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# Market Radar: E-Discovery

## Reducing the cost and risk of discovering content

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# Summary

## Catalyst

E-discovery should be a priority for enterprises. The number of litigation cases is on the rise and industry- and country-specific regulations are being introduced on a regular basis. At the same time, content volumes are continuing to grow at an exponential rate, resulting in the starting point for discovery projects typically running into the millions or even billions of documents, with the end result being as little as a single document. E-discovery is not about performing a simple search using an enterprise search engine; specialist tools are required that provide a high degree of automation to the task, reducing manual review to a minimum. At a time when CIOs are expected to do more with less, and it is no longer possible to throw unlimited budget at discovery, specialist e-discovery tools should be implemented to provide a cost-effective solution to the problem of discovering content and data.

## Ovum view

A majority of enterprises will encounter litigation requiring the disclosure of information, or regulatory compliance with the need to address discovery requests, and many will encounter both. Large enterprises typically have multiple cases or matters in progress at the same time. Enterprises therefore need e-discovery tools, but it is too late to start implementing a solution once a request for disclosure has been received. Enterprises must be proactive toward e-discovery and put tools in place before any requests are received.

Enterprises have plenty of choice when it comes to selecting e-discovery tools. The marketplace is well served by vendors; while most are specialist vendors that just provide e-discovery capabilities, there are also multiple product vendors that provide e-discovery as part of a larger product set. This group includes enterprise content management (ECM) vendors that added e-discovery to their portfolios, in an attempt to offer end-to-end information management platforms. This variety of choice means that enterprises should be able to select a product that provides a close fit to their requirements.

The introduction of the General Data Protection Regulation (GDPR) in the European Union (EU) in May 2018 is already having an impact on the e-discovery market, with vendors reporting that clients are discussing how e-discovery tools can help them to comply with the regulation. With enterprises having to report data breaches quickly, and also needing to respond to subject access requests (SARs), it is imperative that they have full visibility of their data and content at all times, and are able to respond to discovery requests speedily. If ordered to delete data referring to an individual, they must be able to prove that they have deleted all copies of the data. Ovum's ICT Enterprise Insights program for 2017–18, based on interviews with more than 6,300 senior IT executives, found that just under 10% of enterprises do not have any e-discovery provision, and in Europe the figure is more than 10%. These figures suggest that a significant minority of enterprises are not prepared for GDPR, and are not able to process discovery requests or handle litigation disclosure requests.

With litigation cases on the rise and the introduction of GDPR coming up, e-discovery is a lucrative market. Forecast growth for the e-discovery market varies from just under $8bn in 2016 to in excess of $19bn in 2021, with growth rates in the double digits.

## Key messages

- Information should be controlled and managed before e-discovery tools are implemented.
- Identification of content of interest can provide an idea of the cost and scope of a case or matter.
- Look for automation in applying legal holds.
- Make sure content can be collected from all sources and devices.
- Use processing to ensure that content is grouped correctly to reduce the review effort further down the line.
- Technology and automation are the keys to effective review.
- Analytics should be applied at different stages of the e-discovery process.
- Content needs to be made available to a court, opposing counsel, or regulator.

# Recommendations

## Recommendations for enterprises

Consider the deployment model that best fits your requirements when selecting an e-discovery platform. Not all vendors provide a complete range of options. Deployment options available include on-premises; software-as-a-service (SaaS), either hosted by the vendor or a partner; a hybrid solution that combines on-premises with SaaS; or an appliance.

E-discovery vendors do not all provide the same capabilities. Some vendors provide end-to-end capabilities, while others specialize on a subset of functionality. Therefore, consider carefully the capabilities required. Ensure that solutions that are shortlisted can search and collect from all of your applications regardless of whether they are on-premises or cloud-based. It is also important that collected content can be exported into solutions used by external law firms used for the review process.

The older content is, the more expensive it is to discover, and the greater the risk that it will be used in litigation. As part of an information governance strategy, examine the content that is being retained, perform a risk assessment on it, and delete all content that has no value to the organization and does not need to be retained for compliance purposes. Reduce the risk of litigation by performing this content assessment on a regular basis. In addition to reducing risk, a regular cull of unwanted content also reduces the volume of content that needs to be searched when discovery requests are received.

## Recommendations for vendors

Ensure that professional services are available to help enterprises implement e-discovery platforms, but also to help them get up and running with their first e-discovery project. Consider working with partners that provide expertise in specific vertical industries and that can provide connectors to industry-specific applications.

Make sure that enterprises that need e-discovery facilities are not priced out of the market. Provide as many prebuilt capabilities such as templates, questionnaires, and workflows as possible and simplify the implementation process so enterprises need less external help with the implementation. Ensure

that the products are easy to use, to minimize the amount of training required. Offer cost-effective deployment options such as SaaS, either directly, or by working with partners.

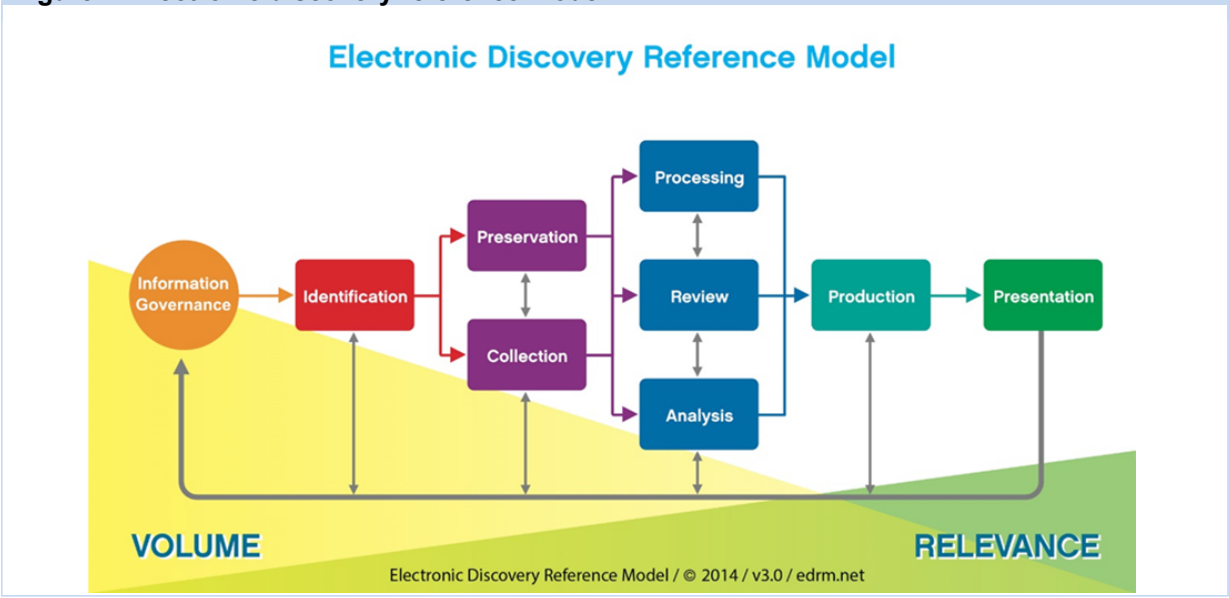
If supplying SaaS solutions, ensure that data sovereignty is adhered to at all stages of the process. This is especially important if the content has to be exported to an external legal firm for review.

# Defining and exploring e-discovery

## Definition and characteristics

Most e-discovery vendors adhere to the electronic discovery reference model (EDRM), which lays down guidelines on how the e-discovery process should proceed. The model provides a number of stages that should be undertaken in order to produce a final set of relevant documents for a court or regulator.

**Figure 1: Electronic discovery reference model**




Source: Duke Law

Although the EDRM is broadly a linear model, there is no fixed order in which the stages need to be undertaken. It is also an iterative process, so having identified a set of documents and reviewed them, it might then be necessary to go back to the identification stage using new search criteria to locate additional documents. The stages of the model are as follows:

- **Information management –** Managing the vast quantity of content that organizations typically have from the initial creation or acquisition of content to its final disposition. Most organizations use ECM products to manage their information.
- **Identification –** Identifying potential sources of electronically stored information (ESI) that may contain information that will be required when a request is received and determining its scope, breadth, and depth.
- **Preservation –** Putting electronic holds on ESI to ensure that it is not deleted or tampered with until the matter is complete or the information is deemed to be not relevant.

- **Collection –** Gathering ESI for further use in the e-discovery process such as processing and review.
- **Processing –** Reducing the amount of ESI and converting it, if necessary, to forms to make it easier to review and analyze.
- **Review –** Evaluating ESI for relevance and privilege. This is typically performed by legal teams. Review tools often contain learning engines to automate much of the process.
- **Analysis –** Evaluating ESI for content and context, including key patterns, topics, people, and discussion. Analytics are a key tool in determining relevant content.
- **Production –** Delivering ESI to others in appropriate forms and using appropriate delivery mechanisms.
- **Presentation –** Displaying ESI before audiences (at depositions, hearings, trials, etc.), especially in native and near-native forms, to elicit further information, validate existing facts or positions, or persuade an audience. Few e-discovery vendors offer presentation solutions, and these are typically provided by specialist vendors. However, e-discovery vendors are normally able to export documents to presentation solutions.

These are not rigid stages and they are not always undertaken in the order in which they are listed. Vendors often provide a separate module for each stage, and there may be an overlap in functionality between the modules, with some features being available to multiple modules.

The EDRM is generally split into two sections by e-discovery vendors, which are described as the left-hand side and the right-hand side of the model. This reflects the fact that the e-discovery process is typically split into two, with a division of labor between internal staff and external law firms. The left-hand side of the model comprising identification, preservation, and collection is generally performed internally by an enterprise's own staff, while the right-hand side of the model, consisting of processing, review, analysis, and production is typically outsourced to external counsel or a law firm.

Not all e-discovery vendors provide end-to-end capabilities, with some specializing on the left-hand or the right-hand side of the model. By the same token not all enterprises handle e-discovery in the same way. While many undertake the first stages of the process internally, there are some that choose to outsource the entire process. Similarly, some enterprises have the resources to carry out the entire process internally, using their own counsel. To address this, some vendors provide end-to-end capabilities. However, there is another scenario in which an end-to-end solution is preferable. Some enterprises do not wish their content to move outside of the firewall unless it is required for litigation, and they prefer external reviewers to log in to their systems to review the documents inside the firewall.

# Key capabilities

## Information should be controlled and managed before e-discovery tools are implemented

The first stage of the EDRM, information governance, is provided by ECM vendors. Some of these, including OpenText and IBM, also provide e-discovery tools, and claim that this enables them to offer true end-to-end e-discovery. Information governance involves the management of unstructured content such as documents, emails, images, audio, and video. Using an ECM system improves visibility of the content, enabling enterprises to better manage their content, and allows policies to be applied to ensure that content that should be retained for compliance purposes is retained, and that it

is deleted once it reaches the end of its retention period. Applying analytics to content provides insights, and enables managers to assess its value, potentially deleting content that is not used and has no value to the enterprise. ECM applied properly can help to reduce the volume of content that enterprises have, and therefore the risk of litigation. E-discovery vendors should support a wide variety of ECM repositories as data sources for their identification and collection tools.

