E-Discovery Practices Checklist

Information Management

- o Become familiar with the type of information your client might have.
  - ▪ Microsoft Word, Corel WordPerfect, or other type of word processing system? Spreadsheets, images or PDFs,?
- o Determine approximate volume of information.
  - ▪ How many persons within your client's organization possess relevant information that is potentially responsive to document demands?
  - ▪ Of those persons, how many have email accounts, work computers and personal computers that might contain relevant information?
  - ▪ Does your client have hard copy files or documents that are relevant and/or responsive?
- o Gather Names
  - ▪ Fact witnesses within your client's organization
    - Persons involved in the underlying factual scenario
    - Persons who communicated with in-house or outside counsel
    - In-house Counsel
    - Outside Counsel and law firms
  - ▪ Look far enough into the past to capture all potentially privileged information.
- o Decide the manner in which you intend to produce documents (hard copy or electronic) relative to the volume of information.

Planning Meeting and Protective Order

- o Attend planning meeting prepared with information regarding the volume and types of information that is potentially responsive. Discuss limits on the volume of information with opposing counsel.
- o Prepare written document to be entered as protective order.
  - ▪ Add provisions regarding inadvertent disclosure and procedure for returning or destroying inadvertently produced information.

Design Keyword Searches to Further Limit the Realm of Reviewable Information

- 0 Select ESI platform with sophisticated search capabilities and other characteristics such as tagging, ability to categorize documents and ability to create privilege/production logs.
- 0 Select appropriate personnel to aid in formulation of keywords.
- 0 Formulate focused inquiries according to the specific legal context of your case.

0 Run a search on every attorney name (first and last) and law firm name to find privileged documents.

0 Ensure that your keyword search results sets are reliable and neither under nor over inclusive.

0 Clearly document the rationale of your choices with respect to the above.

- Consider hiring expert or consultant to aid in the explanation of your process.

Categories

o Create categories such as "Nonresponsive", "Further Review", "Ok to Produce" and "Privileged" or "Work Product".

Selection of Reviewers and Training

0 Select review team composed primarily of attorneys. Attorneys with prior involvement in the case and experience with document reviews are preferred.

0 Impart to reviewers a comprehensive understanding of the factual and legal issues of the case, objectives of the review and types of information to be searched.

0 Go through example documents from each category with reviewers.

0 Create email group with reviewers for timely dissemination of information related to problems encountered and solution to those problems.

Review Process

0 Project manager should review documents from each category shortly after the review begins to ensure uniformity among reviewers.

0 Periodic meetings with reviewers to discuss new issues.

Production

0 Bates stamp your documents in the desired production format.

0 Perform a final quality check of bates stamped documents to be sure the documents are properly producible and not privileged.