

At Liberty Mutual, E-Discovery is a Team Effort ■ PROFILE

Many organizations' law departments are looking for ways to bring the e-discovery process in-house to make it more defensible and less costly. This requires a close working relationship between legal and the IT personnel who understand the organization's network and how to reach data. Such partnerships between legal and IT have been successful at many companies and serve as models for organizations taking on the challenge.

Liberty Mutual is known for having a well-integrated in-house e-discovery process. We asked **Sean McSweeney**, Deputy General Counsel, and **Glenn O'Brien**, Electronic Discovery Manager, to discuss their process and approaches from the legal and technical perspectives.

Q: What aspects of the e-discovery process do you handle in-house at Liberty Mutual?

A: In the context of the Electronic Discovery Reference Model, we have in-house capabilities to handle information management, identification, preservation, collection and processing. With respect to review and production, we typically collaborate with our outside counsel provider to determine the best approach.

“EnCase eDiscovery is the cornerstone of our process. It provides the means to collect data from a wide array of storage locations in a forensically sound manner.”

Q: To what extent is the success of the Liberty Mutual e-discovery process a story of cooperation between legal and technical teams?

A: The cooperation between legal and technical teams was essential in establishing our process. Early in the project, we brought together all of the stakeholders, legal as well as all of the technical teams needed. The legal department explained the business need for establishing the process, and the various technical teams responded with what it would take to implement it. We then essentially created sub-projects with each of the technical teams in order to resolve issues and implement our processes.

Throughout this process, the legal team learned a great deal about system issues and gained a more thorough understanding of how the systems operate. At the same time, the technical teams developed a greater appreciation for the business process. The legal department continues to stay in constant contact with the various technical teams well after the implementation of the process.

Q: Can you describe the personnel and technology involved in the operation and governance of the e-discovery process?

A: We don't take a one-size-fits-all approach; therefore, the personnel and technology involved may change depending on the requirements of the matter. The personnel may include representatives from our legal staff, outside counsel, electronic discovery

group, various internal IT organizations or outside vendors. Technology choices may range from broad, network-based collections to deep-dive forensic examinations.

Q: What role does EnCase eDiscovery software play in Liberty Mutual's e-discovery process?

A: Although we have several tools available to us, EnCase eDiscovery is the cornerstone of our process. It provides the means to collect data from a wide array of storage locations in a forensically sound manner. It also gives us the flexibility to acquire full forensic images on individual devices if the case warrants it.



Q: What are the primary advantages of maintaining a sophisticated in-house e-discovery process?

A: There are several advantages. First is the ability to be proactive. Bringing the process in-house affords us the opportunity to initiate the process and focus on the case rather than focusing on building a process and searching for vendors.

Second is repeatability. We spent a considerable amount of time installing the process. We worked out the issues with the various IT units so that we could execute the same process for each case. As a result, we only had to go through the learning curve once for all of our cases rather than each time for each case.

Third is cost. Paying for the software and implementation costs once was far less expensive than paying e-discovery-related expenses on individual matters.