## Identification can provide an idea of the cost and scope of a case or matter

The first stage of a discovery request is to identify content of interest that may be relevant to a case or matter. A wide variety of sources should be accessible including: Windows file systems, SharePoint servers, Exchange email servers, Lotus Domino and Notes, PST, NSF, archives, ECM repositories, and records management repositories. As employees increasingly store corporate content on mobile devices, smartphones should also be searchable with support provided for iOS, Android, Blackberry, and Windows phones, as well as iOS, Android, and Windows tablets. However, not all vendors provide support for mobile devices, so this is a differentiator to look out for. Integration should be provided with line-of-business and HR systems, and again this is not always provided.

Users should be able to initiate searches across all supported data sources on a number of criteria, such as by custodian and email threads, to ensure that all related documents are found. Configurable workflows and templates should be available to help create custodian questionnaires, which can be saved and reused, and this is an area where vendors can provide prebuilt templates. Authentication and single sign-on for custodian questionnaire responses should be provided for ease of use, and escalations for custodian requests supported. It is important that an estimation of the cost of discovery is achieved early in the process, and a useful feature to look out for is discovery cost tracking as well as cost forecasting. Also important is a risk-benefit analysis, which helps determine whether it is worth settling a case or matter out of court.

## Look for automation in applying legal holds

The first step in the preservation stage is to apply a legal hold to content of interest to prevent it from being deleted. Legal holds should be applied automatically, but ensure that the software integrates with HR and directory systems, so that legal holds can be applied to all content pertaining to a custodian. In-place capabilities are useful to allow e-discovery and investigations to be performed on content without having to move it to a dedicated repository. Legal holds should be available at a granular level based on criteria such as keywords. Prepopulated templates for automated notifications of holds to be sent to custodians are a useful feature, and are again a feature that vendors can provide to speed up the process. A range of reports such as active/inactive holds and evaluating potential collection points help administrators gauge the scope of the task.

## Make sure content can be collected from all sources and devices

The first task in the collection process should be to index and categorize the content. As some solutions allow a precollection process that identifies possible content for review and allows different search criteria to be used to achieve the best result set, it is important to be able to index the content in place. Content needs to be collected from a range of sources including local workstations, remote workstations, network shares, email servers, laptops, smartphones, tablets, databases, cloud sources, SharePoint Servers, ECM repositories, records management repositories, email archive systems, backup devices, social media, text messages, instant messaging, video, audio, collaboration tools, and websites. Ensure that shortlisted solutions support all sources that will be collected from. Because content is changing or being added to all the time, some content will invariably be missed on

the first pass, so ensure that recurring, incremental collections are supported to collect this new or changed data. Look for a wide range of search techniques to ensure that content can be located such as: wildcard search, Boolean search, proximity search, fuzzy search, concept search, keyword search, linguistic pattern recognition, full text search, metadata search, faceted search, natural language processing, and stemming search. In addition, forensic tools are useful to allow in-memory or partially deleted content to be identified and collected. Reports can provide insight into the progress of the collection process by showing all information in a single view, providing analytical charts and tables of the status of the collection. If nonresponsive content is eliminated from the results, the volume of content to be reviewed is greatly reduced. An important capability is for searches to be saved so they can be used in future cases, and for collected content to be saved in a dedicated repository so that it can also be reused in future cases without having to be collected again.

## Use processing to ensure that content is grouped correctly to reduce the review effort further down the line

Processing is generally regarded as the first stage of the right-hand side of the EDRM model, and it is often outsourced to external law firms. The first task is to arrange the collected content for review. To this end, it needs to be filtered by a range of criteria such as: custodian, date, file type, file size, sender domain, sender name, recipient name, language, tags applied, message or file errors, predictive coding ranking, or classification policy. Look for automated classification based on predefined policies, as this will help to group documents for review. If preprocessing is available, analytics should be included at this stage to analyze and cull documents on criteria such as custodian, timeline, and file type. Audio files are admissible as evidence and should therefore be supported throughout the discovery process. However, not all vendors provide audio support.

Although using ECM efficiently can eliminate duplication of content in the ECM repository, there are still multiple copies when backups and disaster recovery provision is taken into consideration. As these sources should be included in the discovery process, it is important that deduplication is included in the e-discovery tool. Extensive support for languages, including automatic language identification, is important, as the document sets relevant to a case or matter are often not in a single language, particularly in multinational companies.

The application that created a document is not always available, especially if the review process is outsourced; therefore, a viewer to display documents without the native application being present is a must-have feature. Redaction is another vital feature, which will become even more widely used when GDPR is introduced. Although redaction can be applied at various stages, it may need to be applied during processing to prevent reviewers from accessing sensitive data that is not relevant to the case, such as personally identifiable information (PII). Users should be able to redact across an entire data set rather than document level, and automatically redact keywords, phrases, and personal information not relevant to the case or matter. Consider a solution that automatically stores a copy of the content in its redacted form, so that it can be used in future cases with the same content redacted.

## Technology and automation are the keys to effective review

The review process is generally undertaken by lawyers and paralegals, sometimes internally in very large enterprises, but generally using external firms. If the first stages of the e-discovery process have been carried out efficiently, the volume of documents to be reviewed will have been drastically reduced, sometimes in excess of 80%. However, review can still be a lengthy process, and the number of documents can still run into the tens or hundreds of thousands. Technology is key to

reducing the review workload. Technology-assisted review, predictive coding, and machine learning are all terms used for technology that can add automation to the review process and greatly reduce the number of documents that need to be manually reviewed. Reviewers should be able to train the software to locate specific types of content. Predictive coding should provide a configurable percentage accuracy score to reduce the amount of manual review. It should use a continuous machine-learning model, and for efficiency, should be integrated into the workflow.

Reporting is an important capability where technology is used to aid the review process, and dashboards should be available to show the review accuracy, as well as the progress of the document review process and the productivity of individuals or groups of reviewers. Visualizations are useful for review criteria, such as timelines, heatmaps, geolocation models, relationships, and relevant concepts. Sampling may be required as part of the review process. To improve the review process, near-duplicates should be identified with the differences highlighted, with users able to configure the similarity threshold. If similar documents are grouped together, the number of documents in need of review can be reduced to only a few.

## Analytics should be applied at different stages of the e-discovery process

Many of the features in the review and analysis stages of the EDRM are interchangeable, as analytics are applied to simplify and speed up the review process. Analytics can also be applied in other stages of the model, especially in preprocessing, where it can be used to help identify relevant and nonrelevant documents to reduce the volume of documents to be reviewed.

Analytics should be applied to criteria such as custodian, discussion, concept, and participant to create an initial training set for machine-learning engines. Content analysis, similarity analysis, and variant analysis are useful features, but are not available in all solutions. A wide range of search techniques should be available, including: concept search, linguistic pattern recognition, full text search, metadata search, faceted search, natural language processing, keyword search, Boolean search, fuzzy search, stemming search, wildcard search, proximity search, keyword expansion, and phonetic audio search. It is important that a complete audit is provided of all search criteria used and the results sets produced, as this will form part of the final document set. Visualizations of the relationships between senders and recipients is a useful feature, as is analysis of the frequency of communications between custodians when putting together documents for a case. Full chain-of-custody documentation should also be provided. Patterns and trends in content should be visualized, and a full set of reports should be available to show file types, document timelines, communication networks, and relationships.

## Content needs to be made available to a court, opposing counsel, or regulator

Production allows content to be put into a format where it can be presented to a court, opposing counsel, or regulator. It is important that multiple formats are available for export, and it is useful if export templates are provided. Bates stamping is also useful for applying sequential numbering to documents. Batch production should be supported for large document sets, with customizable load file creation during export. Burned-in redactions prevent content that should remain private from being viewed in the public domain. The content needs to be in a format where it can easily be read, particularly if there is a large document set.

The capabilities provided by production modules is often sufficient for a court or regulator, but if complex presentations are required, a presentation product may be required. These are mainly

provided by specialist companies, and they allow users to create presentations for an audience. Most e-discovery vendors do not provide capabilities in this area.

## Business value and applications

A number of use cases have defined the e-discovery marketplace. E-discovery has been designed to help enterprises search for content as a result of requests either for litigation or by a regulator. A discovery request can commence with millions of documents stored in a variety of repositories, and the final outcome can be as little as a single document, but to get there all documents need to be processed.

The rise in the number of regulations is increasing, with GDPR due to be implemented in May 2018, which will impact all organizations that do business in the EU, regardless of where they are located. This is likely to result in an increase in the number of subject access requests received by enterprises, which need to be addressed, and if enterprises are asked to delete information about an individual, they need to ensure that they locate and delete every copy of the information, including backups.

The use of e-discovery can be used to estimate the cost and risk of a matter or case, and it is frequently used to locate content that can be damaging to opposing counsel, which in turn often results in cases being settled before they reach court.

Using e-discovery to assess the value and risk posed by content and deleting content that has no value is increasingly being used as part of an information governance strategy.

Without the use of e-discovery tools it would take vast resources and very long periods of time to manually review millions of records, and it would be impossible to ensure that all relevant content had been discovered.

# Market landscape and participants

## Market origin and dynamics

The origins of e-discovery can be traced back to small vendors that provided specialist applications to automate and help the process of discovering and reviewing documents. In the early days of e-discovery, it was not unknown for defendants in litigation cases to produce CDs or tapes full of content for the other side to go through themselves. The danger of this approach was that there were often smoking guns, which resulted in the defendant paying more to settle the case than had been asked for originally.

In the early 2000s, many organizations incurred large fines due to an inability to disclose information; one such organization was Morgan Stanley, which incurred several fines due to an inability to locate emails. In many cases, the size of the fine was lower than the cost of discovering the information. That situation has now largely changed, with enterprises putting in the products required to help them discover content to address requests. Some large enterprises have litigation cases ongoing on a continuous basis, and therefore need permanent staff whose sole role is to handle e-discovery.

This increased demand for products to help find content has resulted in a large number of vendors providing e-discovery solutions. Many of these are specialist, single-product vendors, but large ECM and information management vendors have moved into this lucrative area by acquiring specialist vendors.

# Key trends in the e-discovery market

The e-discovery marketplace is continuing to grow. Ovum's ICT Enterprise Insights program for 2017–18 found that more than 45% of respondents had plans for either a strategic investment or minor investment in e-discovery tools in the next 12 months. This shows there is still plenty of business for the vendors, as demonstrated by the forecast growth rates for the industry, which are in the double digits. The introduction of GDPR is likely to result in more enterprises investing in e-discovery technology.

Machine learning and predictive coding will develop further to provide more automation in the e-discovery process, and increase the accuracy of the results, the aim being that a smaller proportion of documents will need to be manually reviewed. Advances in analytics will also benefit e-discovery, particularly as both OpenText and IBM play in this area, and both have major projects in which they are developing their analytics capabilities in areas such as text analytics.

