



In-Place Legal Hold



The legal imperatives to preserve information that may be relevant to a current or pending legal matter are significant. Companies who have ignored them are often sanctioned by the courts, resulting in additional expense and sometimes unfavorable outcomes.

The standard solution is Legal Hold. While there are many varieties, they can be recognized by whether they originated in the eDiscovery or archiving space. The bulk of eDiscovery based solutions require some kind of action on the part of the holder and are careful to place documents on “legal hold” into some secure place or repository, whereas the bulk of email archiving solutions will insist that all emails are archived first before a legal hold can be issued.

Legal Hold vs In-Place Legal Hold

There is much emphasis on business email, we are told that 90% of all eDiscovery evidence refers to emails and with the metadata being proven to be of immense value, the need to find and preserve all this data across so many locations is at least demanding, and Legal Hold by itself is not enough. It is impractical for businesses to sequester current data that is being acted upon, and no single user can be expected to know where all potentially relevant files might be, and what to do with them if and when they find them.

A practical solution to this is more elusive – known as “In-Place Legal Hold”

The notion behind in-place legal hold is deceptively simple: all potentially relevant documents regardless of location or state are simply found, copied and locked with all their metadata intact – into a secure repository. There is no user involvement, no concern about making current information inaccessible, and no worries about altered metadata.



In-Place Legal Hold for email

Finding a viable In-Place Legal Hold (IPLH) solution has been a challenge, and the reason many companies continue to rely on standard, but limited, Legal Hold offerings which do not do a good job on emails. Most email archiving solutions require you to archive all data before trying to find it.

For a good solution, there are a number of issues to overcome

1. Most corporate communications are emails, and make-up the bulk of eDiscovery requests. Emails can be stored across multiple servers, in public folders, or in PST files, and while you could preserve the entire PST, you'd be storing massive amounts of irrelevant documents that would need to be culled at some stage. Therefore, any viable in-place Legal Hold solution needs to be fully conversant with email and the complexities of the relevant APIs.
2. The in-place Legal Hold solution needs to be able to identify relevant documents without opening them first as this is the only way to preserve the metadata, which in recent cases has been nearly as valuable as the data itself.
3. Perhaps most difficult is that the in-place Legal Hold solution needs to be able to “sniff-out” potentially relevant emails across archives and file systems. Within a company, email stores can deliberately or unintentionally exist on hundreds of servers, with many different silos of information. PSTs can be stored on servers, desktops or laptops and the challenges of finding PSTs outside the computer room is costly, time consuming and potentially high risk in ensuring data has not been overlooked or tampered with. The solution needs to be able to trawl the servers, laptops and desktops to find, and hold any potentially relevant information.
4. The solution needs to perform two other functions:
 - To store an intact copy of that document in a secure repository.
 - To do so without any involvement from the custodian of that email. This operation needs to work entirely in the background, so the normal commerce of the business is not interrupted.

The most logical provider for such an in-place Legal Hold solution operates to the left of the EDRM workflow, i.e. they are already actively involved with archiving and storage. However, the approach of the majority of email archiving vendors is flawed in that they mandate data must be archived first before any action can take place. The exception to this approach is C2C, whose strategy is to provide a balance of discovery, retention and archiving through a policy (rules based) engine. It enables them to review every email prior to action, check to see if it meets any corporate policy and handle it accordingly. The openness of this approach has many benefits, including the ability to delete data without archiving first, or the ability to place unarchived data on legal hold. Hundreds of thousands of customers already benefit from C2C's innovative and non-intrusive email management strategy.

Advanced Discovery for non-IT Professionals

The new Advanced Discovery application from C2C is an addition to the ArchiveOne platform and combines C2C's proven ability to handle email with the rules-driven requirements for In-Place Legal Hold.

The application is web based and targeted for the non-IT professionals such as compliance officers, records managers and legal counsel and gives them the ability to carry out Early Case Management tasks without involving an overloaded IT department.

