UBGreensfelder™

Get Your Digital House in Order

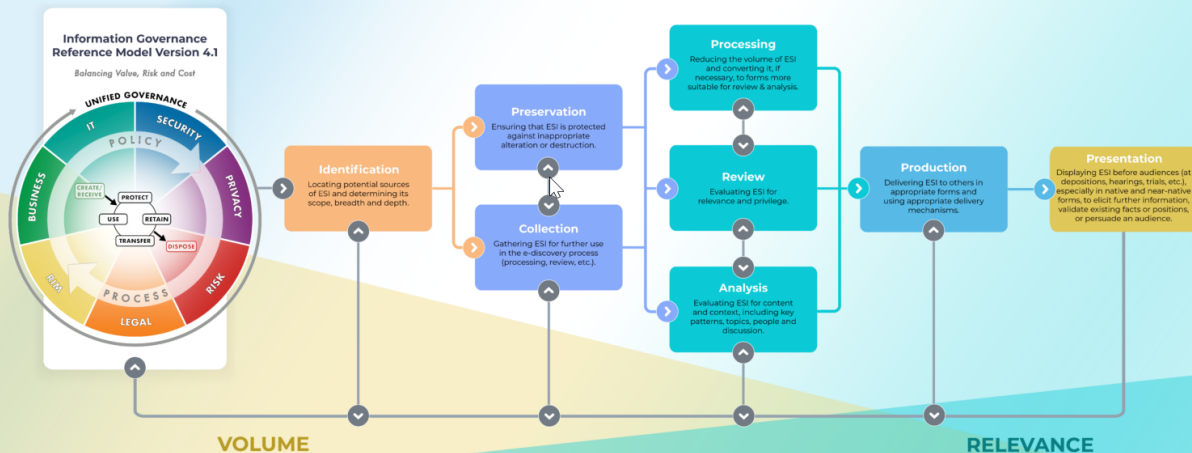## TOP TEN WAYS TO SAVE IN EDISCOVERY

January 15, 2026

Julia Voss
jvoss@ubglaw.com

This framework attempts to cover pre-litigation and post-litigation document management and production.
Available at edrm.net

Another model with details about how technology helps throughout the process is available at:
https://legaldataintelligence.org/

The Sedona Conference has numerous publications on eDiscovery topics as well.
https://www.thesedonaconference.org/

TOP 10 WAYS TO SAVE IN eDISCOVERY

1. Map Your Data

2. Know How to Preserve and/or Collect Data Types

3. Have Legal Hold Policies and SOPs Ready

4. Monitor Compliance with Use Policies and Retention Policies

5. Process Potentially Relevant Data Early in the Case

6. Sample the Review Set

7. Do not skimp on QC

8. Use Appropriate Analytics/AI

9. Notify Court/Opposing Counsel of Issues Early

10. Determine Whether to Retain Discovery Data When a Matter is Over

1. Map Your Data

- What data do you have, and who uses it?

- Minimum (example of limited sources):

Source	Access
Emails	Company Wide
Database 1	HR
Sharepoint	Company Wide
Company-Issued Phones	Executives
Work Related Texts on Personal Phones	Company Wide

## 2. Know How To Preserve/Collect Data Sources

- Level Up your Data Map to Include more information about what is available and how to get it:

Source	Access	Retention and/or Availability	How to Preserve/Collect
Emails	Company Wide	Retention 2 years	IT place on hold in place, collect PSTs when necessary
Database 1	HR	Online in 2020, permanent retention	HR can export data
Sharepoint	Company Wide	Online in 2020, retention varies by content	IT place on hold in place, export docs when necessary
Company-Issued Phones	Executives	Phones recycled on 2 year schedule	Will need external assistance
Work Related Texts on Personal Phones	Company Wide	?	?