Deployment models are becoming more flexible, with some vendors offering a range of options, including on-premises, SaaS, and a hybrid approach. Some vendors offer the solution entirely as a SaaS option. The advantage of this approach is that enterprises do not need to worry about the hardware and infrastructure that it runs on. In many cases, the content does not leave the enterprise's data center until it is collected, and using preprocessing capabilities, much of the nonresponsive content can be eliminated prior to collection. This approach suits enterprises that have occasional discovery requirements, as payment is often on a pay-per-case basis. However, many larger enterprises are beginning to show interest in the cloud, and some e-discovery vendors have many existing customers migrating to a SaaS model.

Some enterprises want to keep control over their content for the entire process, and they may choose an on-premises software solution, and provide external counsel with login credentials to review the content inside the firewall. For enterprises that have many litigation cases, an on-premises solution may be preferable. A hybrid solution is also often available, where the enterprise has an on-premises solution, but if it has a very large case, or a number of simultaneous cases, instead of adding additional infrastructure, it may use a SaaS solution for the additional capacity it requires. When the additional capacity is no longer required, it reverts to its on-premises–only solution.

Another deployment model offered is an appliance, where all of the software and licenses are delivered on an appliance. It is quick to set up (as with a SaaS version), but it has the benefit of the content remaining on-premises.

# Future market development

E-discovery is here to stay. While there may be some acquisitions by vendors in other technology areas, a healthy number of specialist vendors will remain in the market. We have already seen some large acquisitions with larger vendors such as IBM, OpenText, and Veritas entering the sector. There may be more consolidation as vendors that provide solutions that address part of the EDRM join together to provide end-to-end solutions, to compete more effectively against vendors that already provide end-to-end capabilities. The EDRM has become the de facto model for e-discovery, which virtually all vendors follow. E-discovery is like looking for a needle in a haystack, and e-discovery products have become very good at finding that needle.

Analytics is an important area of e-discovery, and vendors are extending their products in this area, particularly around machine learning and predictive coding, to increase the accuracy of the engines

and reduce the number of documents that need to be manually reviewed. Some e-discovery vendors started life as analytics vendors, moving into the e-discovery space as an application for their technology, and it is possible that more analytics vendors may expand into e-discovery.

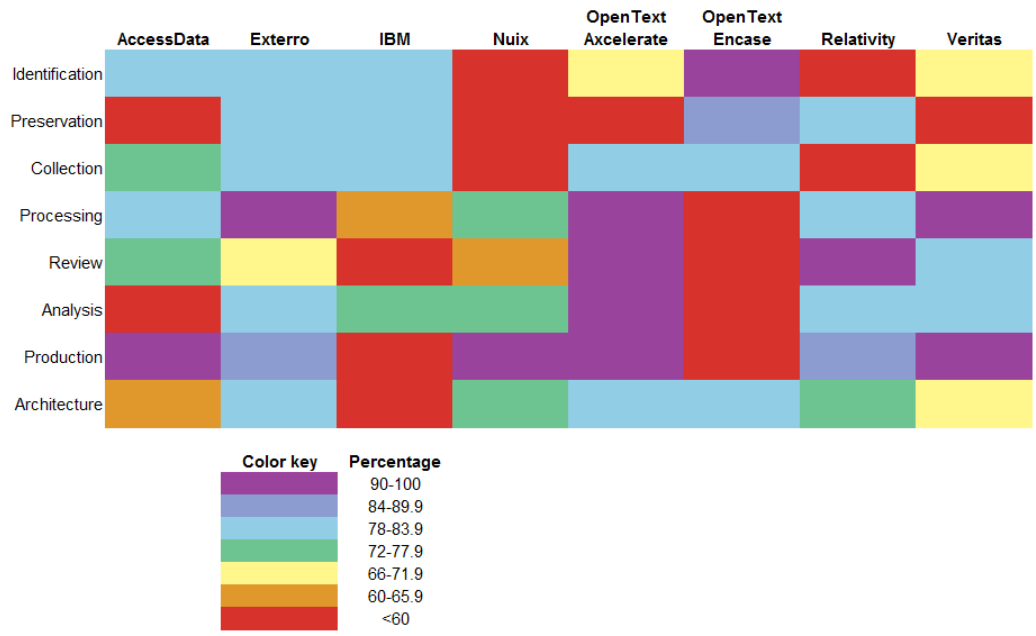
# Vendor landscape

The vendors and products featured in this report are:

- **AccessData –** AD eDiscovery 6.3, Summation 6.3, and Mobile Phone Examiner Plus
- **Exterro –** Exterro Orchestrated E-Discovery Suite 5.3
- **IBM –** IBM E-Discovery Portfolio
- **Nuix –** Nuix eDiscovery Suite
- **OpenText –** OpenText Axcelerate 5.13
- **OpenText –** OpenText EnCase 6.01
- **Relativity –** RelativityOne, Relativity 9.5
- **Veritas –** Veritas eDiscovery platform v9.0

Figure 2 below is a heatmap for e-discovery, which is not meant as a comparison, but rather highlights the relative strengths of the vendors featured in the report in each area of the EDRM. Each vendor has more extensive capabilities in some areas of the model than in others, which reflects the fact that vendors have expanded the scope of their solutions, having originally specialized in a few stages of the model. In some cases, vendors partner with third-party products to provide capabilities in areas of the model where they do not have any functionality, to enable them to offer end-to-end solutions.

**Figure 2: Ovum heatmap for the e-discovery market**




Source: Ovum

# Vendor SWOT assessments in e-discovery

## SWOT assessment: AccessData, AD eDiscovery 6.3, Summation 6.3, and Mobile Phone Examiner Plus

### Summary

#### *Catalyst*

Over the past few years, e-discovery has risen up the agenda of enterprises as the number of regulations and legislation, as well as litigation cases, continues to increase. Selecting e-discovery tools is not straightforward. A wide variety of e-discovery tools are available to address the different needs of enterprises. Virtually all tools follow the EDRM, which provides a framework of the various stages that enterprises need to undertake to successfully complete an e-discovery request. AccessData provides end-to-end capabilities with its portfolio of products: AD eDiscovery, Summation, and Mobile Phone Examiner Plus.

#### *Key messages*

- AD eDiscovery provides an end-to-end solution for e-discovery from identification to production.
- Summation provides a subset of AD eDiscovery functionality providing capabilities in the processing, review, analysis, and production stages of the EDRM.
- Included in the e-discovery solution is Mobile Phone Examiner Plus, which allows more than 7,000 mobile phones and smart devices, including iPhones, iPads, iPods, Android devices, and BlackBerrys, to be searched for relevant content.
- Extensive early case assessment (ECA) capabilities are included in the platform.

#### *Ovum view*

Some e-discovery vendors provide capabilities in either the left-hand or the right-hand side of the EDRM, to reflect the way in which many enterprises divide up e-discovery projects, with the left-hand side of the model (identification, preservation, and collection) performed internally, and the right-hand side of the model (processing, review, analysis, and production) outsourced to legal firms. AccessData takes a different approach and provides end-to-end capabilities with AD eDiscovery, which will appeal to any organization or legal firm carrying out the full e-discovery process, or enterprises that want to retain control of the entire process and have external reviewers log in to their systems. Summation is a subset of AD eDiscovery, which includes processing, review, analysis, and production. It is most likely to be used by legal firms that receive documents to review from organizations, that have done the initial search themselves, and have created collections of information to be reviewed.

### Recommendations for enterprises

#### *Why consider AD eDiscovery and Summation?*

AD eDiscovery provides a single, fully integrated platform that provides enterprise-wide preservation, legal hold, search, collection, processing, data assessment, legal review, and production. Connectors to external sources allow AD eDiscovery to collect information from a wide range of repositories including Content Server (OpenText), Exchange, Office 365, FileNet, and Gmail Corporate/Admin. Mobile Phone Examiner Plus allows users to easily collect and view the data that is stored on mobile devices, which is an important feature because corporate content is now routinely stored on

smartphones and tablets, and the introduction of the General Data Protection Regulation in 2018 will make it even more critical that enterprises know where all of their content and data is stored.

## SWOT analysis

### *Strengths*

**Data and content is collected from a wide range of sources –** Connectors are provided to more than 30 data repositories including Box, OpenText Documentum, Domino, Enterprise Vault, Exchange, Google Drive, Gmail, Microsoft Office 365, OpenText Content Server, SharePoint, and WebCrawler. AD eDiscovery also has a content management interoperability services (CMIS) connector, allowing it to connect to a wide range of ECM platforms and related applications. Agentless collections are enabled from these data sources. In addition, an integration with Brainspace allows users who own both Brainspace and eDiscovery/Summation to move data back and forth between the two platforms without the need for load file exports/imports.

**Searches and collects relevant content from mobile devices –** AccessData provides support for mobile devices, searching and collecting relevant content for review alongside other data. It supports more than 7,000 mobile phones and mobile devices, including iOS, Android, Blackberry, Windows Mobile, and Chinese devices. Its many features include one-click recovery of deleted data from both Android and iOS devices.

**A widget-based dashboard provides a top-level view of key functions –** A widget-based dashboard provides a view of the status of collection, processing, litigation holds, and document review jobs, with the ability to drill down to gain additional information. A real-time view of active users within the system is also available. In addition, interactive data visualizations allow relationships and custodian communication patterns to be identified.

**Extensive early case assessment capabilities –** Advanced searching is provided with hundreds of data filters, allowing data to be culled by custodian, data source, metadata, and type. Email threading and analytics are provided as well as custom tagging and bookmarking. Data can be exported to all industry-standard load files and EDRM XML.

### *Weaknesses*

**AD eDiscovery is not currently available as a fully managed service –** AD eDiscovery is an on-premises software solution, and is currently not available as SaaS, although this may be added in the future. Interest in cloud-based e-discovery solutions is increasing, so this would be a useful deployment option for AccessData to provide.

### *Opportunities*

**GDPR will provide additional use cases for e-discovery products –** The introduction of GDPR in the EU in May 2018 will impact any organization that conducts business in the EU, or processes personal data belonging to EU citizens. Adhering to the regulation will involve addressing in a timely fashion any subject access requests that are received. Under the terms of the regulation, enterprises may be ordered to delete information relating to a specific individual, and all copies of records or documents relating to that person must be destroyed, including backups. This will require e-discovery tools to discover all requested copies of content, which will provide AccessData with additional sales opportunities.

**Growth in civil litigation is providing opportunities –** Instances of civil litigation are growing, particularly in the US, which will provide additional opportunities for AccessData. Ovum expects the

number of litigation cases to increase in the rest of the world over the next few years, although this number is unlikely to reach the same level as in the US.

### *Threats*

**The e-discovery market is crowded with many vendors offering solutions –** Competition is stiff in the e-discovery market with many vendors providing products; some are specialist vendors, such as AccessData, that only offer e-discovery (and related) systems, while others, including tier-one ECM vendors, provide multiple products.

