



## EnCase® eDiscovery

**Enables better case strategy decisions – faster**

# EnCase® eDiscovery

## Key Benefits

### Reduce Risk

- Ensures organizations are able to meet legal obligations for ESI preservation
- Gain internal capability to issue custodian notifications, quickly preserve ESI, and track the legal hold process

### Cost Reduction

- Obtain 90% e-discovery cost reduction from identification and collection through attorney review with more targeted and accurate ESI collection

### Efficient Business Process

- Provides a fully integrated, defensible, repeatable and automated process
- Ensures legal obligations are met with complete preservation of all data

## Key Features

- Single unified solution that provides:
  - Legal Hold
  - Pre-Collection Analytics
  - Collection and Preservation
  - Processing
  - Analysis and First-pass Review
- True early case assessment with pre-collection analytics, analysis & first-pass review throughout the e-discovery process
- Judicially accepted, defensible, targeted network-based collection & preservation
- Readily scalable across large, global enterprise networks
- Licensing that fits your needs with perpetual or Pay-Per-Use options

## Introduction

When it comes to litigation, and more specifically e-discovery, the significant increase in electronically stored information has led to increased costs and raised legal risks for organizations. Court mandates that each party identify and preserve potentially relevant electronically stored information (ESI), at the outset of litigation proceedings, has increased the need for an organized and proactive e-discovery process. This necessitates, among other requirements, an effective legal hold and e-discovery process to meet the obligations for more stringent preservation. Under these rules, litigants face a greater likelihood of court sanctions for any failure to properly preserve relevant ESI at the outset of litigation.

Traditionally, enterprises turned to outsourcing e-discovery resulting in extensive costs, inefficient processes, and lengthy delays before evidence is reviewed and case strategies formulated. With this approach, enterprises have experienced delays of several months before ESI can be analyzed and case strategies can be formulated as well as an annual e-discovery spend of over \$2 billion.

To better address e-discovery needs, organizations are now looking to bring their e-discovery in-house in order to take control and build a more efficient, repeatable, and defensible business process that ultimately reduces cost and risk.

When it comes to in-house e-discovery, there's a superior choice – EnCase® eDiscovery from Guidance Software.

## Overview

EnCase® eDiscovery is the market-leading e-discovery software that delivers a more efficient in-house business process, significant cost savings and better defensibility to organizations, by providing a judicially accepted solution that offers legal hold to first-pass review capabilities and is scalable, defensible, and repeatable. When enterprises select EnCase® eDiscovery, they know they've made a winning choice for their internal, legal, and regulatory investigations.

EnCase® eDiscovery is a single unified, in-house e-discovery solution that includes everything organizations want to do in-house:

- Legal Hold
- Pre-Collection Analytics
- Collection and Preservation
- Processing
- Analysis and First-pass Review

EnCase® eDiscovery customers gain a greatly differentiated in-house solution that uniquely enables better case strategy decisions – faster.

### What is the EnCase® eDiscovery difference?

**Single Unified Solution** - With EnCase® eDiscovery, customers are empowered to take control of their e-discovery by providing everything they want to do in-house in a single unified solution. Unlike point products that increase risk by forcing organizations to transfer case information from point solution to point solution, EnCase® eDiscovery provides fully integrated features that support the e-discovery process. And, EnCase® is a highly scalable enterprise-ready solution that easily supports large, global networks.

**True Early Case Assessment** - EnCase® eDiscovery sets a new market standard with case assessment at any point in the process. The ability to perform case assessments before and during collection is truly early case assessment – and that's exactly what EnCase® eDiscovery delivers with pre-collection analytics, powerful analysis, and first-pass review features that enable customers to conduct analysis throughout the process. Unlike other products that provide analysis and review only after completing collection and processing, EnCase® eDiscovery provides true early case assessment that enables legal teams to assess case merits, risk, and cost – early.

**Defensible, Repeatable Process** - Unlike expensive outsourcing, which is not consistent across vendors, EnCase® eDiscovery enables organizations to implement a defensible, repeatable process that reduces legal risk and lowers cost. Based on each organization's goals and needs, Guidance Software customers also gain the backing and support of our e-discovery expert services that provide the industry standard best practices, training, and certifications (EnCase® Certified eDiscovery Practitioner: EnCEP®).

