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Regulatory Investigations: An Empowered Response

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THE ISSUE: Within days of receiving a regulatory subpoena, senior management at one of the nation's largest mutual fund companies and their outside counsel retained DOAR Litigation Consulting. Outside counsel was familiar with DOAR's consultative approach and extensive experience in regulatory and compliance matters. They also knew that during this type of investigation, access to information is critical and that DOAR had the technical expertise to manage the investigatory process. Not only was the company required to respond to the request, but it also needed to provide an accurate picture to the company's board, senior management and shareholders as to the likelihood of an existing problem. In order to successfully respond to this request, future regulatory inquiries and potential civil class actions that might ensue, DOAR recommended a response plan that utilized its Active Repository System™.

GETTING STARTED: DOAR developed a regulatory response plan that outlined the strategy and explained the details of meeting the regulators' demands. Mindful of recent rulings on the handling of electronic discovery, DOAR created and distributed a data- and document-preservation policy alerting key personnel about their obligation to retain data. At the same time, instructions were sent to the internal IT staff to suspend routine back-up cycles for data pertaining to affected employees or departments while DOAR forensically captured several workstation drives. DOAR captured over 7 terabytes of data, including emails from file and database servers, local workstations, back-up tapes and other data sources. These were filtered through DOAR's proprietary data processing system to de-duplicate and separate all unneeded data while identifying and retaining the original, relevant documents.

DOAR's ACTIVE REPOSITORY SYSTEM: DOAR made the relevant documents available on its web-based Active Repository System, which allowed the client to control data recovery costs and avoid costly delays. Additionally,



Electronic data
& discovery:
Trial counsel's
shifting
responsibility.

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all responsive data residing in the active repository was easily accessed and reviewed by the legal team, which helped to avoid labor-intensive paper review. The team was able to search across the entire document set, categorizing documents along the way and adding subjective information about those documents to the system to help manage the investigation, address production requirements and plan for the probability of litigation.



THE SOLUTION: When the time came to respond to the various state and federal agencies involved in the investigation, DOAR met all deadlines with minimal disruption to the client's operations. As a "trial ready" firm, DOAR looks beyond the initial response and plans for the broader legal implications that often stem from a regulatory investigation. By using DOAR's Active Repository System, this national mutual fund company was able to take control of its data and place itself in an advantageous position for meeting any future compliance and legal challenges.

Active Repository System is a trademark of DOAR Litigation Consulting.

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