**Many organizations are not focusing on their e-discovery strategies –** Many organizations are failing to plan for e-discovery requests and are attempting to undertake the process using systems created in-house or a combination of commercial products that have not been specifically designed for e-discovery. Ovum's ICT Enterprise Insights program for 2017–18 shows that just under 30% of enterprises either have no investment plans for e-discovery or do not have any e-discovery solutions. E-discovery vendors need to persuade these enterprises of the importance of e-discovery in order to exploit this potential market.

## Data sheet

*Key facts about the solution*

**Table 1: Data sheet: AccessData**

| | | | |
|---|---|---|---|
| **Product name** | AD eDiscovery, Summation, Mobile Phone Examiner Plus | **Product classification** | Content management |
| **Version number** | 6.3 | **Release date** | AD eDiscovery, Summation, October 2017<br>Mobile Phone Examiner Plus, June 2017 |
| **Industries covered** | Any, but particular focus on law and legal departments | **Geographies covered** | Global |
| **Relevant company sizes** | All | **Platforms supported** | AD eDiscovery: Microsoft Windows Server<br>Summation, Mobile Phone Examiner Plus: Microsoft Windows and Microsoft Windows Server |
| **Languages supported** | Mobile Phone Examiner Plus supported languages: Arabic, Chinese, Dutch, English, French, German, Italian, Japanese, Korean, Portuguese, Russian, Spanish, Swedish, Turkish | **Licensing options** | Summation: Annual subscription<br>AD eDiscovery: Perpetual<br>Mobile Phone Examiner Plus: Annual subscription |
| **Deployment options** | On-premises, on-premises (managed), hosted (dedicated) | **Routes to market** | Direct, partners, resellers |
| **URL** | www.accessdata.com | **Company headquarters** | Lindon, Utah, US |
| **European headquarters** | London, UK | **North America headquarters** | As above |
| **Asia-Pacific headquarters** | Sydney, New South Wales, Australia | | |

Source: Ovum

# SWOT assessment: Exterro Orchestrated E-Discovery Suite 5.3

## Summary

*Catalyst*

E-discovery can be a fragmented process, with different stakeholders taking responsibility for each stage in the process. While the early stages of e-discovery are typically carried out in-house, review and analysis are usually outsourced to external law firms or service providers. This division of labor often results in multiple products being deployed to carry out the various stages of the e-discovery process. Exterro Orchestrated E-Discovery provides a single platform encompassing an end-to-end

solution that adheres to the EDRM. It can be deployed in the cloud as SaaS, hosted by Exterro, or implemented on-premises.

### *Key messages*

- Exterro provides a single unified platform for an end-to-end e-discovery solution typically deployed in the cloud as a SaaS solution or available on-premises.
- Employee Change Monitor informs an organization when employee statuses change (leave the organization, for example) and automates notification or system tasks to mitigate risk based on the implications for their content.
- Documents are only collected and stored once, regardless of the number of matters in which they are responsive. This facilitates reuse and a reduction in workload.
- Full search and analytics tools are available in processing content precollection, including concept search, facet search, fuzzy search, Boolean search, predictive coding, and email traffic analysis, which means that responsive data can be found earlier in the process.

### *Ovum view*

Early case assessment is an important part of e-discovery because it enables enterprises to estimate the cost and risk involved in a matter or case prior to its commencement. However, it can be time-consuming and expensive, and result in duplication of effort when content is finally collected during the e-discovery process. Exterro's approach is different because it enables content to be assessed before collection. Exterro is not the only vendor to provide an end-to-end solution, but unlike many of its competitors, this has not been achieved through acquisition. Exterro has built its entire solution, which means it has not had to integrate disparate products to create a suite. The advantage of an end-to-end solution is that content does not need to be exported to different products at various stages in the e-discovery process, and project managers have complete visibility of the entire process. In addition, external counsel can be given login credentials to access content for review that can remain behind the firewall.

## Recommendations for enterprises

### *Why consider Exterro Orchestrated E-Discovery Suite?*

Exterro Orchestrated E-Discovery Suite provides a unified approach to e-discovery that will be attractive to any enterprise that wants to keep tight control over the entire process. The precollection analytics enables responsive documents to be identified before collection. By processing documents during the precollection phase, nonresponsive documents can be eliminated before the collection stage proper, which reduces the number of documents that will eventually need to be reviewed. This will appeal to CIOs under pressure to reduce costs at a time when the frequency of litigation for many enterprises is increasing.

## SWOT analysis

### *Strengths*

**Exterro provides a single unified platform for e-discovery –** A single technology platform enables enterprises to carry out all e-discovery phases on a single platform, which provides complete visibility across the entire process. This lowers the cost of e-discovery as well as speeding up the process because content does not need to be moved between systems. Exterro refers to this as orchestrated e-discovery.

**Customizable workflows and process templates are available –** User-defined, automated workflows enable business rules to be applied to matters spanning all phases of the e-discovery process. Communication and collaboration can be enforced across legal and IT teams, service providers, outside counsel, and other stakeholders. Automatic issue resolution and task completion tracking are included to ensure that every step of the process is documented.

**Employee Change Monitor mitigates risk arising from changes in employment status –** Employee Change Monitor allows enterprises to take proactive steps to mitigate risks caused by changes to data stored in HR systems, such as an employee leaving the organization. In this case, a task could be issued to archive the employee's email box and back up their files or hard drive, an alert could be sent by the system to alert records management of the change in employment status, and the employee could be automatically released from any active legal holds.

**Privilege or confidentiality status can be applied once and pertain to all matters –** When documents are designated as privileged or confidential in one matter, the likelihood is that they will have the same designation in all matters. The status can therefore be applied once, and the designation will remain the same for all other matters. The same principle applies to redaction, whereby if a document is redacted for one matter, it will automatically appear in its redacted form for others.

### *Weaknesses*

**Content cannot be collected from social media, video, or audio sources –** Content can be collected from a wide range of sources and applications, but it cannot currently be collected from social media sites, video, or audio sources. This is important because these sources are now admissible in litigation and might need to be included.

## Opportunities

**Interest in the cloud provides an opportunity for Exterro to increase its market share –** The availability of Exterro as a SaaS solution provides an opportunity for the company. More than 95% of the vendor's clients are using the SaaS version of its software, and some of its on-premises clients are migrating to the cloud when they update to the latest version of the software. Exterro's multitenant solution offers a cost-effective e-discovery solution. The fact that the content can remain behind the firewall during the processing and filtering of data, with only case-relevant data stored in the cloud, should also help to allay security fears.

**Exterro can extend its network of service provider partners –** Exterro has begun to partner with service providers that deliver e-discovery services on top of the Exterro platform. This market provides a huge opportunity for Exterro to partner with service providers in specific vertical industries. These partners can add value by providing customized solutions with industry-specific templates and workflows that can help enterprises to speed up and simplify the implementation process, as well as the discovery process itself.

### *Threats*

**The e-discovery market is crowded with many vendors offering solutions –** Competition is stiff in the e-discovery market with many vendors providing products. Some, including Exterro, are specialist vendors that only offer e-discovery systems, while others, including tier-1 ECM vendors, provide multiple products.

**Many organizations are not focusing on their e-discovery strategies –** Many organizations are failing to plan for e-discovery requests, and are attempting to undertake the process using in-house-created systems or a combination of commercial products that have not been specifically designed for e-discovery. Ovum's ICT Enterprise Insights program for 2017 shows that just under 30% of enterprises either have no investment plans for e-discovery or do not have any e-discovery solutions. To exploit this potential market, e-discovery vendors need to convince these enterprises of the importance of e-discovery.

### Data sheet

*Key facts about the solution*

**Table 2: Data sheet: Exterro**

| | | | |
|---|---|---|---|
| **Product name** | Exterro Orchestrated E-Discovery Suite | **Product classification** | Content management |
| **Version number** | 5.3 | **Release date** | October 2017 |
| **Industries covered** | Global 2000 companies, e-discovery service providers, law firms (AmLaw 200 firms). | **Geographies covered** | Global |
| **Relevant company sizes** | Any | **Platforms supported** | Linux (Redhat 7.X and above, CentOS 6.0, Amazon Linux) |
| **Languages supported** | Multiple languages | **Licensing options** | SaaS, perpetual, service (per matter) |
| **Deployment options** | On-premises, hosted (dedicated), SaaS, hybrid on-premises/hosted | **Routes to market** | Direct, service provider/consultant |
| **URL** | www.exterro.com | **Company headquarters** | Beaverton, Oregon, US |
| **European headquarters** | Amsterdam, Netherlands | **Asia-Pacific headquarters** | Tamil Nadu, India |

Source: Ovum

# SWOT assessment: IBM's E-Discovery Portfolio

### Summary

*Catalyst*

Enterprises are facing a number of challenges, including the exponential growth in content, an increase in the number and types of cases of litigation, and a raft of regulations that they must comply with, some industry-specific, and others regional or country-based, including the GDPR. At the same time, enterprises are facing reductions in the budget available to address these challenges, which means that they must be much more efficient in the way in which they address the area of e-discovery. IBM has a portfolio of e-discovery products comprising StoredIQ for Legal, eDiscovery Analyzer, eDiscovery Manager, StoredIQ, and IBM Content Collector that provide custodian notification, interviews, data request management, collection and preservation, early case assessment, and legal review.

### *Key messages*

- Early case assessment through StoredIQ enables enterprises to estimate the cost and risk of disclosing content in a case or matter prior to the collection of content.
- Users are able to manage legal matters with features, including matter creation, hold notifications, data identification, and data collection and preservation.
- Relevant content can be indexed in place across more than 100 data sources. Data can be filtered according to type, location, or custodian to automate the collection or preservation process.
- IBM partners with FTI, using its Ringtail product to provide technology-assisted review in combination with linear review techniques to highlight the content most relevant to the matter.

### *Ovum view*

Most e-discovery products follow the EDRM, which lays down guidance on how e-discovery projects should be undertaken. Although some vendors provide end-to-end capabilities, others like IBM provide capabilities that are mostly on one side of the EDRM, which reflects the way in which many enterprises carry out e-discovery. The early stages of identification and collection are typically undertaken internally, and review, analysis, and production are generally outsourced to external counsel. IBM specializes in the left-hand side of the EDRM. It does provide some review and analysis capabilities from the right-hand side of the model, but it also partners with FTI and its Ringtail product to provide predictive coding, visual review, and production, which enables it to offer an end-to-end solution. This will appeal to enterprises that either want to carry out the entire e-discovery process or want to maintain tight control of the content in the review process by keeping the content behind the firewall and allowing reviewers to log in to the e-discovery system.