**Proven Track Record** - When enterprises need to respond to time-sensitive requests for ESI they know the proven track record of EnCase® eDiscovery make it the market-leading, go-to solution to get the job done. Guidance Software is the gold standard for digital investigations and the proven leader with more than 800 enterprise EnCase® customers and nearly 250 EnCase® eDiscovery customers, including more than 20% of the Fortune 100.

## Integrated Legal Hold Made Easy

Sending and tracking the legal hold notice is a critical aspect of the e-discovery process. Sending an e-mail request is simply not enough. One key aspect of that duty is notifying the potential custodians not to destroy any potentially relevant information

The EnCase® legal hold process allows customers to systematically issue litigation holds– including online custodian interviews, which are easily monitored and enforced with full audit trails and reporting. Customers can inform collection and preservation by identifying custodians and providing the ability to easily adjust collection search terms based on responses.

And, with full integration of legal hold into the e-discovery solution, EnCase® eDiscovery customers gain greater efficiencies and collaboration between Legal and IT teams – with streamlined communication on the custodian list with additions automatically being updated and included in the potential collection targets list.

## Early Knowledge with Pre-Collection Analytics

Pre-collection analytics capabilities enables enterprises to understand what their data universe looks like, who has what and how much they have – all available early before collection and processing

With EnCase® eDiscovery pre-collection analytics, customers are able to quickly identify relevant data sources, get metrics on total data versus potentially relevant data, and understand how much data could be eliminated, which provides a solid understanding of the case's potential costs, keywords, and custodians.

With this unique capability, corporate attorneys are able to test search criteria before ESI is collected, and customers can determine how to best negotiate search terms, date and time criteria, file types, and metadata before the meet-and-confer with opposing counsel.

Through this optimized and highly efficient process, enterprises gain clear advantages with assessment before collection – unlike other solutions that first need to have collection and processing complete before analysis or first pass review can be conducted – often times taking up to weeks.

### On bringing e-discovery in-house:

*“[Organizations] really need to start getting something developed in-house, and you can't rely, for example, on individuals to do self-collection anymore”*

*- Judges Hedges & Shaffer e-learning video, October 2009*

- Ensure preservation obligations are met with better management, tracking and enforcement of legal holds
- Eliminates the need for licensing and management of a separate legal hold point solution

*“Early data assessment is the lynchpin for better case management, outcomes, and risk mitigation. Early data assessment leads to more reasonable litigation hold and preservation and stronger defensibility regarding what was done along the process to produce a responsive dataset.”*

*- George Socha, Jr., Esq.  
Socha Consulting LLC.*

## Gold Standard in Collection, Preservation & Processing

Eighty percent of the risk in the e-discovery process is in collection and preservation, so the only real way to preserve and meet this duty is to collect. EnCase® eDiscovery is the award-winning, leading technology for collection and preservation of ESI.

EnCase® provides the most efficient, comprehensive, and cost effective collection, preservation, and processing capabilities that greatly reduce the data set collected by eliminating non-responsive ESI.

Unlike other solutions that are highly disruptive to business operations by relying on preserve-in-place methods for collection and preservation, EnCase® eDiscovery quickly and easily collects and preserves content across the network – from live e-mail servers, desktops, laptops, file servers, and more – without any disruption to employee day-to-day operations.

The EnCase® optimized process eliminates over-collection and irrelevant data collection that results from the traditional, inefficient method of imaging hard drives. And, with EnCase® eDiscovery, customers can cull the data set at the point of collection by targeting and collecting only necessary ESI based on keywords, hash values or any file system metadata property. In fact, EnCase® customers report culling their dataset down by 90% compared to their existing methods – resulting in more than 90% savings in downstream costs.

By preserving all electronic data and metadata critical to the case, EnCase® eDiscovery helps organizations ensure ESI is genuine, create timelines to understand ‘who knew what when’, and deploy a defensible process that reduces legal risk and helps maintain chain of custody.

This is uniquely made possible with the EnCase® patented, optimized distributed search technology that can search from original sources as they exist. There is no need to migrate or index data prior to the need to preserve. The end result is faster collection than indexing, archiving, or any other collection solution.

