

**FOR IMMEDIATE RELEASE**

**New E-Discovery Survey Reveals Many Firms' IT and Legal Departments  
Not Litigation Ready**

**Mountain View, Calif., - July 25<sup>th</sup>, 2007** – The results of a new survey by Contoural, Inc. and Osterman Research, released today, indicate a significant gap between enterprise IT and legal departments, and that companies are largely unprepared for having to respond to litigation. More than 69 percent of the survey's respondents were not litigation ready. Only 6 percent claimed they could immediately and confidently handle e-discovery requests. More than half thought they were at risk of not being able to enforce a litigation hold.

Highlighting the rift between legal and IT, only 9 percent of IT managers responded that legal had provided clear guidance on e-discovery procedures or contributed the budget dollars necessary to accomplish the goals. Conversely, nearly 40 percent claimed they received no guidance on supporting e-discovery requirements.

The study was commissioned by Contoural, a leading independent provider of business and technology consulting services for litigation readiness, compliance, policy development, and data storage strategy. Conducted in June 2007, the survey questioned more than 100 IT managers in medium and large enterprises about their litigation readiness status and practices.

“Companies are facing increasing challenges in meeting e-discovery requirements. It is extremely important that IT and legal forge strong and supportive connections,” explained Mark Diamond, CEO and president of Contoural. “The courts are increasingly putting IT on the stand and asking for enforced policies and procedures around records management.”

More than 51 percent of organizations surveyed had not yet identified anyone in their IT departments prepared to testify in court regarding electronically stored information – what records are retained, where the records reside, how they are protected, and how the information could be retrieved if necessary under court order.

When asked about the most painful issues for IT in complying with e-discovery requests, more than one-half percent stated the lack of enterprise search tools, which makes the time required for search and retrieval of Electronically Stored Information (ESI). According to Michael Osterman, president of Osterman Research, “the recent amendments to the Federal Rules of Civil Procedure (FRCP) have required companies to know what information they have and to be able to retrieve it quickly.” E-discovery enterprise search tools, as well as

automated email and file archiving solutions, can help organizations be more responsive. However, only a quarter of the companies surveyed had deployed an e-mail archive solution. To recover e-mail messages, nearly one-half (48 percent) of companies would need retrieve messages from back up tapes.

Contoural distills the process for corporate IT organizations to prepare for the prospect of litigation into five easy steps:

- Create or update a record retention policy and schedule
- Develop a current data map to enable fast and efficient production of relevant information
- Establish litigation hold processes and procedures to ensure responsive records – those that match the legal search criteria - are not destroyed
- Develop e-discovery data collection and review processes
- Evaluate and deploy e-mail and file system archiving solutions

For additional information about this survey, please visit Contoural at [www.contoural.com](http://www.contoural.com) or Osterman Research at [www.ostermanresearch.com](http://www.ostermanresearch.com).

#### **About Osterman Research**

Osterman Research was founded by Michael Osterman in 2001. Since that time, the company has become one of the leading analyst firms in the messaging and collaboration space, providing research, analysis, white papers and other services to companies like Microsoft, America Online, Sun Microsystems, Yahoo!, Network Appliance, Iron Mountain, Postini, Hewlett Packard and many others. The core of Osterman Research's capabilities is its market research panel of IT professionals and end users who are regularly surveyed on a variety of topics related to email, instant messaging, spam, collaboration, security, storage, archiving, data retention, compliance and other areas. This continually updated knowledge base of information from decision makers and influencers helps Osterman Research to understand developments and gain insight into the trends that affect its clients.

#### **About Contoural**

Contoural is an independent provider of business and technology consulting services. The company is a leader in litigation readiness, compliance, policy development and data and storage strategies that enable enterprises to reduce costs, ensure compliance and reduce risks. With headquarters in Mountain View, Calif., and providing services throughout North America, the company is composed of experienced, industry-leading consultants. The company does not sell any hardware or software products – allowing it to provide objective advice that is tailored to the business needs of each client. The company can be reached via e-mail at [info@contoural.com](mailto:info@contoural.com) or on the Web at <http://www.contoural.com>.

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