

Mainstreaming E-Discovery

Practical Application of EDRM Processes in
Cases you Face Every Day

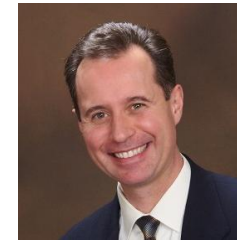
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Mainstreaming of E-Discovery

CASE IN POINT

by Tom Fishburne



- e-discovery is no longer just for large and complex matters
- Court Requirements are changing
- Stories from the trenches
- Tips, tools and best practices for each phase of the EDRM

The Mainstreaming of E-Discovery

What it Is:

- A standard process for *any matter*
- Tools that are useable without consultants
- ESI in formats easily shared by client, counsel, courts and opposing
- Defensible
- Cost effective

What it is NOT:

- Moving data between vendors, risking
 - Chain of custody
 - Files ‘dropping to the floor’
 - Increasing cost
- Continuing manual or paper-based processes
- Increased risk of sanctions

Courts increasingly require e-discovery

- Have you attended a preliminary conference poorly prepared to discuss the format and content of client's ESI?
- (or avoided a meet & confer altogether?)
- Expect that to change:
 - Example: in New York and 8 other states

“During the preliminary conference, parties must appear "sufficiently versed in matters relating to their clients' technological systems to discuss competently all issues relating to electronic discovery[.]” N.Y. CPLR §§ 202.10(b), 202.70(g).

E-Discovery Rules / State Adoption

- About 20 other states have yet to enact specific rules, but acknowledge the unavoidable role of technology:

*Illinois Supreme Court rules, for example, “..regarding discovery of documents, make clear that the definition of "documents" includes "all retrievable information in computer storage, so that there can be no question but that a **producing party must search its computer storage** when responding to a request to produce documents pursuant to [214].” Ill. Sup. Ct. R. 214 (cmt).*



