



Electronic Discovery

The New Challenge



Electronic Discovery Services From JANUS

A Comprehensive Solution

Discovery Rights - What The Law Says

Over the past ten (10) years courts have consistently held that electronic "documents" are just as discoverable as paper documents. The Federal Rules of Civil Procedure (FRCP) were amended on December 1, 2006 to explicitly make "electronically stored information" discoverable. Nearly all lawsuits filed today involving commercial parties require some degree of Electronic Discovery (eDiscovery) and the stakes are higher than ever. Attorneys have certain duties throughout the eDiscovery process, as outlined in the Zubulake decision. Further, in cases where the producing party violates the discovery agreement or breaches its duty to preserve evidence, a court may impose severe sanctions upon the producing party or grant relief to the demanding party. Law firms, businesses, and government agencies must meet the complex challenges of eDiscovery to ensure the fair, cost-effective, and speedy disposition of legal matters.



The Challenges of eDiscovery

To prepare for pre-trial conferences and abide by the FRCP timelines, attorneys must move swiftly to understand complex information technology (IT) systems and locate relevant data sources. This requires attorneys to work with IT experts to pinpoint data within networked systems and applications dispersed across broad geographic areas and business units. Once data sources are identified, attorneys must develop a practical yet comprehensive discovery plan to extract data from these systems, to process the data, and to produce relevant non-privileged evidence in a meaningful form. Moreover, legal pleadings related to eDiscovery processes and the use of electronic evidence must contain sufficient technical clarity and particularity to persuade courts not familiar with the technical issues.

Tailored Solutions

Law firms including plaintiffs' and defendant's often require litigation support, forensics, and eDiscovery services. JANUS Associates' experienced professionals can assist in:

- Drafting discovery devices to probe the adversary's IT experts and to extract information necessary to build an eDiscovery plan;
- Drafting preservation letters, motions to compel, and other legal pleadings and memoranda;
- Locating data sources and developing a practical and comprehensive eDiscovery plan;
- Acquiring, recovering, restoring, and processing electronic evidence;
- Searching evidence for responsiveness and reviewing for privilege;
- Producing electronic evidence in the form demanded; and
- Monitoring the adversary's compliance with the eDiscovery plan.

Private Businesses often have an Office of the General Counsel that may require litigation support, forensics, eDiscovery, and business counseling services. General Counsel may require support during the litigation process to:

- Negotiate the scope of eDiscovery and develop a fair eDiscovery plan;
- Respond to and draft discovery devices, protective orders, and other legal pleadings and memoranda;
- Acquire, recover, restore, and process electronic evidence;
- Search, review, and produce electronic evidence in the form demanded; and processes are conducted in a legally defensible manner.

In addition to the services listed previously, General Counsel may require additional support to develop:

- Records management policies and procedures;
- eDiscovery policies and procedures to guide the preservation and production of electronic evidence;
- Forensic policies and standard operating procedures.

Human Resources and IT departments often have responsibility for developing and implementing policies and procedures and are usually tasked with responding to and investigating security incidents and employee misconduct. Like the Office of the General Counsel, they too can benefit from JANUS eDiscovery services.

Government General Counsel Offices within agencies often require the same litigation support, forensics, eDiscovery, and business counseling services as General Counsel in private business, with certain requirements and limitations specific to public entities (e.g. Freedom of Information Laws). District Attorney, U.S. Attorney and Attorney General Offices require the same litigation support and forensic/eDiscovery services as private law firms.

Discover a New Way

The JANUS eDiscovery practice provides clients with an unparalleled level of service, commitment, and attention to detail. Our blended approach, which bridges the gap that often exists between the law and technology, utilizes on-staff attorneys and technical experts to provide clients with unique insight to discovery issues. No provider better understands the legal, technical, and business aspects of eDiscovery than JANUS. We offer litigation support services to empower attorneys in the practice of law; eDiscovery and forensic services to capture, analyze, and produce electronic evidence; and business counseling services tailored to help clients structure eDiscovery programs and to reduce the risk of discovery through proactive records management. The professionals at JANUS can also assist you in the areas of video and audio forensics should your cases require such services. Litigators are empowered. Businesses are protected. Let JANUS help you Discover a New Way

JANUS eDiscovery Services - A Total Solution You Can Trust

JANUS leverages its years of business and technical expertise in the areas of information security, business continuity, and forensics to deliver a complete eDiscovery solution. A successful response to discovery demands requires more than just collection, processing, analysis, and production of electronic evidence. Throughout the eDiscovery process information security must be a concern. Security controls and processes must be implemented to preserve relevant evidence and to protect the confidentiality, integrity, and availability of sensitive business information. Further, JANUS' experience and expertise in business continuity planning enables JANUS to predict and mitigate the potential impact eDiscovery will have upon normal business functions and IT processing.

JANUS' expertise in forensics ensures that eDiscovery is carried out through adherence to a legally defensible protocol that will withstand challenges from opposing counsel and courtroom scrutiny. JANUS' forensic protocol ensures that data from all available sources (including metadata) are collected and analyzed, which reduces the likelihood of inadvertent disclosure of privileged information and avoids challenges related to the concealment or oversight of data sources. The use of powerful search utilities ensures that relevant evidence is discovered in an efficient and comprehensive manner. Chain of custody procedures ensure evidentiary items are accounted for at all times to overcome challenges regarding the integrity or authenticity of evidence.

JANUS can also support you in court with expert testimony regarding the forensic protocol, procedures, and processes used by JANUS and other firms to acquire, analyze, and produce electronic evidence for use in legal proceedings. This tactical edge can be the differentiator between success and failure in your case.