## Analysis & First-Pass Review at Any Point in the Process

Early case assessment is the cornerstone for formulating better case strategy decisions. In fact, a primary consideration in selecting an in-house e-discovery solution is ensuring legal teams can assess case merits, risk and cost to set strategy as soon as possible through early case assessment capabilities.

With EnCase® eDiscovery analysis and first pass review, customers can uniquely browse through ESI at any point in the collection process. A user-friendly, web-based interface provides robust search features to quickly find and view documents and e-mails, and the solution’s early case assessment capabilities enable linear review with hit highlighting, relevance rankings, e-mail thread and conversation viewing to identify responsive ESI, and tagging with comments to classify, categorize, and manage relevant content. Plus, EnCase® can easily search in hundreds of languages, identify unique e-mails and documents per search expression, and suggest search terms and provide corresponding hit counts.

Most importantly, through this optimized process, critical documents can be immediately distributed to senior personnel working on the case to obtain the necessary facts to begin building an effective and informed case strategy – early – within hours.

## EnCase® eDiscovery Services

To help support your e-discovery goals and specific needs, EnCase® eDiscovery is backed by our expert services that provide the industry standard:

- Implementation Services
- Best Practices Services
- Training and Certifications (EnCE® and EnCEP®)
- Casework Services

### Key Benefits

- **Equips** your legal team with direct access to e-discovery expertise
- **Provides** highly-responsive, expedited service
- **Maximizes** return on investment
- **Empowers** staff with in-depth knowledge of proven best practices
- **Maximizes** efficiency and frees Legal and IT resources
- **Allows** you to maintain ultimate control of your e-discovery process

### EnCase® eDiscovery Use Case

*Working with EnCase® eDiscovery on a class action case with 800 custodians and 146 terabytes of ESI, the customer was able to quickly cull at the point of collection resulting in only 17 terabytes being collected and then further processed the data down to 7 terabytes. And, the project was completed in two months with minimal staff.*

## Conclusion

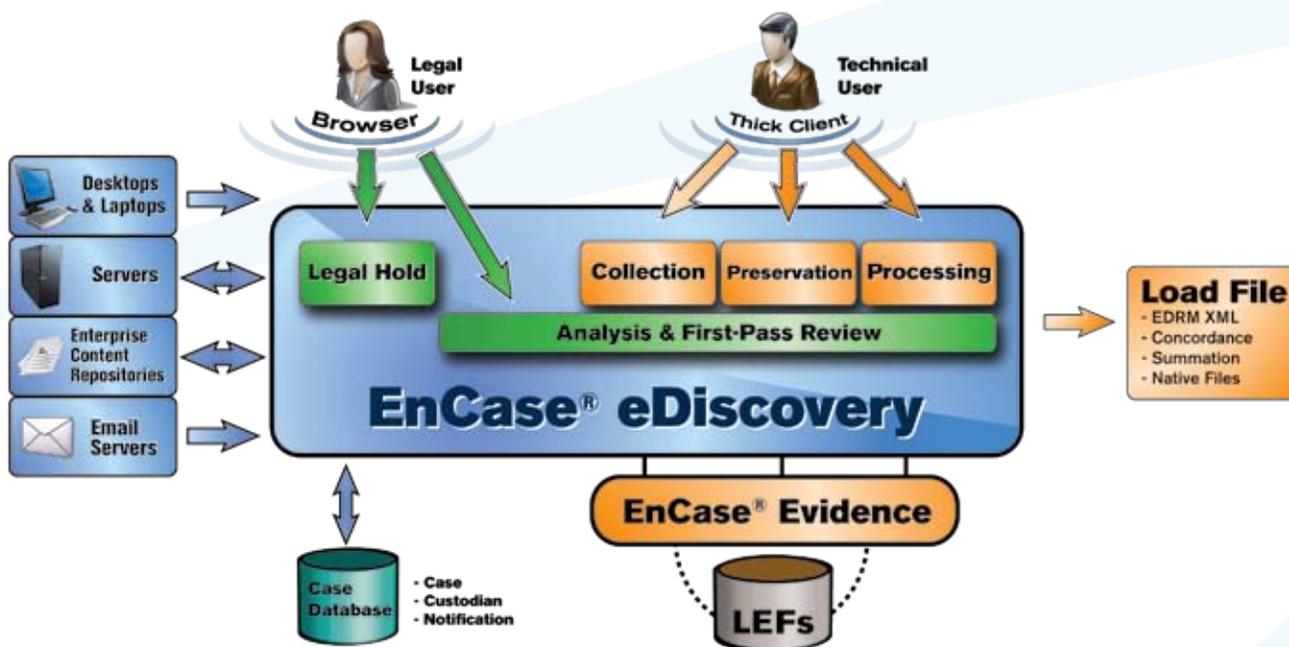
Enterprise customers have made EnCase® eDiscovery their go-to solution with its judicially accepted, proven track record that make it the market-leading solution that gets the job done. Having been used in hundreds of thousands of cases worldwide and more than 70 EnCase® mentions in court opinions, EnCase® eDiscovery customers gain significant benefits over any other alternative.