## Recommendations for enterprises

### *Why consider IBM e-discovery portfolio?*

Through its ECM portfolio, IBM is one of only a few e-discovery vendors that provide the information governance element of the EDRM, which can help enterprises to reduce risk by managing and controlling their content more efficiently. IBM's e-discovery portfolio also includes ECA, which allows users to estimate the cost and risks of disclosing content prior to collection. This can help to determine whether cases should be settled before they reach court and makes the portfolio a compelling option for CIOs who are expected to do more with less and are no longer able to throw unlimited amounts of budget at e-discovery.

## SWOT analysis

### *Strengths*

**IBM provides legal matter management –** Users are able to manage legal matters with features including matter creation, hold notifications, data identification, and data collection and preservation. A matters dashboard provides visibility of the complete list of matters, all matter notices, notice details, data requests, and associated statistics. The information in the dashboard can be filtered, searched, and sorted.

**Extensive data collection and preservation features are included –** Content can be searched and collected from more than 100 data sources including email servers, ECM repositories, file sync and share products, SharePoint, and archives. Potentially relevant content can be indexed in place and

content can be filtered by type, location, custodian, or content, which reduces the cost further along the e-discovery process and enables the collection or preservation process to be automated.

**IBM eDiscovery Manager provides comprehensive, defensible e-discovery search and preservation –** Searches can be made across multiple repositories and data types, with the ability to create cases to preserve potentially relevant electronically stored information (ESI) and manage it in place. An HTML viewer is included so that documents can be previewed for relevance if the native application is not available. Nonrelevant ESI can be culled, reducing the workload for reviewers further along the process. In addition, a full audit trail is provided of case activities to prove authenticity and chain of custody. The result set is produced in native, EDRM, XML, or other formats for review.

**StoredIQ for Legal is designed for lawyers and paralegals –** StoredIQ for Legal provides legal matter management, notification, interview, and data request management capabilities in a single solution. Its user interface has been designed to help data exports to identify, collect, and preserve matter-relevant data. Once collected, data can be made available to eDiscovery Analyzer to provide ECA, and/or it can be uploaded to a cloud environment to provide full review capabilities to internal and external counsel.

### *Weaknesses*

**IBM does not provide full review capabilities –** IBM provides limited review and analysis capabilities, but no production features. However, it partners with FTI to provide its Ringtail product, which is tightly integrated with the IBM portfolio and allows collected content to be imported to provide legal teams and outside counsel with technology-assisted review combined with linear review techniques.

### *Opportunities*

**GDPR offers opportunities to increase sales of e-discovery products –** The forthcoming GDPR in Europe will impact any company that carries out business in the EU or with citizens of the EU, regardless of where it is located. Enterprises will need increased insight into how their data and content is stored, managed, and secured. They must also be prepared to respond to subject access requests. IBM's analytics capabilities in its e-discovery portfolio are ideal for identifying sensitive personal information and ensuring that it is stored securely and anonymized to comply with the regulation.

**The e-discovery portfolio forms part of an extensive information governance solution –** E-discovery goes beyond just producing content to satisfy the requirements of litigation and regulations; there is a wider data governance issue. With its large portfolio of products including ECM and e-discovery, IBM is well placed to gain market share by providing the capabilities required to search through repositories looking for content that has no value to the enterprise – and can therefore be safely deleted – before it is required in a case.

### *Threats*

**The e-discovery market is crowded, with many vendors offering solutions –** Competition is stiff in the e-discovery market with many vendors providing products. Some are specialist vendors that only offer e-discovery systems, while others, including tier-1 ECM vendors such as IBM, provide multiple products.

**Many organizations are not focusing on their e-discovery strategies –** Many organizations are failing to plan for e-discovery requests and are attempting to undertake the process using systems created in-house or a combination of commercial products that have not been specifically designed for e-discovery. Ovum's ICT Enterprise Insights program for 2017 shows that just under 30% of enterprises either have no investment plans for e-discovery or do not have any e-discovery solutions. E-discovery vendors need to persuade these enterprises of the importance of e-discovery in order to exploit this potential market.

## Data sheet

*Key facts about the solution*

**Table 3: Data sheet: IBM**

| | | | |
|---|---|---|---|
| **Product name** | IBM Content Collector<br>eDiscovery Analyzer<br>eDiscovery Manager<br>StoredIQ<br>StoredIQ for Legal<br>FTI Ringtail (FTI) | **Product classification** | Content management |
| **Version number** | IBM Content Collector V4.0.1 FP6<br>eDiscovery Analyzer V2.2.2 FP2<br>eDiscovery Manager V2.2.2 FP2<br>StoredIQ V7.6.0 FP13<br>StoredIQ for Legal V2.0.3 FP2 FTI Ringtail V 9.2 | **Release date** | November 2014: eDiscovery Analyzer, eDiscovery Manager<br>August 2017: IBM Content Collector, StoredIQ for Legal, FTI Ringtail<br>September 2017: StoredIQ |
| **Industries covered** | Typically financial services, pharmaceuticals, energy, retail | **Geographies covered** | Global but typically North American, European |
| **Relevant company sizes** | Enterprise – Fortune 1000 | **Platforms supported** | Prepackaged virtual machines |
| **Languages supported** | StoredIQ for Legal is available in English (custodian communications can be crafted in a number of languages and it can identify and collect data in any language)<br>eDiscovery Analyzer/Manager is available in 32 languages | **Licensing options** | Perpetual, term |
| **Deployment options** | On-premises, on-premises (managed), hosted (dedicated) | **Routes to market** | Direct, accredited partner |
| **URL** | www.ibm.com | **Company headquarters** | Armonk, New York, US |
| **European headquarters** | Portsmouth, Hampshire, UK | **North America headquarters** | As above |
| **Asia-Pacific headquarters** | Singapore | | |

Source: Ovum

# SWOT assessment: Nuix eDiscovery Suite

## Summary

### *Catalyst*

Content volumes and types are growing at an exponential rate, at the same time that IT is expected to do more with less. Litigation cases and the number of regulations that enterprises have to comply with are also on the rise. This is driving a demand for e-discovery tools that are highly scalable and can handle extremely large numbers of documents. Nuix provides an e-discovery suite, which comprises Nuix Enterprise Collection Center, Nuix eDiscovery Workstation, and Nuix Web Review. Between them, these products provide processing, collection, culling, search, first-pass review/early case assessment, and production support. The Nuix product set is available as on-premises software, although it is also available as SaaS through partners.

### *Key messages*

- Unstructured and most structured data sources can be searched, interrogated, and actively managed using the Nuix suite.
- The solution has been designed for different types of users and use cases, each with their own interfaces, including detailed analysis by advanced users, factual analysis by subject-matter experts, or routine throughput by low-level analysts.
- ECA is supported, allowing enterprises to estimate the cost and risk of a case or matter before the collection of content.
- Nuix Portable Collector allows content to be collected on remote sites from laptops, desktops, and file shares running Windows, Mac OS, and Linux.

### *Ovum view*

Nuix provides solutions for investigation, cybersecurity, incident response, insider threats, litigation, regulation, privacy, and risk management. All of its solutions use the patented Nuix Engine, which makes it easier to implement multiple products and provides cross-sell opportunities for the vendor. Unusually, for an e-discovery vendor, Nuix is headquartered in Australia, with offices in the US, UK, Ireland, Singapore, India, and Germany. It has customers in more than 60 countries and more than 1,500 customers globally. It is a company that is growing and expanding its reach, and its mix of products makes it a compelling option for enterprises that want to be able to respond to incidents, threats, or litigation speedily. The e-discovery suite has been designed for speed, and is highly scalable, handling tens of terabytes of content and data per case, and multiple cases simultaneously, which will appeal to enterprises with large volumes of content to search, and multiple cases to handle.

## Recommendations for enterprises

### *Why consider Nuix e-discovery suite?*

Nuix's e-discovery suite adheres to the EDRM, and it provides some capabilities in all stages, although like all e-discovery vendors it is stronger in some areas than others. It is particularly strong in its ECA capabilities through the Web Review and Analysis solution, which allows users to access data early in the e-discovery process, drill down into it, and cull it precollection, allowing users to understand where the risk is and whether it is worth going down the litigation route. This will appeal to legal departments within enterprises, as well as IT, who can benefit from deciding early on whether to pursue a case, before large amounts of budget have been committed.

## SWOT analysis

### *Strengths*

**Nuix provides a number of options for collection –** Nuix has four solutions for collection: Nuix Enterprise Collection Center, Nuix Collector Portable, Nuix Network Collector, and Nuix SharePoint Collector. In addition, Nuix Imager performs direct collection from phones and tablets. Nuix Enterprise Collection Center provides enterprise-wide file collection and relocation management. Unlimited concurrent collections can be conducted from any number of devices running Windows, Mac OS, and all popular Linux versions, as well as enterprise storage platforms such as Microsoft SharePoint. Content can be prefiltered by a number of fields, including custodian, document type, timeframe, MD5, and keyword. Nuix Workbench can connect to many systems directly, as a different collection option.

**Nuix Web Review and Analytics provides search and review capabilities –** Nuix Web Review and Analytics allows sets of content to be assigned to individuals or groups of users, and by applying role-based permissions, users can only see and take actions on data on which they are authorized. Keyword, fuzzy, proximity, and regular expression searches are all available to identify terms of interest, and advanced filters such as file type, skin tone, media attributes, custodians, word lists, languages, and named entities allow content to be quickly found. The available analytics capabilities, such as near-duplicate and threading, help to locate similar content speedily. Support is provided for images and multimedia files with a special gallery view, along with the ability to de-duplicate content. In addition, users can work with internal and external subject-matter experts to analyze, review, and collaborate on digital evidence.

**Nuix eDiscovery Workstation helps find documents and people of interest –** Nuix eDiscovery Workstation has been designed for processing, investigation, analysis, review, and production, and it can be deployed on-premises or in the cloud. It indexes unstructured information in any language, and processes a large number of proprietary formats such as Lotus Notes, Microsoft Exchange, Microsoft SharePoint, webmail, cloud stores, ECM systems such as Documentum, and forensic images, to name just a few. Graphical displays show who communicated what, to whom, and when. Content can be exported to all major review platforms.

**Nuix Engine processes relevant evidence speedily –** The Nuix Engine provides load balancing, fault tolerance, and intelligent processing technologies, allowing it to extract text and metadata from virtually all file types at high speed. This is because it comprises "worker" bundles that harness processor cores to create a searchable index of the content and metadata into a Nuix case. It also writes subsets of the items in the Nuix case onto disk in the required format.

### *Weaknesses*

**Nuix does not offer a SaaS solution –** Because of its unpredictable nature, e-discovery is ideal for the SaaS model, and interest in e-discovery in the cloud is increasing, but Nuix does not offer a SaaS solution itself. Instead, it works with partners that provide a Nuix SaaS solution; customers that prefer a SaaS solution should work with these partners.

### *Opportunities*

**General Data Protection Regulation provides additional opportunities for Nuix –** The introduction of GDPR in the EU in May 2018 will force enterprises to think more carefully about how they store, manage, and secure content and data. They must also be able to respond to data

breaches quickly. One of the outcomes of GDPR may be an increase in the number of subject access requests received by enterprises, which will need to be addressed speedily. Enterprises may also be ordered to delete personal data about individuals, and they must ensure that all copies have been deleted. This will provide additional opportunities for e-discovery vendors, such as Nuix, to sell their products to enterprises that have not previously considered e-discovery.