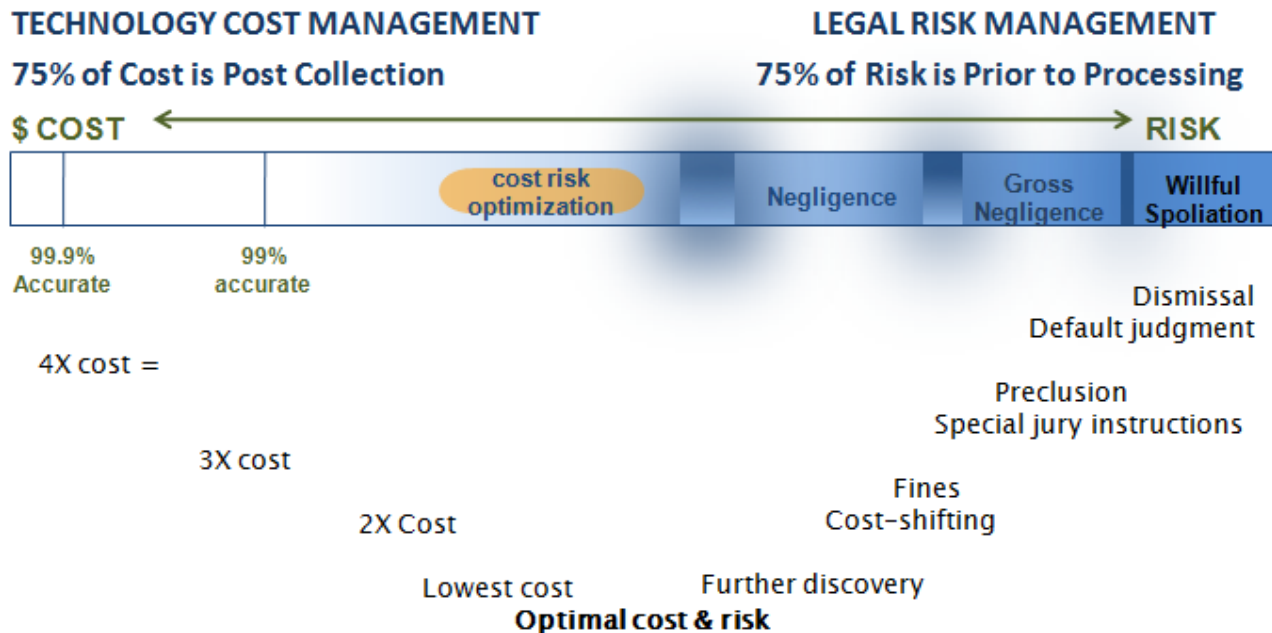
A story from the trenches



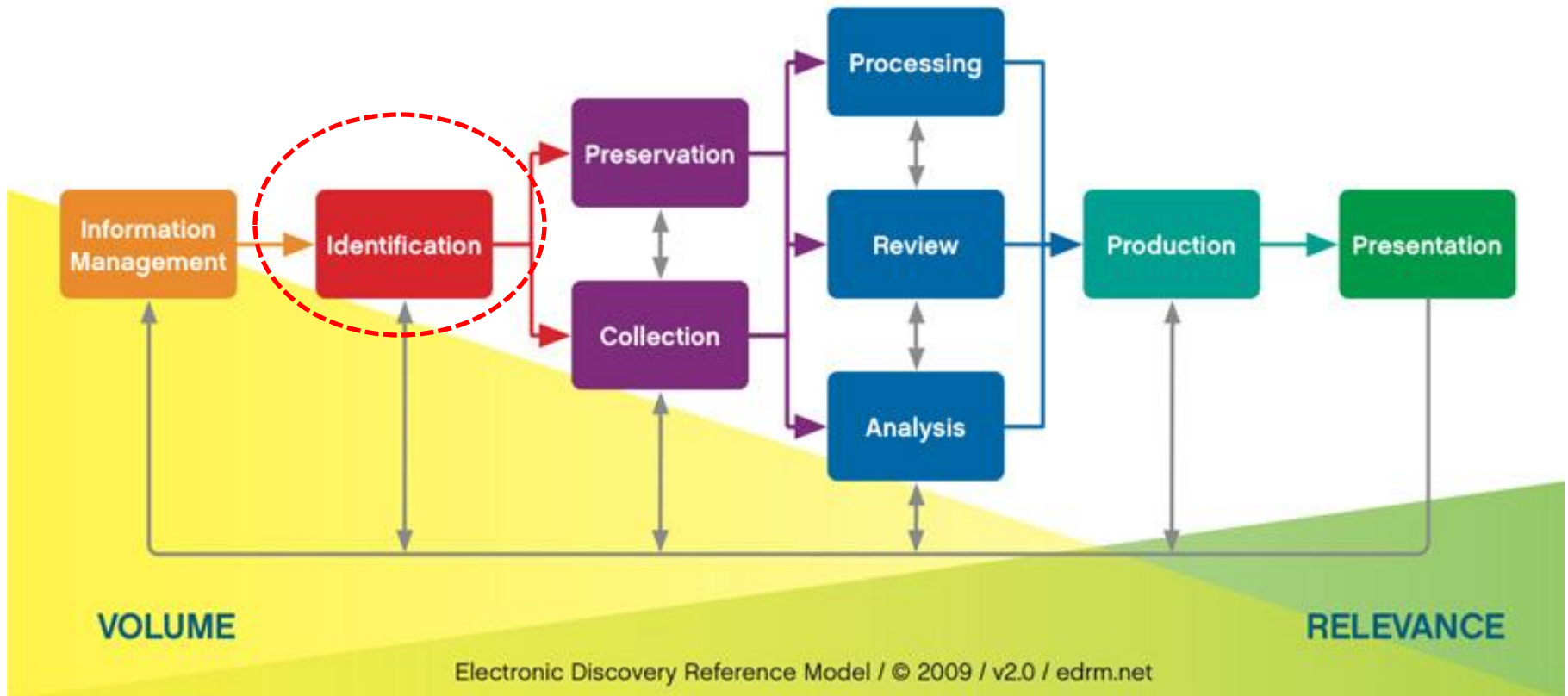
'Good judgment comes from experience, and a lot of that comes from bad judgment.'

