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Mission Accomplished? Considering EDRM

Overview – Determining and Delivering on Stated Goals

Launched in May 2005, the **Electronic Discovery Reference Model** (EDRM) Project was created to address the lack of standards and guidelines in the electronic discovery market - a problem identified in the 2003 and 2004 Socha-Gelbmann Electronic Discovery surveys as a major concern for vendors and consumers alike. The completed reference model provides a common, flexible and extensible framework for the development, selection, evaluation and use of electronic discovery products and services. The completed model was placed in the public domain in May 2006.(1)

After launching almost four years ago, the EDRM has made a significant contribution to the world of electronic discovery. Since its introduction, the actual [nine task graphical depiction](#) of “electronic discovery” by the EDRM has become a true “lingua franca” for explaining and elaborating on the many components of electronic discovery. For this contribution of “a common language” by the EDRM, both legal and technology professionals alike are indebted the work of the EDRM organization – which is led by electronic discovery consultants George Socha and Tom Gelbmann.

While there is no doubt of the contribution to electronic discovery made by the EDRM, one question that arises in this time of increased focus on return on investment (ROI) is whether or not the EDRM has moved beyond providing a common language and guidelines for electronic discovery professionals and to actually delivering on one of its stated goals of addressing the lack of electronic discovery standards.

Participants – A Pause for Participant and Funding Perspective

Based on an overview of the EDRM website @ EDRM.net, the participant level in EDRM has grown from an initial membership of approximately 63 participants in 2005-2006 to approximately 96 participants in 2008-2009 (2). During these years, roughly a total of approximately 178 different organizations have participated in EDRM – participation that includes a fee for participation based on an organization’s role, size, and level of project participation (3).

If one takes the number of participants over time, and estimates the costs associated with participating in the EDRM, it appears that a reasonable estimate of funds contributed to the project – funds not including meeting sponsorships – would be between \$700,000 and \$950,000. While these numbers have never been publicly divulged, estimates are based on the non-scientific estimation of participant roles and project participation and fee requirements highlighted in past EDRM materials(4)(5).

Why are these funding numbers important? As one ponders the question of ROI in relation to the EDRM and the addressing of standards, one needs to understand the

investment made in relation to the return on investment. Mind you that these numbers do not include the hundreds of hours contributed by project participants – some of the brightest legal technology minds in the electronic discovery arena.

Standards and Guidelines – Beyond the Lingua Franca of eDiscovery

Based on my “data point of one” observation, I would submit that the EDRM has delivered on establishing “baseline” standards for the electronic discovery arena – as it has in fact helped create the conditions that allow legal professionals today to more easily consider, compare, and contrast electronic discovery offerings, tasks, and techniques. However, I might also suggest that beyond this baseline standard manifested by more efficient communication, that the EDRM has not delivered any true technical standards that are actively influencing, driving, and supporting the development of electronic discovery technology on a large scale. Yes, there will be those who disagree with this statement – and I certainly respect their opinion as I am but a data point of one. But I would kindly ask you – rhetorically – if can you name a technical standard provided by the EDRM that has achieved widespread acceptance and implementation among the hundreds of electronic discovery vendors in the marketplace today.

Considering EDRM Today – and Tomorrow

So why do I bring this up in late April 2009? The reason I do bring it up is that I think many in the legal technology arena who focus on electronic discovery have bought (and invested) into the promise of EDRM and its stated goal of delivering not only guidelines but also delivering standards that can help the industry as a whole with the question of data interoperability. When one considers that it is reasonable to expect standards type organizations to assign and communicate timelines and be accountable for milestones for technical projects, is it unreasonable for legal professionals to expect the same from the EDRM?

I certainly would not expect EDRM to function as a "development house" where one could reasonably expect that in 18 months with a budget of \$1.5M that it could provide a tested, piloted, and production environment ready "standard". However, I do think it reasonable to think that with four years and over a half million dollars invested by participants that one could expect the release of a standard that was deemed so beneficial so as to be adhered to and actually used on a regular basis by more than a group of select vendors.

With the annual spring meeting of the EDRM coming up in the May time frame - I think that it is a great time for EDRM to move into a more "accountable for investments" project management mentality. If it does not, then, unfortunately (at least for another year) it may miss a great opportunity to make a strong technical standard contribution in the area of data transfer interoperability. If annual investors are comfortable with current use of their funds, that is their right and prerogative - and I respect that as there is certainly a perceived marketing value gained by just being associated with the EDRM. But, as legal technology professionals become more savvy and as "investors" are

questioned by their respective organizations about their investment in EDRM, I suspect many investors will be short of words when asked to describe how participation in EDRM has helped them deliver a truly better offering to their clients - as viewed from their client's eyes.

An Example of a Similar Challenge in Another Tech Arena

One example of a group that has successfully addressed this type of interoperability challenge before is the [Storage Networking Industry Association](#) (SNIA) with its Storage Management Initiative – Specification.

SNIA was incorporated in December 1997, and is a registered 501(c)6 non-profit trade association. Its members are dedicated to developing and promoting standards, technologies, and educational services to empower organizations in the management of information. SNIA works toward this goal by forming and sponsoring Technical Work Groups (TWGs), producing (with strategic partner Computerworld) the Storage Networking World Conference series, building and maintaining a vendor neutral Technology Center in Colorado Springs, and promoting activities that expand the breadth and quality of the storage and information management market. SNIA's ability to accomplish these goals is directly attributed to the dedication and hard work of hundreds of volunteers from member companies.

SMI-S defines a method for the interoperable management of a heterogeneous Storage Area Network (SAN), and describes the information available to a WBEM Client from an SMI-S compliant CIM Server and an object-oriented, XML-based, messaging-based interface designed to support the specific requirements of managing devices in and through SANs.(6)

While the EDRM certainly is not and most probably will not become exactly “SNIA-like”, I do think that the EDRM could learn from some of the successful initiatives launched by SNIA and completed under SNIA’s guidance..

Post Script – A “One Data Point” View

Having written in the past on this "lightning rod" of a subject, I do understand the risk of sharing an opinion that may be different than that of many leaders in the electronic discovery arena - however - I would ask all to look beyond people, potential, and personalities and truly ask themselves the question "Is the ROI from EDRM investment warrant further investment without investment accountability?" I personally do think the EDRM has made a true and unparalleled contribution to the electronic discovery arena - one that will always serve as the "baseline" for almost any electronic discovery discussion - but my hope is that the EDRM will realize the potential benefit of making a standards impact today with standards that can help increase the interoperability across the spectrum of the nine electronic discovery tasks highlighted by the EDRM.

Yes, based on the contribution of the EDRM, legal professionals can work together better today than yesterday. The challenge of today however is to see if the EDRM can help electronic discovery centric, devices, applications, and data work better together. Those who have invested can be proud of their past investments and those who invest today may want to be cognizant of an apparent need for ROI accountability on their ongoing investments in the area of standards development.

Has the EDRM accomplished its “mission”? I guess reader’s will have to draw their own conclusions – based on their expertise, experience, and expectations.

- (1) EDRM @ http://www.edrm.net/wiki/index.php/Main_Page
- (2) EDRM Project Participants @ <http://www.edrm.net/index.php>
- (3) EDRM Participation Fees @ <http://www.edrm.net/pricing.php>
- (4) Past EDRM 2005-2007, Fee Schedules via Wayback Machine @ <http://snurl.com/gjp1h>.
- (5) Current Fee Schedules via EDRM @ <http://www.edrm.net/pricing.php>
- (6) Storage Management Initiative – Specification @ http://www.snia.org/tech_activities/standards/curr_standards/smi/