



Fortune 1000 Counsel Provide Benchmarks and Metrics for Measuring E-Discovery Success in New FTI Consulting Study

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Annual Advice From Counsel Study Examines Legal Departments' Most Pressing Obstacles Around Data Security, Budgeting, Federal Rules and More

WASHINGTON, July 15, 2015 (GLOBE NEWSWIRE) -- FTI Consulting, Inc. (NYSE:FCN), the global business advisory firm dedicated to helping organizations protect and enhance their enterprise value, today announced the results of its ninth study of corporate e-discovery trends. Conducted by its FTI Technology segment, this installment of the [Advice from Counsel study](#) highlights a number of growing challenges within Fortune 1000 organizations, and offers insights for legal teams to measure their own program's effectiveness against the best practices of in-house peers. Exploring issues, including data security, technology adoption, changes to the Federal Rules of Civil Procedure ("FRCP") and retention policies, the study enables in-house counsel to appraise their department's size, procedures, spending and workflows against the industry standard.

"The *Advice from Counsel* study has grown into a strong tradition of thought leadership and insight from some of the most sophisticated legal departments in the world," said [Mike Kinnaman](#), Senior Managing Director in the Technology segment at FTI Consulting. "With much of the legal industry now paying careful attention to data security concerns, it was important that this year's study examined some of those challenges in depth and discussed steps that companies and their counsel can take to bolster security efforts. The survey uncovered some helpful insights, including the importance of ensuring security of opposing counsel's systems, along with up-to-date metrics that will help legal teams further sharpen their e-discovery programs and protect sensitive information."

For the first time, the *Advice from Counsel* study is now an [interactive survey](#) that allows readers to answer many of the same questions posed to study participants and compare responses. Readers can walk through a 10-question survey and upon completion, are provided with a copy of the study summarizing key answers they can use to benchmark their individual programs. The interactive study can be accessed [here](#).

Highlights from this year's [Advice from Counsel](#) study include:

- A growing trend among leading e-discovery teams to use analytical tools earlier in the e-discovery process to reduce their overall spending (an amount that ranged from \$1 million-\$5 million annually for 43 percent of respondents).
- While 77 percent of respondents have security requirements for service providers, and 52 percent have them for their law firms, a number of respondents indicated growing concerns over the regular exchange of proprietary and sensitive materials between their firm and opposing counsel, especially on matters involving smaller firms with little or no security staff or safeguards. For matters that do not have "law firm parity," one lawyer respondent prevailed in the requirement that the parties use central repository controlled by a service provider for law firms to access produced documents securely.
- As information governance grows in importance and cybersecurity breaches rise, many companies identified the need to update existing data retention policies or create new ones. In today's landscape, 41 percent of respondents said they retain emails for more than three years, and another 10 percent indicated they do not know how long the company retains documents, or if a policy even exists, further highlighting counsel's opportunity to influence these processes and mitigate risk.
- The vast majority of respondents – 87 percent – responded that they are following potential changes to the FRCP with most optimistic that impending changes will more clearly define preservation obligations.

"The *Advice from Counsel* study has become a go-to resource for in-house legal departments looking to shape and grow their e-discovery programs amid the ever-changing legal and IT landscape," said Ari Kaplan, legal consultant and Principal of Ari Kaplan Advisors and co-author of the *Advice from Counsel* study. "Much more than a survey, *Advice from Counsel* offers an interactive and collaborative platform for thought leaders to share and evolve best practices gaining increasing control over the moving target that is e-discovery."

Advice from Counsel: Measuring Your E-discovery Program Against Industry, 2015 can be downloaded [here](#).

About the Study

For the past seven years, FTI Technology has partnered with Ari Kaplan Advisors to publish the annual *Advice from Counsel* study, a quantitative and qualitative view into e-discovery best practices for corporate counsel. The study is conducted by phone interviews with 31 in-house legal professionals with responsibilities that include e-discovery. All participants are from Fortune 1000 corporations, and interviews are conducted under the condition of anonymity.

About Advice from Counsel

Through in-person events, virtual meetings, webcasts, surveys and reports, *Advice from Counsel* helps e-discovery leaders share ideas and advice with peers in an open and collaborative forum. Begun in 2008 as an annual survey and report on top e-discovery trends, *Advice from Counsel* has evolved into an interactive community of e-discovery professionals working to strengthen the people, process and technology at the core of e-discovery. For more on *Advice from Counsel*, as well as information on how to join, please visit www.ftitechnology.com.

About FTI Consulting

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organizations protect and enhance enterprise value in an increasingly complex legal, regulatory and economic environment. With more than 4,400 employees located in 26 countries, FTI Consulting professionals work closely with clients to anticipate, illuminate and overcome complex business challenges in areas such as investigations, litigation, mergers and acquisitions, regulatory issues, reputation management, strategic communications and restructuring. The Company generated \$1.76 billion in revenues during fiscal year 2014. For more information, visit www.fticonsulting.com and connect with us on [Twitter \(@FTIConsulting\)](#), [Facebook](#) and [LinkedIn](#).

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