**Nuix can cross-sell its range of products –** Nuix has an advantage over most of its competitors in that it also provides investigation, security and intelligence, and information governance solutions. This allows it to cross-sell products to provide wider capabilities, such as identifying threats and breaches to help enterprises comply with legislation and regulations such as GDPR.

### *Threats*

**The e-discovery market is crowded with many vendors offering solutions –** Competition is stiff in the e-discovery market with many vendors providing products; some are specialist vendors, like Nuix, that only offer e-discovery systems (and other related products), while others, including tier-one ECM vendors, provide multiple products.

**Many organizations are not focusing on their e-discovery strategies –** Many organizations are failing to plan for e-discovery requests and are attempting to undertake the process using systems created in-house or a combination of commercial products that have not been specifically designed for e-discovery. Ovum's ICT Enterprise Insights program for 2017–18 shows that just under 30% of enterprises either have no investment plans for e-discovery or do not have any e-discovery solutions. E-discovery vendors need to persuade these enterprises of the importance of e-discovery in order to exploit this potential market.

### Data sheet

*Key facts about the solution*

**Table 4: Data sheet: Nuix**

| | | | |
|---|---|---|---|
| **Product name** | Nuix eDiscovery Suite | **Product classification** | Content management |
| **Version number** | Nuix Enterprise Collection Center 7.2.1, Nuix eDiscovery Workstation 7.4.0, Nuix Web Review 7.2.4 | **Release date** | Nuix Enterprise Collection Center, February 2017<br>Nuix eDiscovery Workstation, August 2017<br>Nuix Web Review, July 2017 |
| **Industries covered** | Any | **Geographies covered** | Global |
| **Relevant company sizes** | Any | **Platforms supported** | Microsoft Windows, Linux, Mac OS |
| **Languages supported** | It can be localized in many languages, including: English, Japanese, Chinese, German, Spanish, Korean, Portuguese, Dutch. | **Licensing options** | Annual, burst |
| **Deployment options** | On-premises, on-premises (managed by partners), hosted (dedicated through partners), SaaS (through partners) | **Routes to market** | Direct, accredited partners, resellers |
| **URL** | www.nuix.com | **Company headquarters** | Sydney, New South Wales, Australia |
| **European headquarters** | London, UK | **North America headquarters** | Washington, D.C., US |
| **Asia-Pacific headquarters** | Same as company headquarters (Sydney, Australia) | | |

Source: Ovum

# SWOT assessment: OpenText Axcelerate 5.13

### Summary

*Catalyst*

Organizations typically split the e-discovery process between internal resources that often do the initial identification and collection, and external law firms that carry out the analysis, review, and production. E-discovery vendors follow the EDRM, which lays down guidance on how e-discovery projects should be undertaken. OpenText Axcelerate focuses on the right-hand side of the model by offering analysis, review, and production capabilities, although it does include features that enable enterprise collections, early case assessment, and preprocessing. E-discovery vendors are increasingly providing capabilities that cover the whole EDRM, and OpenText is no exception. It has recently acquired Guidance Software, whose product EnCase specializes in providing capabilities in the identification and collection stages of the EDRM.

### *Key messages*

- OpenText Axcelerate provides functionality to cull, process, analyze, review, redact, and produce data.
- Its proprietary Context Optimized Relevancy Engine (CORE) provides machine learning and predictive coding, which is complemented by integrated sampling and validation tools.
- Users can intuitively search, filter, and visualize more than 70 metadata and work-product fields out of the box, with the ability to customize further. Search techniques include: concept search, linguistic pattern recognition, full text search, metadata search, faceted search, natural language processing, keyword search, Boolean search, fuzzy search, stemming search, wildcard search, proximity search, and keyword expansion.
- Extensive analytics include phrase analysis, concepts, threading, communication maps, similarity analysis, and variant analysis.

### *Ovum view*

OpenText Axcelerate (formerly Recommind) is known for its extensive analytics capabilities, which can be used at any point in the e-discovery process. Although the product is strongest in the right-hand side of the EDRM, it does provide end-to-end capabilities, and its analytics are also effective in early case assessment. A major advantage for OpenText is its extensive portfolio of products and the ability to embed features from one product into another, which means that the analytics can be extended further by incorporating functionality from OpenText Analytics (formerly Actuate). Virtually the entire product is built on wholly owned IP with almost no third-party functionality outside of the current business intelligence layer. OpenText has made a further e-discovery acquisition in Guidance Software, which has added EnCase to the portfolio. EnCase is strongest in the left-hand side of the EDRM model, so OpenText will have end-to-end capabilities once it has completed the integration work to create a single solution, although both will still be available as standalone products.

## Recommendations for enterprises

### *Why consider OpenText Axcelerate?*

OpenText Axcelerate includes advanced, patented analytics and machine-learning technology. It includes two machine-learning tools: unsupervised (conceptual search) and supervised (predictive coding). A high level of automation shortens the time required for a discovery request, which will appeal to legal firms and corporate counsel that have large volumes of content to review. In addition, OpenText provides professional services, including offering project managers, analysts, and data scientists to help clients understand and use the software. The product can be deployed on-premises, in the cloud, or in an on-demand environment managed by OpenText, catering to the requirements and preferences of all types of organizations.

## SWOT analysis

### *Strengths*

**OpenText Axcelerate provides a standalone ECA module –** Axcelerate includes a standalone ECA module that provides a full metadata and keyword filter and search. It is able to connect into ECM repositories to pull in targeted collections. Users can cull data based on metadata fields, such as custodian, date range, and file type prior to the review process. Advanced keyword searches are also available.

**OpenText Axcelerate includes a proprietary analytics engine to provide advanced analytics –** Axcelerate's analytics engine, CORE, powers all processes from crawling to analytics. It includes two machine-learning components. An unsupervised machine learning algorithm automatically organizes documents into related "concept groups." As documents are coded as relevant or not relevant, they feed a supervised, continuous machine-learning algorithm (predictive coding). The system learns from human decisions, creating issue-specific data models to prioritize the review of likely relevant content. Sampling and validation tools help users to estimate project goals, timelines, and costs.

**Extensive search options are provided –** Users are able to search, filter, and visualize more than 70 metadata and work-product fields out of the box, with the ability to customize further. The Hypergraph communications map allows users to visualize the flow of email and chat across domains and users. Phrase Analysis is a tool that takes a keyword or part of a keyword and displays how that term is used in the most common two- to four-word phrases.

**Automated and on-the-fly redactions are supported –** Redactions can be applied across up to 10,000 documents at a time using a variety of search tools, such as from/to and regular expressions to identify standard personally identifiable information, emails, and other sensitive content.

### *Weaknesses*

**OpenText Axcelerate is focused on the right-hand side of the EDRM –** Although Axcelerate can perform some tasks on the left-hand side of the EDRM, such as independently connecting into the most common ECM solutions such as Microsoft, OpenText, and Box and crawling those data sources directly to collect content, it is stronger in the right-hand side of the EDRM. However, the acquisition of Guidance Software, which has added EnCase to the portfolio, now means that OpenText also has legal hold, precollection analytics, preservation, and forensic collection capabilities. Once the two products are fully integrated, OpenText will have a single end-to-end e-discovery solution.

### *Opportunities*

**OpenText can offer a complete end-to-end information governance and e-discovery solution –** OpenText is best known as the largest independent ECM vendor, and as such it is able to provide information management and governance capabilities as well as e-discovery. Managing and securing content are important elements of a compliance and governance strategy, and this requires ECM technologies, such as those provided by OpenText. ECM provides enterprises with insights into the nature of their content and potentially reduces the volume of content they need to store. Axcelerate can identify and collect data from ECM repositories and EnCase completes the collection strategy with the ability to forensically collect from even more sources, including networked devices such as laptops and phones.

**OpenText can take advantage of the growing interest in cloud-based e-discovery –** Because e-discovery is unpredictable in terms of the timing and scope of cases, it is difficult to ensure that the resources are available to run e-discovery projects on-premises, which makes it an ideal candidate for SaaS deployments. OpenText Axcelerate was designed to take advantage of AWS's plenary security features and elastic resourcing, and as such it is highly scalable and can support more than one billion records in a single deployment.

### *Threats*

**The e-discovery market is crowded with many vendors offering solutions –** Competition is stiff in the e-discovery market with many vendors providing products; some are specialist vendors that only

offer e-discovery systems, while others, including tier-one ECM vendors such as OpenText, provide multiple products.

**Many organizations are not focusing on their e-discovery strategies –** Many organizations are failing to plan for e-discovery requests and are attempting to undertake the process using systems created in-house or a combination of commercial products that have not been specifically designed for e-discovery. Ovum's ICT Enterprise Insights program for 2017–18 shows that just under 30% of enterprises either have no investment plans for e-discovery or do not have any e-discovery solutions. E-discovery vendors need to persuade these enterprises of the importance of e-discovery in order to exploit this potential market.

### Data sheet

*Key facts about the solution*

**Table 5: Data sheet: OpenText**

| | | | |
|---|---|---|---|
| **Product name** | Axcelerate | **Product classification** | Content management |
| **Version number** | 5.13 | **Release date** | November 2017 |
| **Industries covered** | Finance, legal services, technology, media, health, pharma, energy, manufacturing, and government. | **Geographies covered** | North America, Europe, Asia-Pacific |
| **Relevant company sizes** | Any, but legal departments of enterprises are a target | **Platforms supported** | All (any browser) |
| **Languages supported** | Language agnostic (Unicode support) | **Licensing options** | Perpetual, term, and transactional |
| **Deployment options** | On-premises, on-premises (managed), hosted (dedicated), SaaS | **Routes to market** | Direct, partner |
| **URL** | www.opentext.com | **Company headquarters** | Waterloo, Ontario, Canada |
| **European headquarters** | Grasbrunn, Germany | **North America headquarters** | As above |
| **Asia-Pacific headquarters** | North Sydney, New South Wales, Australia | | |

Source: Ovum

## SWOT assessment: OpenText EnCase 6.01

### Summary

*Catalyst*

E-discovery is a complex process; it can involve millions of documents that need to be culled to find what is sometimes a very small number that may be relevant to a case or matter. This requires specialist software, which is available from a large number of vendors. Most e-discovery products follow the EDRM, which provides guidance on how to undertake e-discovery projects. OpenText

EnCase eDiscovery specializes in the earlier stages of the EDRM, including identification and collection. OpenText also offers Axcelerate in its portfolio, which is strongest in the later stages of the EDRM: analysis, review, and production.

