



NEW TRENDS FOR SOCIAL MEDIA & E-DISCLOSURE

THE BRITISH LEGAL TECHNOLOGY FORUM 2015, PROVIDED SOME INTERESTING INSIGHTS ON E-DISCLOSURE FROM INDUSTRY THOUGHT LEADERS. ESPECIALLY FOR THOSE OF US WANTING TO GET A BETTER UNDERSTANDING OF HOW LAW FIRMS ARE MANAGING THEIR CLIENTS' REQUESTS IN THIS SPACE.

Law firms and their clients have experienced dramatic growth of data over the past 10 years. Between 2010 and 2014 alone, worldwide data growth has increased by 509% (IDC), the majority of which is electronically stored information (ESI). The implications of this for e-Disclosure include increased costs, complexity and time taken to accurately collect, analyse and disclose.

Half of those surveyed said their clients attempted the discovery and collection of the ESI data themselves. However, it was thought that up to 80% of these clients were not sufficiently trained or were not equipped with suitable technology, instead relying on the law firm's time and resources.

When asked how this process is carried out, some firms told us that they are still performing manual reviews of all content. In the extreme we heard of clients scanning their paper documents to electronically send to the firm who then re-print to paper form for manual review.

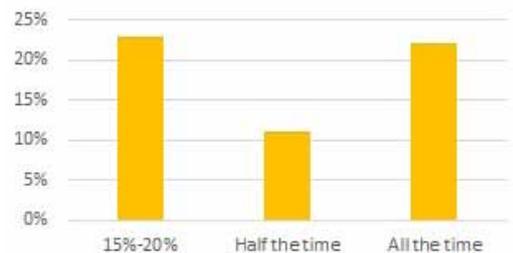
In terms of the general types of information in scope for discovery, unsurprisingly 100% of participants stated email data was requested. 78% of the respondents had to also produce files stored on file servers, but only 19% stated that SharePoint content was always requested.

Social media such as Facebook, Microsoft Yammer, Twitter etc. is a growing area for disclosure. In the US the Financial Industry Regulatory Authority (FINRA) has clearly stated that posting content in social media by a member firm is classed as 'communications'. Under FINRA rules, it is therefore subject to applicable FINRA recordkeeping requirements and may need to be disclosed. Although this is currently a US requirement, many believe that it will not be long before the UK follows suit.

Responses to questions relating to social media presented some interesting insight, with over half of the respondents having some level of social media disclosure requirement.

'Between 2010 and 2014 alone, worldwide data growth has increased by 509% (IDC)'

% of time that Social Media disclosed



Although the figures obtained were in line with expectations, the concern with these findings is that most organisations still do not have a mechanism to capture this type of data.

With the increase of corporate social media adoption and new legislation, this area is looking to become ever more important in the next 12-24 months.

TrueSwift was founded 5 years ago as a spin off professional services company from Symantec's Information Management business. We are a specialist organisation sharing our expertise with clients in the fields of information archiving, e-Disclosure and complex legacy archive migrations. Our team has been providing advisory consultancy and technical solutions to some of the world's largest organisations since 1999 including the delivery of legal compliance and discovery solutions and technology training. To avoid internal training, some organisations use TrueSwift to delivery legal discovery on their behalf, performing searches, analytics and production for external review. TrueSwift is currently expanding its partnerships with law firms to provide mutually beneficial solutions for the law firm and your clients.

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