With EnCase® eDiscovery, customers save time and money and gain a more efficient business process by taking e-discovery in-house with a unified solution that delivers automated and streamlined capabilities and a proven and fast return on investment.

EnCase® reduces legal risk and provides a defensible and repeatable business process with the ability to take early control of the case with assessment of the case merits, risk, and cost as soon as possible.

And, with EnCase® eDiscovery, customers are empowered to make better case strategy decisions – faster – with the ability to conduct early case assessment at any point in the process with a single solution that is scalable across large, global networks.

When organizations select EnCase® eDiscovery, they know they've made a winning choice for their internal, legal, and regulatory investigations.



To learn more about EnCase® eDiscovery and view an animated overview visit: <http://www.guidancesoftware.com/ediscovery.htm>

## Get Guidance (NASDAQ: GUID)

Guidance Software is recognized worldwide as the industry leader in digital investigative solutions.

Its EnCase® platform provides the foundation for government, corporate and law enforcement organizations to conduct thorough, network-enabled, and court-validated computer investigations of any kind, such as responding to e-discovery requests, conducting internal investigations, responding to regulatory inquiries or performing data and compliance auditing - all while maintaining the integrity of the data. There are more than 40,000 licensed users of the EnCase® technology worldwide, the EnCase® Enterprise platform is used by more than sixty percent of the Fortune 100, and thousands attend Guidance Software's renowned training programs annually. Validated by numerous courts, corporate legal departments, government agencies and law enforcement organizations worldwide, EnCase® has been honored with industry awards and recognition from Law Technology News, KMWorld, Government Security News, and Law Enforcement Technology. For more information about Guidance Software, visit [www.guidancesoftware.com](http://www.guidancesoftware.com).



[www.guidancesoftware.com](http://www.guidancesoftware.com)

#### **Our Customers**

Guidance Software's customers are corporations and government agencies in a wide variety of industries, such as financial and insurance services, technology, defense contracting, pharmaceutical, manufacturing and retail. Representative customers include Allstate, Chevron, FBI, Ford, General Electric, Honeywell, NATO, Northrop Grumman, Pfizer, SEC, UnitedHealth Group and Viacom.

#### **About Guidance Software (NASDAQ: GUID)**

Guidance Software is recognized worldwide as the industry leader in digital investigative solutions. Its EnCase® platform provides the foundation for government, corporate and law enforcement organizations to conduct thorough, network-enabled, and court-validated computer investigations of any kind, such as responding to e-discovery requests, conducting internal investigations, responding to regulatory inquiries or performing data and compliance auditing - all while maintaining the integrity of the data. There are more than 40,000 licensed users of the EnCase technology worldwide, the EnCase® Enterprise platform is used by more than sixty percent of the Fortune 100, and thousands attend Guidance Software's renowned training programs annually. Validated by numerous courts, corporate legal departments, government agencies and law enforcement organizations worldwide, EnCase has been honored with industry awards and recognition from *Law Technology News*, *KMWorld*, *Government Security News*, and *Law Enforcement Technology*.

©2011 Guidance Software, Inc. All Rights Reserved. EnCase and Guidance Software are registered trademarks or trademarks owned by Guidance Software in the United States and other jurisdictions and may not be used without prior written permission. All other marks and brands may be claimed as the property of their respective owners.