Mainstreaming of e-Discovery for Matters you Face Every day

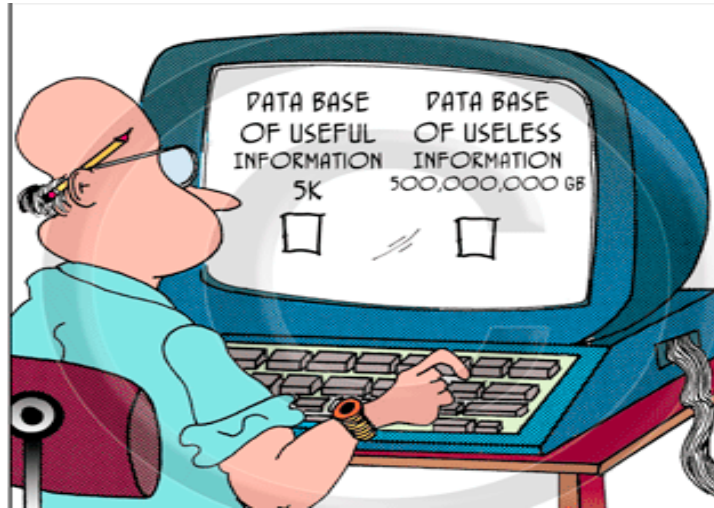
- Go over standardization and where you can avoid missteps
- Every matter is unique, but.....Perfection is the enemy of just good enough



Electronic Discovery Reference Model



EDRM BEST PRACTICES



- Construct a “content” focused data map
 - Use a template form over and over
 - Start with type of potentially responsive data sources (don’t forget hand holds)
- Start with Org charts and HR data
 - All employees, by location, department
 - Email information and user ids
 - Start dates, end dates
 - Electronic sources: People Soft, payroll
- Determine enterprise of group applications by Department
 - Sales and marketing: Server, common shares, Client management, SharePoint?
 - Operations: CRM application, Inventory systems, asset management, wiki?,
 - R&D, Development: Source code management, Bug systems, CAD/CAM, etc
 - Finance: SEC and financial reports, Accounting system, Invoicing, BoD minutes
 - Legal systems: Contract management, HR records, Industry compliance systems
 - IT/customer support systems; *Email system, Network topology, server inventory
 - *Disaster recovery systems, backup tapes, data/email retention policies
- Identify System administrators for each enterprise application
- Set up interviews for each “key” custodian
- Just because you identified data does not mean your must process and review it.