Litigation Support

JANUS offers a complete eDiscovery litigation support solution. JANUS understands the legal, IT, and business aspects of litigation, and is able to blend legal and IT disciplines in unique and innovative ways that produce more comprehensive and efficient eDiscovery. Attorneys have certain duties with respect to eDiscovery. Without a litigation support attorneys are required to work directly with the client's or the adversary's IT experts to understand complex IT architecture. Few attorneys have the ability to understand complex IT architecture; locate all relevant data sources within distributed systems; develop well-structured discovery plans; and articulate technical issues in legal pleadings. As a result, without assistance from a litigation support provider such as JANUS, many law firms cannot comply with the requirements imposed by the amended FRCP and the duties outlined in Zubulake.

When engaged by a client responding to a discovery demand in a legal action, JANUS will enable you to satisfy your duty to preserve evidence and limit the scope of the discovery to avoid any undue burden or expense.

When engaged by a client demanding discovery in a legal action, JANUS will enable you to formulate an intelligent discovery plan that results in production of the maximum amount of relevant evidence within parameters that ensure the preservation and authenticity of electronic evidence.

Forensics And Electronic Evidence Discovery

As a leader in the IT sector, JANUS has a thorough understanding well beyond most organizations of what is necessary to preserve data integrity and admissibility through proper chain of custody procedures. JANUS forensic engineers know where and how to look for relevant information that may have been copied, hidden or deleted. Our forensic clients include the largest retailer in the nation, Fortune 500 companies and government agencies. Simple "copy shops" may seem like a bargain but that bargain can cost you your case when critical information is inadvertently missed or proper chain of custody is not followed.

JANUS understands the need for security better than any other eDiscovery firm. Our eDiscovery Forensics lab utilizes proprietary technology and methodologies, and is classified by the United States Government as a Top Secret Secure laboratory facility.



Business Counseling

In the wake of the amendments to the FRCP, Records Management Planning is a critical area that can no longer be overlooked or ignored. JANUS provides wise counsel to businesses and government agencies on how to structure Records Management Programs to reduce the amount of discoverable information and to minimize the costs associated with eDiscovery. Records Management Planning is favored under the amendments to the FRCP and should be carried out consistently in the normal course of business. Through proactive records management, organizations can significantly reduce the risks and costs of litigation. Further, the routine destruction of business records in compliance with established Records Management Policies and Procedures, coupled with a strong process to issue "litigation holds", substantially reduces the likelihood parties to a lawsuit will be subject to spoliation sanctions.

Many businesses have traditionally dealt with records management as an IT issue; IT would develop a policy limiting the size of an e-mail inbox and establish tape rotation schedules. JANUS will enable you to build a Records Management Program that achieves regulatory compliance and proactively controls litigation and discovery risks through a multi-discipline perspective; Business, Legal, and IT.

In addition to Records Management Planning, JANUS can work with your organization to develop eDiscovery policies and procedures, forensic policies and standard operating procedures, and privacy policies. Each are a critical component of the total eDiscovery solution.

Implicit Trust of Our Clients

For over 20 years JANUS Associates has served some of the most respected and prestigious organizations in the nation. Our clients trust us implicitly to handle their engagements in a professional and cost-effective manner and our reputation attests to these facts. JANUS clients cover the entire spectrum of Fortune 500 companies, federal, state and municipal entities, and Not-For Profits.

Here is what a few of them had to say.

"JANUS consultants provided on-the-spot advice, thorough and intelligible affidavits, and technical information that assisted us in creating sensible recommendations for the court."
"Ultimately, with the strong support provided by JANUS, we were able to obtain a revised discovery order, which was approved by the presiding judge in our case." *Donn Christensen Attorney at Law, Gancedo & Nieves*

"Recently and under very intense deadline JANUS provided expert knowledge and skill in supporting our development of automated risk analysis / assessment tools, corporate level procedures for risk assessment, awareness and training to divisional components... Typically these are 1) performed at a moment's notice, 2) through long hours of commitment and 3) results deliver exceptional products with professionalism noticed by high level management ...making our vision realized. I congratulate JANUS Associates for their leadership, performance and a job well done." *Kahletta Montgomery, Oversight Manager-Information Security Staff, Federal Deposit Insurance Corporation*

"...working out wonderfully. ...great with providing recommendations to improve the process and working with me to get things to completion. ...understands the different technologies and is extremely process-oriented." *Jason Harrell, Local Security Officer, ABN AMRO Bank*

Federal Agencies Served

Centers for Medicare & Medicaid Services
Department of Veterans Affairs
Federal Aviation Administration
Federal District Court – S. Dist. of NY
Natl. Aeronautics & Space Administration
U.S. Customs Service

Department of Agriculture
Environmental Protection Administration
Federal Bureau of Investigation
Freddie Mac
Social Security Administration
U.S. Navy

Department of Interior
Fannie Mae
Federal Deposit Insurance Corporation
Government Accountability Office
U.S. Air Force



A Little About Us

JANUS is a certified woman-owned business and has the longest tenure of any independent IT security firm in the nation. In business since 1988, JANUS has been in the forefront of providing quality IT centric services for two decades and remains totally abreast of current technologies and the constantly evolving threats to security and privacy. Organizations that understand the need to secure their data and protect their business interests rely on the professional team at JANUS.

JANUS is a vendor-neutral, full service company with strong credentials in the federal, state and municipal government sector. Numerous Fortune 1000 corporations and Not-For-Profits are also satisfied clients.

Our corporate headquarters are in Stamford, CT. The JANUS Federal Systems Group has offices in Silver Spring and Baltimore, MD. Our software Design and Development team is located in Waltham, MA.

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