unfair determination" -rental -auto	3

*Search audit trail screen.*

### *Location of Potential Outside Data stores*

Many workers within typical organizations archive their email to local archives or automatically forward their mail to their personal email accounts. This means that the central location of the mail managed by the IT department may not be the only place email resides. This opens up the possibility that different email content is located in the personal archives than the one located in the central email data store.

RMP e-Discovery helps you determine whether such private stores might exist by scanning the appropriate mailboxes for signs of private archiving. This includes where the archives may reside and the amount of data they may contain. Depending on the location and format of those outside data stores, RMP e-Discover can be deployed to search them for relevant content.

### *Easy to Implement and Use*

RMP e-Discovery is a simple tool to deploy right in the legal department with limited intervention from IT. The product is installed onto regular desktop hardware with a Lotus

Notes client. It can be installed on as many desktops as needed (one for every senior legal staff member, for example). It has an interface similar to that of a Lotus Notes mailfile.

RMP e-discovery includes dashboard-style management of all features. This includes determining when and for whom a legal hold was established, when legal hold reminders were sent out, what keywords were searched and when and when data was copied to the repository for further review.

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## ReduceMail Pro Archive and Delete - Preventative Maintenance for Your Organization

Once an audit, investigation, or litigation has been successfully completed, the legal department and the organization it represents can often want to put the unpleasantness behind them and look to the future. However, several important lessons are often learned the hard way. Take some time to consider upgrading document retention for your organization to simplify the next event.

Consider the following:

- implementation of a document retention policy – including deleting unnecessary email. This reduces the amount of email that has to be reviewed in the future, as well as limits exposure to malicious content if done on a regular basis
- careful study of the ROI of email archiving can be helpful. In addition to simplifying the e-discovery process, it can pay real dividends in reducing storage costs and improving the performance of your email system
- use RMP Archive instead of email quotas. Consider the costs of having employees manage their own email versus an automated system. Besides the lost hours of time of highly compensated workers moving email into folders, some especially clever workers will simply copy their entire mailfile onto a thumb drive or their hard drive, going around any obstacle you can erect in their way. These behaviors can spell real trouble for future litigations, as you will lose control over important company data which may end up outside the physical perimeters of your organization.

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## Conclusion

The new e-Discovery landscape developed over the last few years has created many new challenges and opportunities for mail management in the enterprise. While the task of producing mail documents for litigation, subpoena response, investigations, and compliance may seem daunting, ReduceMail Pro e-Discovery helps enterprises with Lotus Notes mail effectively meet these challenges in a cost-effective manner. Our other mail management tools help create a healthy mail environment for optimum mail and server performance.

For more information about ReduceMail Pro e-Discovery and other ReduceMail Pro products, please contact:

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