### *Key messages*

- OpenText EnCase eDiscovery provides capabilities for the earlier stages of the EDRM, including legal hold, precollection analytics, preservation, and forensic collection capabilities.
- The architecture features an agent installed on target endpoints and connectors to servers and cloud repositories, which enables EnCase operators to preview, acquire, and analyze data on the target machines.
- OpenText EnCase maintains evidence integrity with its proprietary EnCase Logical Evidence File (LEF), which allows examiners to collect an entire disk or just the required files from an endpoint, complete with all associated metadata and directory data.
- Extensive legal hold capabilities include functionality to identify custodians, design questionnaires, distribute legal holds, and ensure compliance through a single interface.

### *Ovum view*

EnCase eDiscovery was part of the recent acquisition of Guidance Software by OpenText, and it is intended to provide the vendor with an end-to-end solution for e-discovery once it is integrated with OpenText Axcelerate (formerly Recommind). EnCase provides legal hold, precollection analytics, preservation, and forensic collection capabilities. It is able to collect from multiple endpoints, which will appeal to law firms and corporations. Its strength lies in providing capabilities for the earlier stages of the EDRM. OpenText Axcelerate provides analysis, review, and production capabilities. The challenge for OpenText is integrating EnCase and Axcelerate to provide an end-to-end solution that runs on a single platform, while at the same time maintaining the two products as standalone solutions. Providing an end-to-end solution will allow OpenText to compete more effectively against vendors that already offer end-to-end e-discovery platforms. An end-to-end solution will be attractive to enterprises that outsource the review process but want to retain control of their content by having the external counsel log into their systems to access it.

## Recommendations for enterprises

### *Why consider OpenText EnCase?*

OpenText EnCase is widely deployed for its forensic collection capabilities, and it will appeal to enterprises in heavily regulated industries and government agencies. Its ability to collect and process documents, emails, and other electronically stored information (ESI) from computers, repositories, and cloud sources via a range of connectors makes it a compelling option. It provides early case assessment to help assess the cost and risk of disclosing content prior to collection, which will particularly appeal to IT teams under pressure to keep costs to a minimum. Its integration with products that specialize in the later stages of the EDRM, in addition to OpenText Axcelerate, makes it an appealing proposition for a wide range of organizations.

## SWOT analysis

### *Strengths*

**The forensic capabilities allow computers and mobile devices to be searched –** An agent is installed on target workstations and servers to enable EnCase forensic examiners to preview, acquire,

and analyze data on the target machines. Users can search computers, file shares, and other content repositories to identify and prioritize potentially relevant evidence to determine whether further investigation and collections are required.

**Mobile Investigator allows mobile evidence to be investigated –** As employees increasingly work outside the office environment, they demand the ability to access and use corporate content on mobile devices, yet it is easy to ignore these devices when carrying out e-discovery, particularly as not all e-discovery products support them. EnCase Mobile Investigator allows investigators to interrogate a wide range of mobile devices and acquire, review, analyze, and report on mobile evidence.

**Extensive legal hold capabilities are provided –** In addition to applying legal holds, OpenText EnCase includes functionality to identify custodians and design questionnaires. Automated reminders and escalations are available to notify subjects and managers of noncompliance.

**Evidence integrity is maintained with EnCase LEF –** OpenText EnCase maintains evidence integrity with its proprietary LEF. Examiners are able to collect entire disks or just the files they require from an endpoint, along with all of the associated metadata and directory data. An indexing engine is included, which allows complex queries to be automated across all the evidence sources.

### *Weaknesses*

**OpenText EnCase only provides functionality for the earlier stages of the EDRM –** OpenText EnCase does not provide an end-to-end solution for e-discovery, which means it needs to be used with other tools. It provides integration with third-party e-discovery products such as OpenText Axcelerate and Relativity. However, OpenText is integrating EnCase with OpenText Axcelerate to provide a single end-to-end solution, which will combine EnCase's forensic collection capabilities with Axcelerate's advanced analytics, although the products will also continue to be sold on a standalone basis.

### *Opportunities*

**OpenText can offer a complete end-to-end information governance and e-discovery solution –** OpenText is best known as the largest independent ECM vendor, so it is able to provide information management and governance capabilities as well as e-discovery. Managing and securing content are important elements of a compliance and governance strategy, which requires ECM technologies such as those provided by OpenText. ECM provides enterprises with insights on the nature of their content and potentially reduces the volume of content that they store. Content can be identified and collected by EnCase from OpenText's ECM repositories and then reviewed by Axcelerate.

**General Data Protection Regulation will provide additional opportunities –** Challenges over the introduction of the EU GDPR in 2018, which tightens requirements on how data and content should be stored, managed, and secured, will provide additional opportunities for e-discovery vendors. Enhanced data protection could result in an increase in subject access requests, which require the rapid discovery of content and data.

### *Threats*

**The e-discovery market is crowded with vendors –** Competition is stiff in the e-discovery market, with many vendors offering products. Some are specialist vendors that only offer e-discovery systems, while others provide multiple products, including tier-1 ECM vendors such as OpenText.

**Many organizations are not focusing on their e-discovery strategies –** Many organizations are failing to plan for e-discovery requests, and they are attempting to undertake the process using

internally created systems or a combination of commercial products that have not been specifically designed for e-discovery. Ovum's ICT Enterprise Insights survey for 2017 shows that just under 30% of enterprises have no e-discovery solutions or plans to invest in them. E-discovery vendors need to persuade these enterprises of the importance of e-discovery, in order to exploit this potential market.

### Data sheet

*Key facts about the solution*

**Table 6: Data sheet: OpenText**

| | | | |
|---|---|---|---|
| **Product name** | EnCase eDiscovery | **Product classification** | Content management |
| **Version number** | 6.01 | **Release date** | July 2017 |
| **Industries covered** | Finance, legal services, technology, health, pharmaceuticals, energy, manufacturing, and government | **Geographies covered** | North America, Europe, Asia-Pacific |
| **Relevant company sizes** | Enterprise | **Platforms supported** | Windows, Mac OSX, Linux, HP-UX, Solaris, AIX, Netware |
| **Languages supported** | Hundreds of international languages (Unicode support) | **Licensing options** | Perpetual and term |
| **Deployment options** | On-premises, private cloud | **Routes to market** | Direct, partner |
| **URL** | www.opentext.com | **Company headquarters** | Waterloo, Ontario, Canada |
| **European headquarters** | Grasbrunn, Germany | **North America headquarters** | As above |
| **Asia-Pacific headquarters** | North Sydney, New South Wales, Australia | | |

Source: Ovum

# SWOT assessment: Relativity, RelativityOne, Relativity 9.5

### Summary

*Catalyst*

The amount of data and content that enterprises have is growing exponentially, and the number of systems in which the data is stored is also increasing. The modern enterprise typically has multiple systems with some located on-premises and some hosted in the cloud, a need to share information and data with partners, and a requirement to comply with issues such as data privacy and data sovereignty. This has made e-discovery more complex, often resulting in multiple systems being used for different stages of the process. Relativity provides a single system that adheres to the EDRM, providing nearly end-to-end capabilities. It can be implemented as an on-premises software solution, as SaaS, or hosted through a Relativity authorized partner.

### *Key messages*

- Relativity provides an extensive set of e-discovery tools that follow the EDRM. These include legal hold, early case assessment, processing, analytics and assisted review, and production.
- Included in Relativity Analytics are clustering, categorization, email threading, and assisted review, which can be deployed at any stage in the e-discovery process to find relevant documents.
- Reuse is supported; once a document has been collected, it can be used in future matters, without needing to be collected again. If documents are defined as privileged or confidential, that definition will remain in future matters.
- Relativity is available on-premises, in the cloud as a SaaS offering hosted by Relativity, or in a hybrid scenario.

### *Ovum view*

The company Relativity was formerly known as kCura, but it rebranded itself in August 2017, which makes sense because Relativity, the product, is such a strong brand, and it was definitely a case of the brand having a much higher profile than the company. The rebranding will reduce confusion in the marketplace. Relativity has recently introduced RelativityOne, a SaaS solution, which it hosts in Azure data centers. Using Azure means it can locate its software globally, allowing it to adhere to data sovereignty requirements of its customers. It also speeds up the e-discovery process by eliminating the need to install and maintain the infrastructure for the solution. Relativity also supports a hybrid system, where enterprises can combine their on-premises solution with SaaS resources when they need additional resources to handle specific matters, without needing to expand their on-premises infrastructure. This will appeal to CIOs, who need to keep budgets to a minimum.

## Recommendations for enterprises

### *Why consider Relativity?*

Relativity provides a wide range of tools that will suit the requirements of most stakeholders in the e-discovery process. These include legal hold, early case assessment, processing, analytics and assisted review, review and production, and Fact Manager, which provides the ability to store and organize details of cases including fact chronology, legal issues, key people, and interview questions alongside the documents. Relativity provides a flexible, single platform that is focused on simplifying the e-discovery process. The vendor has created a community that encourages collaboration and the sharing of best practices, templates, and applications, which helps enterprises to undertake e-discovery matters more easily. In addition, Relativity offers extensive customer support. All of this makes the product a compelling option for enterprises with e-discovery needs.

## SWOT analysis

### *Strengths*

**ECA allows enterprises to estimate the risks and cost of a case –** Relativity provides extensive ECA features that allow users to view important information such as file formats, volume of documents, and date ranges, as well as custodians, search terms, and concepts, to estimate the scope and cost of a case. ECA can also be used to determine the risk involved in disclosing certain information. During the ECA phase, irrelevant content can be eliminated to reduce the volume of content to be reviewed at a later stage. Documents can be tagged and organized by conversation,

concept, language, or other metadata. Prebuilt templates and customized workflows are available, and a centralized dashboard allows real-time activity to be tracked.

**Relativity Analytics provides a number of capabilities that can be applied at any stage of the process –** Relativity Analytics provides an extensive range of features that help users to identify relevant documents. The similar-document-detection feature identifies and groups together documents that are almost identical, and the textual-near-duplicates feature again identifies similar documents and provides the percentage of similarity between them. Assisted review trains Relativity to identify relevant and irrelevant documents using functionality that combines the categorization feature of Relativity Analytics with process. Sample-based or active machine learning is also available. Other Analytics features include: email threading, which displays all the emails in a conversation; categorization, which allows users to group documents together for review based on concepts; language ID, which examines the extracted text of each document to determine the primary language, allowing documents to be separated according to their language so they can be reviewed by native speakers; and clustering, which allows conceptual groups of documents to be identified.

**Fully customizable workflows help identify relevant issues –** Workflows are customizable to help teams identify relevant issues, protect privileged information, and make informed coding decisions. Capabilities include the ability to create placeholders and use multiple markup sets. Interactive dashboards allow users to interrogate and review data.

**Fact Manager provides a central repository for storing the case strategy –** Fact Manager provides a central repository for storing case details such as chronology, legal issues, key people, and interview questions, as well as documents. It provides an overview of the case strategy, which can be viewed on a single screen.

### *Weaknesses*

**Most customers do not have collection as part of the portfolio –** While a few customers have Relativity Collection, it is not automatically included with a Relativity license. Relativity recommends using its integration with OpenText EnCase for a more robust collection solution.