The non-IT professional can pinpoint data according to a search request and instead of waiting for IT to identify data, issue preservation notices, secure and collect the items, C2C will do it automatically and bypass the many manual processes and complex workflows of Preservation and Collection.



Early Case Management application for email

C2C position their Advanced Discovery application for Early Case Management, initially focused on email, and will include other archiving platforms in the future.

Early Case Assessment

Case Id	Title	Description	Owner	StartDate	EndDate
5173	HR238-TG	Break of employment contract (Non Compete)	Thomas Wright	03/03/2011 00:00:00	02/03/2012 00:00:00
5214	LG322-WRNU	Patent Infringement	Emma Lewis	05/05/2011 00:00:00	03/05/2012 00:00:00
5841	HR142-AB	Unfair dismissal claim	Emma Lewis	01/08/2010 00:00:00	03/08/2015 00:00:00

ECA Id	Name	Description	StartDate	Status
37	ECA1	Initial investigation (scope planning)	03/03/2011 00:00:00	Completed
61	ECA2	Agreed criteria with opposing counsel	03/03/2011 00:00:00	Completed
83	ECA Final	Final criteria as agreed in court	03/03/2011 00:00:00	Completed

In-Place Legal Hold is one feature of C2Cs Advanced Discovery application

Other features in Early Case Management include:

- Tracking of litigation cases
- Early Case Assessment graphs and reports
- Sending and tracking of Preservation Notices
- Collection of data from mailboxes, folders, PSTs and archives
- Basic Review including compound tagging and syntax highlighting
- Ability to export data and add Bates Stamping Heading

Notice Id	Name	Description	StartDate	Status
13	PN1	Initial investigation (scope planning)	03/03/2011 00:00:00	In progress
25	PN2	Agreed criteria with opposing counsel	03/03/2011 00:00:00	In progress
42	PN3 Final	Final criteria as agreed in court	03/03/2011 00:00:00	In progress

Sending and tracking of Preservation Notices



Collection of data from mailboxes, folders, PSTs and archives

The screenshot shows the ArchiveOne Web Admin interface. The top navigation bar includes 'Dashboard', 'Legal Console', 'Audit Console', and 'Advanced Discovery'. The main content area is divided into two sections: 'Cases' and 'Case Detail'.

Cases Table:

Case Id	Title	Description	Owner	StartDate	EndDate
5173	HR238-TG	Break of employment contract (Non Complete)	Thomas Wright	03/03/2011 00:00:00	02/03/2012 00:00:00
5214	LG322-WRNJ	Patent Infringement	Emma Lewis	05/05/2011 00:00:00	03/05/2012 00:00:00
5841	HR142-AB	Unfair dismissal claim	Emma Lewis	01/08/2010 00:00:00	03/08/2015 00:00:00

Case Detail - Collections Table:

Collection Id	Name	Description	StartDate	Status
55	COL1	Initial collection for internal analysis	03/03/2011 00:00:00	Completed
73	COL2	Final collection for outside counsel to analyze	03/03/2011 00:00:00	In progress

About C2C

C2C offers automated data archiving and management for email, files and SharePoint content. With over 15 years experience delivering solutions for capacity, e-policy enforcement, compliance and e-Discovery, C2C optimizes performance, reduces storage management costs and minimizes risks associated with email – helping you to control data before it controls you.

As a Microsoft Gold Certified Partner, C2C supports organizations in the manufacturing, finance, education, healthcare and government sectors, including Fortune 1000 companies.

Established in 1992, C2C is a privately held company with offices in Reading, UK and Westborough, Massachusetts, USA.

More Information

For more information and free evaluation software:

visit: www.c2c.com or email: info@c2c.com

UK

C2C Systems Ltd
6 Richfield Place
Reading
Berkshire
RG1 8EQ

T: +44 (0) 118 951 1211
F: +44 (0) 118 951 1111

USA

C2C Systems, Inc
134 Flanders Road
Westborough
MA 01581

T: +1 508 870 2205
F: +1 508 870 2250

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