3. Have Legal Hold Policies and SOPs Ready
4. Monitor Compliance with Policies

- Document Retention Schedule
- Legal Hold Policy
- Approved Use Policy
- BYOD Policy
- Document Destruction Protocols
- Legal Hold Protocols
- Data Maps
- Data Breach Protocols
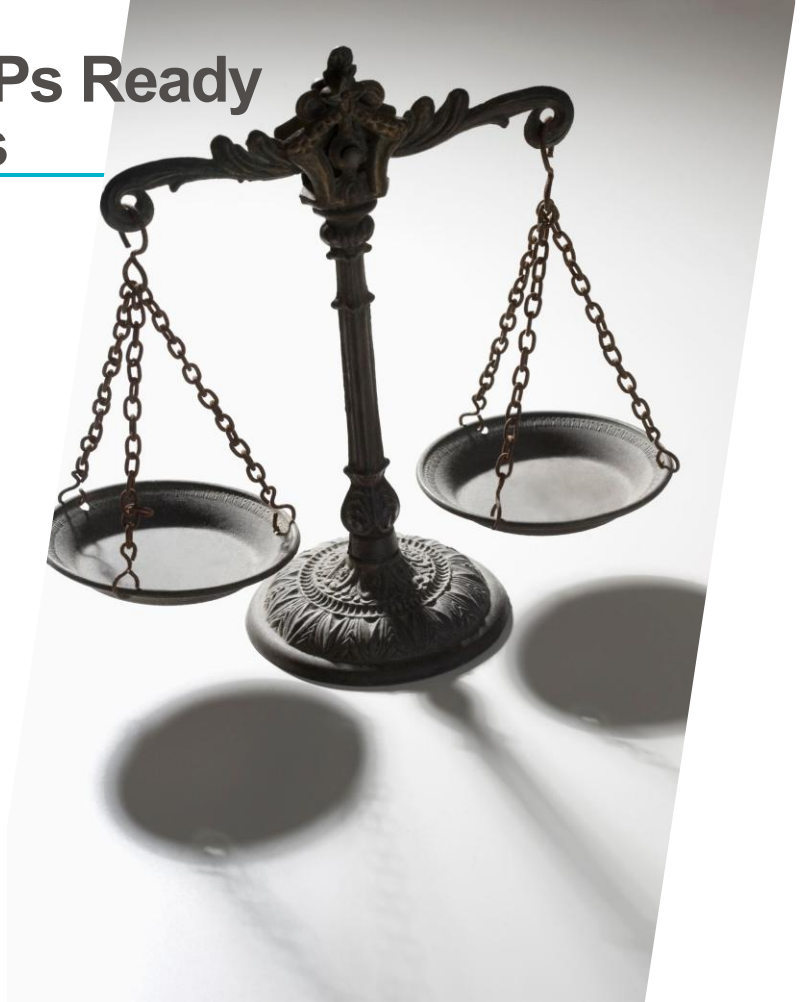
5. Process Potentially Relevant Data Early in the Case

- Need an ESI Protocol at least on format issues negotiated

- Why Process Early?
  - › Test Terms
  - › Gather Facts
  - › Evaluate Relevant Custodians
  - › Find Relevant Documents Early to:
    - Serve as example for larger review
    - Start developing case strategy

6. Sample the Review Set

- Once review set established, a random sample helps:
  - › Feed a technology assisted review project
  - › Provide Documents to Train Reviewers
  - › Provide Richness to help estimate how many relevant documents there are in the set
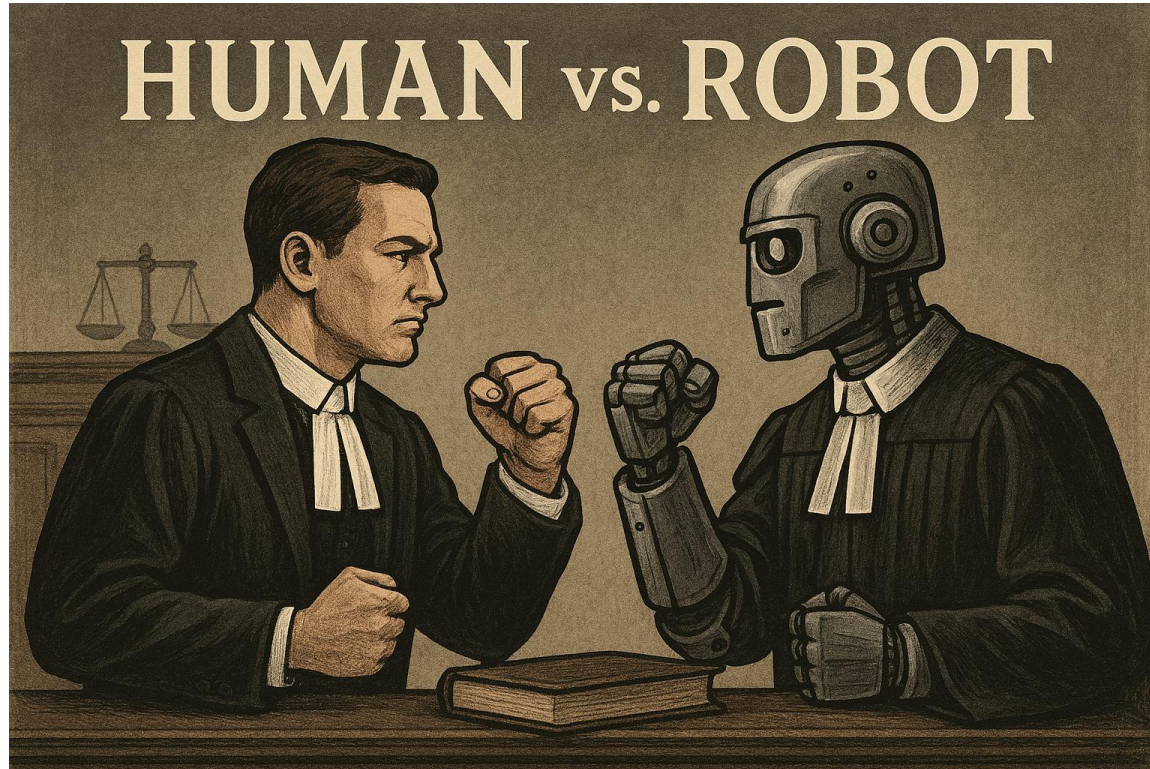
7. Allow Appropriate QC