### *Opportunities*

**Relativity can exploit interest in the SaaS market –** Because of its unpredictable nature, e-discovery is ideal for the SaaS model. Relativity has the opportunity to exploit the growing interest in the cloud with RelativityOne, a multitenant modular solution built on the Microsoft Azure cloud, which allows users to use only the capabilities they require. A hybrid solution combining cloud and on-premises allows enterprises to test a cloud environment before migrating to the cloud completely for e-discovery, or use whichever model works best for their case.

**Relativity can extend its market share of the corporate space –** Relativity has enjoyed most success in the law firm and service provider sectors, but over the past few years it has seen an increase in the number of corporate clients, both through direct licensing and through channel partners. This provides a good opportunity for Relativity to increase its corporate client base, as enterprises consolidate from multiple disparate systems for e-discovery to a single end-to-end platform, which can be used both internally and by external counsel.

### *Threats*

**The e-discovery market is crowded –** Competition is stiff in the e-discovery market with many vendors providing products; some are, like Relativity, specialist vendors that only offer e-discovery systems, while others, including tier-one ECM vendors, provide multiple products.

**Many organizations are not focusing on their e-discovery strategies –** Many organizations are failing to plan for e-discovery requests and are attempting to undertake the process using systems created in-house or a combination of commercial products that have not been specifically designed for e-discovery. Ovum's ICT Enterprise Insights program for 2017–18 shows that just under 30% of enterprises either have no investment plans for e-discovery or do not have any e-discovery solutions. E-discovery vendors need to persuade these enterprises of the importance of e-discovery in order to exploit this potential market.

## Data sheet

### *Key facts about the solution*

**Table 7: Data sheet: Relativity**

| | | | |
|---|---|---|---|
| **Product name** | Relativity, RelativityOne | **Product classification** | Content management |
| **Version number** | 9.5 | **Release date** | October 2017 |
| **Industries covered** | Corporations, law firms, government agencies, and litigation service providers | **Geographies covered** | Global, but mainly North America, Central Europe, and Asia-Pacific |
| **Relevant company sizes** | Fortune 500 companies within highly regulated industries, Am Law 200 firms, government agencies, and litigation service providers. | **Platforms supported** | As a web-based system, it can be accessed from any platform |
| **Languages supported** | More than 200 languages from Albanian to Chinese, Japanese, Korean, and Zulu. | **Licensing options** | Subscription, SaaS, appliance based |
| **Deployment options** | On-premises, on-premises (managed), hosted (dedicated), SaaS | **Routes to market** | Direct, Relativity authorized partner |
| **URL** | www.relativity.com | **Company headquarters** | Chicago, Illinois, US |
| **European headquarters** | London, UK | **North America headquarters** | As above |
| **Asia-Pacific headquarters** | Melbourne, Australia | | |

Source: Ovum

# SWOT assessment: Veritas eDiscovery platform 9.0

## Summary

### *Catalyst*

The number of litigation cases faced by enterprises is increasing, GDPR in Europe is imminent, and budgets are tight, meaning that CIOs must do more with less with e-discovery. Most e-discovery vendors follow the EDRM, which lays down guidance on how e-discovery projects should be undertaken. Some vendors provide end-to-end capabilities, while others specialize on a few stages. Veritas provides an end-to-end modular solution that covers legal hold/preservation, identification and collection, preprocessing/processing, search, review, production, and export. It runs on a self-contained hardware appliance, which is supplied with all of the required software and the necessary licenses. Alternatively, it can be supplied as software only for enterprises to implement on their own hardware.

### *Key messages*

- The platform offers rapid product deployment with an intuitive user interface, providing an easy-to-use global dashboard for administrators to gain a quick understanding on the status of all cases.
- End-to-end EDRM workflow and broad functionality are built in, offering predictive coding and powerful machine learning, integrated data classification, predefined redaction and annotation tools, and automated filtering and discussion threading.
- Veritas eDiscovery platform can collect from a large variety of sources including Enterprise Vault, Enterprise Vault.cloud, Exchange, Office 365, Lotus Domino email, file shares, SharePoint, SharePoint Online, OpenText Content Server, and OpenText Documentum.
- The platform supports 500 file types as well as phonetic search of audio and video files, which is an important feature as these types of files are admissible in litigation and must be discoverable.

### *Ovum view*

One of the problems with installing software on-premises is having to acquire the hardware and put in place the infrastructure to hold the software. SaaS overcomes this problem, but not all enterprises want to put their data into the cloud. Veritas offers a different solution to this problem by making its e-discovery software available on a self-contained hardware appliance, including all the necessary software and corresponding licenses which can be deployed in less than 24 hours. An appliance approach will be attractive to enterprises that want the deployment benefits of using a cloud solution with the peace of mind of keeping tight control of content by maintaining and managing it on-premises. E-discovery should be moving up the corporate agenda as enterprises prepare for GDPR. Unfortunately, many are not yet prepared for the new regulation, but the implementation of end-to-end e-discovery capabilities will provide some of the functionality required by enabling content requested under subject access requests to be discovered in a timely fashion.

## Recommendations for enterprises

### *Why consider Veritas eDiscovery platform?*

Veritas eDiscovery Platform provides end-to-end capabilities that comprise legal hold/preservation, identification and collection, preprocessing/processing, search, review, production, and export. This

will appeal to enterprises that undertake the entire process in-house. It will also be attractive to enterprises that perform the identification and collection in-house while outsourcing the analysis and review to external counsel, but who want to keep control of their content by allowing the reviewers to log into their internal systems. The Veritas solution includes predictive coding, which helps to speed up the review of large batches of content by reducing the number or documents that need to be manually reviewed, which is a compelling feature for law firms and legal departments.

## SWOT analysis

### *Strengths*

**Content can be collected from a wide range of sources –** Sources from which Veritas eDiscovery Platform can collect content include Enterprise Vault, Enterprise Vault.cloud, Exchange, Office 365, Lotus Domino email, file shares, Windows and Mac devices, SharePoint, SharePoint Online, OpenText Content Server, and OpenText Documentum. The chain of custody is maintained throughout the workflow to ensure that custodians can be identified and the correct set of documents attributed to each custodian. Creating a digital fingerprint of each document when they are collected and checking them at various points in the process ensures that they have not been tampered with.

**Multiple file types can be processed, including audio and video –** More than 500 types of documents can be processed as well as email, voicemail, text files, social media, and IM feeds. Phonetic search of audio and video files is supported. Natural language can be used to navigate to the exact time when the searched term was spoken in the audio or video file.

**Early data assessment tools are included –** Early data assessment tools help users to quickly find the most relevant data. Features include dynamic filters, discussion threads view, concept search, and transparent keyword search. Advanced search allows users to focus on a small section of the overall document set at a granular level, allowing relevant documents to be identified. In situations where there are large numbers of documents, patented Transparent Predictive Coding provides a fast way to identify relevant documents to review.

**Documents for review can be batched –** Once the documents for review have been identified, they can be batched. Users can review the content in text or near-native view, and content can be redacted prior to preparing the documents for production and export. The content can be exported for presentation to a court or regulator or to a specialist presentation solution in a number of different formats.

### *Weaknesses*

**Some legal hold features are only available for content stored in Enterprise Vault –** One of the nice-to-have features of e-discovery is the ability to place legal holds on documents and investigate the content for its relevancy to a matter without having to move it. This feature is only available in Veritas eDiscovery Platform for content stored in the vendor's archive solution, Enterprise Vault. This could be a problem for enterprises that do not have Enterprise Vault, although the product is one of the leading archive systems and it has been widely deployed to manage emails and other file types that need to be retained.

### *Opportunities*

**Growth in regulations is driving the adoption of technologies to help address requests for information –** Regulations such as the GDPR, the Freedom of Information Act (FOIA), and the Markets in Financial Instruments Directive II (MIFID) require the ability to find, review, redact, and

produce data. Veritas eDiscovery Platform allows content to be discovered speedily to address the very tight deadlines that some regulations have. It provides support for FOIA and GDPR in particular, with features such as classification of personal data (processing) and bulk redactions (GDPR subject access requests).

**Veritas's wider portfolio can create additional opportunities in e-discovery –** Veritas has a number of products in its Digital Compliance portfolio that, when used in combination, can help enterprises with compliance and governance requirements. These products include Data Insight, Information Map, Enterprise Vault, Enterprise Vault.cloud, and data protection products. This provides Veritas with cross-sell opportunities, especially between Enterprise Vault and the eDiscovery Platform.

### *Threats*

**The e-discovery market is crowded, with many vendors offering solutions –** Competition is stiff in the e-discovery market with many vendors providing products. Some are specialist vendors that only offer e-discovery systems. Others provide multiple products – these include tier-1 ECM vendors as well as vendors such as Veritas, who provides a range of information management products.

**Many organizations are not focusing on their e-discovery strategies –** Many organizations are failing to plan for e-discovery requests and are attempting to undertake the process using systems created in house or a combination of commercial products that have not been specifically designed for e-discovery. Ovum's ICT Enterprise Insights program for 2017–18 shows that just under 30% of enterprises either have no investment plans for e-discovery or do not have any e-discovery solutions. E-discovery vendors need to persuade these enterprises of the importance of e-discovery in order to exploit this potential market.

## Data sheet

### *Key facts about the solution*

**Table 8: Data sheet: Veritas**

| | | | |
|---|---|---|---|
| **Product name** | Veritas eDiscovery platform | **Product classification** | Content management |
| **Version number** | 9 | **Release date** | December 2017 |
| **Industries covered** | Any, but finance, healthcare, manufacturing, pharmaceuticals, and federal and local government are the main verticals | **Geographies covered** | The Americas, EMEA, Asia-Pacific |
| **Relevant company sizes** | Any that undertake part of the e-discovery process in-house | **Platforms supported** | Microsoft Windows |
| **Languages supported** | UI is in English, but the platform is Unicode-compliant for processing, review, and export | **Licensing options** | Perpetual, subscription, consumption |
| **Deployment options** | On-premises, on-premises (managed), hosted (dedicated) | **Routes to market** | Direct, litigation service provider, reseller |
| **URL** | www.veritas.com | **Company headquarters** | Mountain View, California, US |

Source: Ovum

# Appendix

## Methodology

Ovum SWOT Assessments are independent reviews carried out using Ovum's evaluation model for the relevant technology area, supported by conversations with vendors, users, and service providers of the solution concerned, and in-depth secondary research.

## Further reading

*How-to Guide: Developing an E-Discovery Strategy,* IT0014-003183 (December 2016)

*2018 Trends to Watch: Enterprise Content Management*, IT0014-003351 (October 2017)

*Fundamentals of E-Discovery*, INT002-000039 (slated for publication in December 2017)

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## Ovum Consulting

We hope that this analysis will help you make informed and imaginative business decisions. If you have further requirements, Ovum’s consulting team may be able to help you. For more information about Ovum’s consulting capabilities, please contact us directly at consulting@ovum.com.

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