

SharePoint: Not Just Another E-Discovery Repository

By Larry Briggi, Managing Director of FTI Technology

For companies used to conducting collection and preservation for e-discovery requests, Microsoft SharePoint may seem like just another repository. Dig a little deeper, though, and it is clear that the unique architecture of SharePoint, combined with its growing use within the enterprise, requires a special approach by legal and IT teams to ensure thoroughness and defensibility.

A number of SharePoint features may complicate the collection process, including:

◆ **Date range and author:** In SharePoint, the Create Date & Time and Last Modified Date & Time fields are based on when the document was affected according to SharePoint. So, if Bill created a Word document last week, Sharon copied it to her laptop yesterday and then Joe added that document to SharePoint today, there would be three different “create” dates associated with that document. But as far as SharePoint is concerned, the Create Date & Time is today, when Joe added that document to SharePoint, and SharePoint will list Joe as the author. SharePoint is unaware that Bill or Sharon exists.

◆ **Indexing:** As with other applications, SharePoint traverses its content and indexes words and phrases as a way to facilitate searching. This can be a global setting “turn indexing on for all documents” or it can be controlled at a more macro level: “do not index this website.” Companies may intentionally or unintentionally not index all of the sites, which can cause problems down the road because search results do not report which sites are not indexed.

◆ **Index updates:** Understanding the indexing schedule is crucial, because new or updated content is not searchable until indexing is completed. For example, if indexing takes too long and interferes with backups or slows down the users, IT teams often extend the period between indexing updates. Of course, the more

updates are postponed, the more there is to update, just making the matter worse. It is often an easy choice to delay updates to the index when most users don’t make use of that feature. From the e-discovery perspective, it is a silent killer.

◆ **Geographic locations:** According to a July survey and report published by the Association for Information and Image Management (AIIM) (*SharePoint—*

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Strategies and Experiences, July 2010), only 15% of respondents have a single site. That means 85% have SharePoint installed in multiple locations, requiring teams to perform the same search on multiple systems.

In addition to the above, collecting data from any repository will likely run across some of the more common collections issues such as:

Keywords and phrases: Selecting search terms should be a process that evolves over time. Pick some obvious terms,

run searches, analyze the results, adjust search terms and repeat. This is often an iterative process to hone in on the key set of documents, and recent industry trends and case law point to the use of scientific criteria for validating search terms. This is a time-consuming process of testing and documenting results, yet necessary to ensure all responsive documents are found.

Time delay before preserving: It usually takes time to define a selection and preservation strategy, including selecting keywords and phrases. During this time, changes are happening to the documents in the SharePoint environment, not only at the document level, but also at the custodian level.

Documents unable to be indexed: Some file types cannot be indexed, or they have little to no searchable content, and as a result those documents will not produce search hits. This is to be expected given the nature of many of these file types, such as graphics, sound and movie files. However, teams shouldn’t be surprised if file types such as PDF or CAD do not contain any searchable text.

Tips For SharePoint Success

The growing adoption of SharePoint makes it a clear target for future e-discovery requests. Here are some key tips for legal and IT teams to consider in advance of those inevitable SharePoint collection projects:

- ◆ Research, document and understand your SharePoint environment’s configuration;
- ◆ Make sure your e-discovery policies and procedures extend to SharePoint;
- ◆ Find a tool which can help map your SharePoint environment. This can provide you with valuable information on the size and types of data included within SharePoint; and
- ◆ Investigate consultants that can assist in implementing defensible identification, preservation and collection of SharePoint data.

Having the above points completed before a matter arises can save valuable time and money, as well as help avoid the risk of spoliation. ■

Larry Briggi, managing director, FTI Technology, has more than 20 years of experience developing and implementing litigation management and technology solutions for law firms and corporations. Briggi has designed several legal technology tools, including FTI Harvester, a software and services offering that provides custodian-based preservation and collection of Microsoft SharePoint data. As an e-discovery industry expert, Larry has published numerous articles and presented on e-discovery best practices at many key events including ILTA and LegalTech.

FTI Technology offers on-premise and on-demand e-discovery software as well as complementary services and consulting to give customers the flexibility to address e-discovery challenges at any stage of the process.