- Contract Reviewers need to be QC'd

- Reasonable oversight is necessary to ensure you have met obligations

- Use Smart QCs

8. Use Appropriate Analytics/AI

- Clustering

- Email Threading

- Concept Searching

- AI assisted Review

- AI assisted Priv Review

- AI assisted Case Strategy

Generative AI: worth the hype?
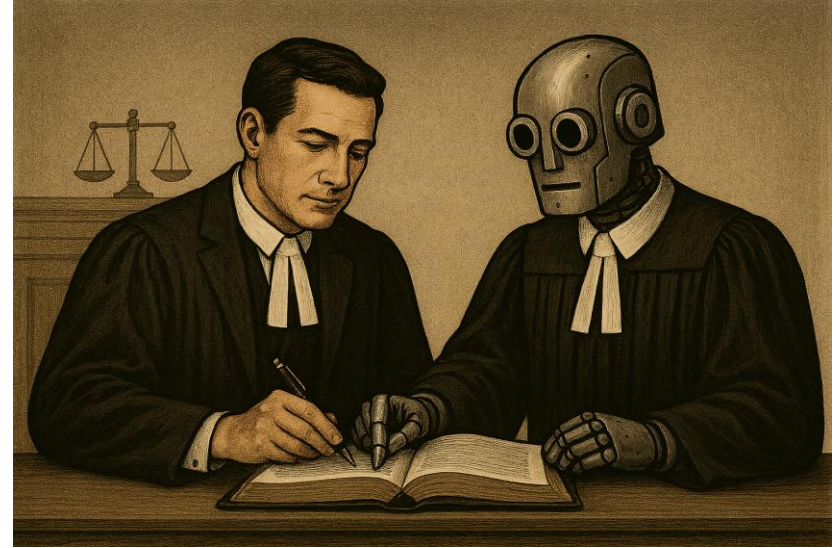

HUMAN vs. ROBOT

*This image was created on 1/12/2026 using Microsoft Co-Pilot

Human **+** Robot

Steps at any phase (relevance, privilege, case preparation)

› Generate Initial Prompts

› Refine and Validate the Prompt

› Apply to entire population

› Borderline Documents & General QC, possible additional validation or refining of prompt

› Refine Results for use

*This image was created on 1/12/2026 using Microsoft Co-Pilot

Cost Savings of Generative AI

- Overall (from 1st Level to Priv Log), I estimate savings of about 15% using Generative AI for high stakes matters that still do extensive QC and review every document that goes out the door

- The percentage is much higher if you don't review all the relevant docs that go out the door or if you are comfortable with less (but still defensible) QC options

- Consider non-monetary value adds (doc summaries, rationales, draft logs, etc.) that help with case preparation, not just document production

9. Notify Court/Opposing Counsel if Issues

- Allow time for an investigation, but once you have done that investigation, tell the court if there are issues. It will be worse if you don't.

- ND Ill – <u>DR Distributors, LLC v. 21 Century Smoking, Inc.</u>

  › Sanctions analyzed under every applicable rule because of failure to oversee and inform the court of concerns.

  › 513 F.Supp.3d 839 (2021)

10. Should You Save the Data?

- When a case is over, consider:
    - › Is there repeat litigation on this issue?
    - › Is there any unique data subject to legal hold that only exists in this data set?
    - › Are we creating a liability by hanging onto data that is otherwise past its retention?
    - › Should we ask outside counsel to return all data?

UBGreensfelder™

Thank you.

ADDITIONAL QUESTIONS? PLEASE CONTACT

Julia Voss
Director of Litigation Support and eDiscovery
UB Greensfelder LLP
jvoss@ubglaw.com
314-345-4745