

EY Discovery Consulting

Navigating high-stakes complexities and shaping results

The costs and risks associated with disputes, investigations and compliance reviews are increasing by the day.

Information requests from courts and regulators are usually broad yet with tight deadlines. Potential costs of noncompliance intensify the need to respond effectively. Proactive litigants who plan and prepare, particularly those in highly regulated industries, address inherent inefficiencies and risks in their legal and regulatory compliance processes. By doing so, they reap the benefits of having repeatable, cost-effective and consistent discovery protocols that enable them to timely and effectively respond to unexpected situations.

EY in action



Discovery program transformation

EY helped a global financial institution revamp its production protocols to focus on process integration and repeatability, as well as controls and quality assurance. We assisted in the development of the company's in-house capability to collect, process, review and produce data, which was augmented by an outsourcing plan for large, complex matters. Our team guided the company through a technology vetting process and helped it implement new software tools as part of the new production protocols. The project resulted in an immediate reductions in discovery spending, response time and compliance risk from inadequate disclosures.



Process re-engineering

EY played a critical role in a retail bank's effort to implement a new, uniform discovery process and technology infrastructure governed by a single global methodology. By replacing its outdated, siloed processes and networks, the bank realized an estimated savings of US\$75m per year on discovery spending. The EY team balanced strategic and tactical objectives to leverage existing software tools wherever appropriate in order to control the project scope and minimize disruption to the business. EY also worked with counsel to amend the bank's data retention policy to drastically reduce duplication while staying compliant with industry regulations. Besides cost saving, these efforts reduced the risks arising from the unnecessary retention of personal and confidential data.



Global discovery program development

A multinational pharmaceutical company retained EY to create an enterprise-wide discovery program supporting litigation and investigations worldwide. Over a six-month period, the team evaluated existing discovery and information governance policies and procedures against industry-leading practices. The efforts included site visits, interviews and workshops with key stakeholders. In addition, we analyzed the company's discovery cost structure and identified process and technology enhancements that could result in significant cost savings. Moreover, the team identified areas for improvement and centralization across all phases of the discovery process in order to achieve operational and cost efficiencies, as well as to better manage discovery-related risks throughout the organization.

Why EY?

Process improvement

Leveraging a vast array of client engagement experiences, we help organizations proactively update information management policies and procedures, redesign and implement discovery programs, and revise protocols to reduce the disarray associated with an urgent data request.

Balanced approach

Thoughtful discovery programs balance the costs and benefits of in-house solutions, outsourcing support to vendors, and investing in turnkey products and services. Each strategic option is affected by the company's risk profile, requirements specific to the matters they face, and their regulatory and legal environments. We provide assessments based on independent, objective analysis that is informed by real-world experience.

Technical innovation

Companies and their counsel should continuously evaluate the applicability and defensibility of existing discovery technologies and processes. Taking this proactive approach helps them manage the risks associated with process and technology changes, which would have been more difficult had they been made under the pressure of a significant matter. Driven by what is necessary, rather than simply new, our team helps clients understand and take advantage of technological advancements such as analytics, AI and robotic process automation (RPA), and intelligently adopt emerging technologies to improve process and cost efficiency.

Risk focus

Companies with comprehensive visibility into discovery matters involving disparate parts of their organization can more effectively manage the risks involved in litigation and investigations. While helping companies identify and mitigate discovery risks, we also help them align their discovery risk management objectives with their broader digital risk management strategy.

Data protection and privacy compliance

Litigation and investigation rely heavily on data. The handling of data is in turn increasingly subject to regulatory scrutiny around the world. EU's General Data Protection Regulation (GDPR), China's Cybersecurity Law and Australia's Privacy Amendment highlight the real-world challenges these limitations bring to discovery. We embed data protection and privacy compliance in all of our work. Whether it is process re-engineering, policy development, vendor assessment, or technology review, we work with sector- or geography-specific teams to build relevant data protection and privacy regulations into the overall compliance considerations.

Our services include:

- ▶ Discovery program assessment and development
- ▶ Data identification and mapping
- ▶ Production protocol and process review
- ▶ Legal technology evaluation
- ▶ Legal hold process design and implementation
- ▶ Vendor assessment
- ▶ Buy vs. build analysis
- ▶ Data protection and privacy compliance
- ▶ Information governance

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About EY

EY is a global leader in assurance, tax, transaction and advisory services. The insights and quality services we deliver help build trust and confidence in the capital markets and in economies the world over. We develop outstanding leaders who team to deliver on our promises to all of our stakeholders. In so doing, we play a critical role in building a better working world for our people, for our clients and for our communities.

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About EY Forensic & Integrity Services

Dealing with complex issues of fraud, regulatory compliance and business disputes can detract from efforts to succeed. Better management of fraud risk and compliance exposure is a critical business priority – no matter the size or industry sector. With approximately 4,500 forensic professionals around the world, we will assemble the right multidisciplinary and culturally aligned team to work with you and your legal advisors. We work to give you the benefit of our broad sector experience, our deep subject-matter knowledge and the latest insights from our work worldwide.

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