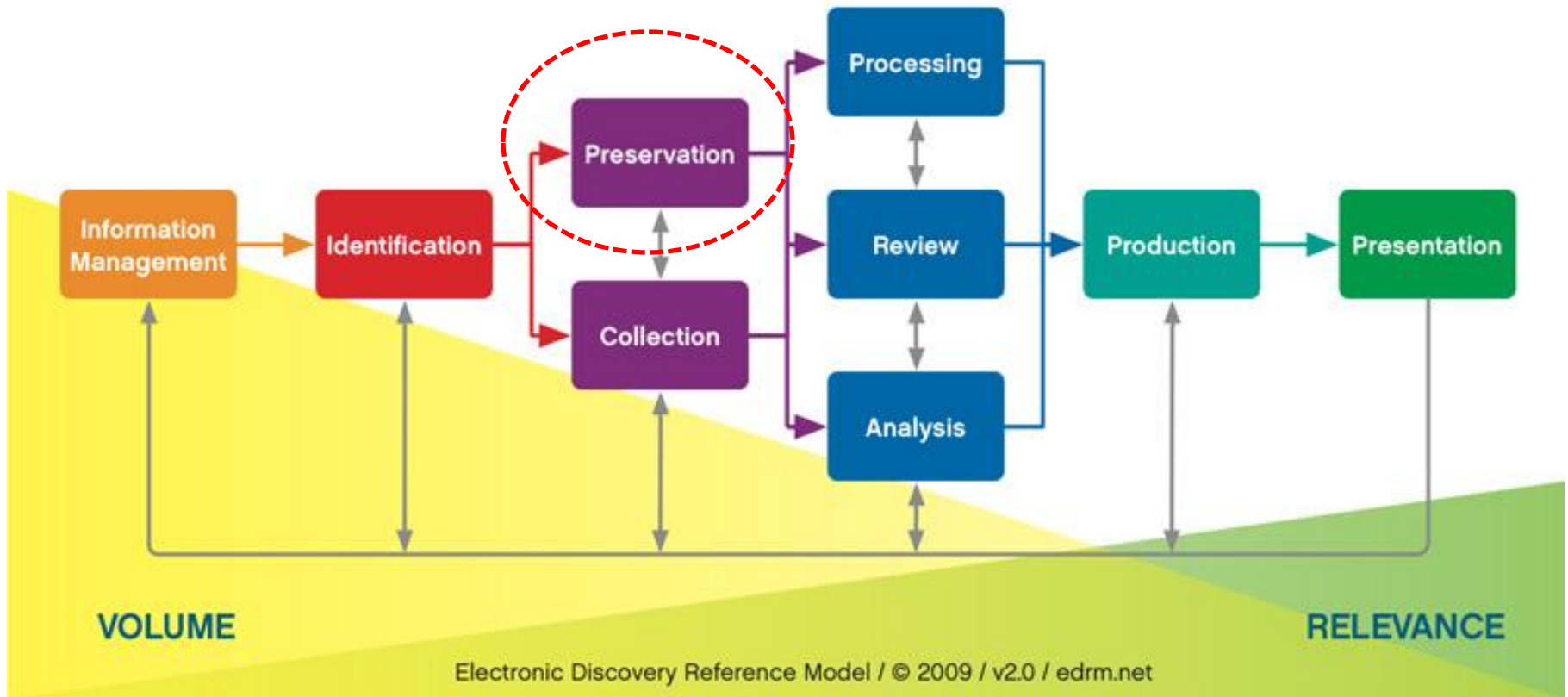
Example: A Detailed Data Map



Client Name
 Data Map Checklist
 Date
 Matter caption

| Department | Generic Application | Application, ESI container | System version/notes | System Admins | Preservation Notice List | Collected | Date collected | Collected By |
|------------------------------|----------------------------------|--|----------------------|--|--------------------------|----------------------|----------------|--------------|
| Human Resources | | | | | | | | |
| HR | Current Org Chart | PDF docs | Acrobat 11.0 | VP HR - D. Kells | X | all | 1/4/2011 | wpg |
| HR* | HR management | <i>[People soft, HRIS, Perceptive]</i> | | | | | | |
| HR | Timekeeping | <i>[Track-it, Replicon, Serengett]</i> | | | | NA | | |
| HR | Employee resources | Sharepoint | SP 2007 | Francis@client.com | X | select | 1/22/2011 | wpg |
| HR | Payroll | <i>[Track-it, Replicon, Serengett]</i> | | | | NA | | |
| Finance/Accounting | | | | | | | | |
| Fin./Acct. | Management Accounting | <i>[Cheyene, SAS, QB]</i> | | | | | | |
| Fin./Acct. | Tax Accounting | <i>[Cheyene, SAS, QB]</i> | | | | | | |
| Fin./Acct. | SEC Records | | | Controller - M. Smith | | | 1/15/2011 | wpg |
| Fin./Acct. | Board meetings/Mins | | | | | | | |
| Fin./Acct.* | Asset Tracking | | | | | Select - Individuals | | |
| IT Department | | | | | | | | |
| IT | Data retention Policy | PDF docs | | CIO - M. Smart | X | | | |
| IT* | Email system* | Microsoft Exchange server | MS Exchange 2007 | | | | | |
| IT | Local Archives? | <i>[ost,pst]</i> | | | | | | |
| IT | email backups? | <i>[edbs, xmerge pst, journaling]</i> | | | | | | |
| IT | Disaster Recovery | | | | | | | |
| IT | in house | | | | | | | |
| IT | off site storage | | | | | | | |
| IT | Social Media applications | | | | | | | |
| IT | Facebook Journaling | | | | | | | |
| IT | Twitter Journaling | | | | | | | |
| IT | Telephony | | | | | | | |
| IT | Service Providers | | | | | | | |
| IT | Text journaling | | | | | | | |
| Individual Custodians | | | | | | | | |
| Custodian 1 | email | psts, osts | Office 2010 | | | | | |
| Custodian 1 | Laptop/workstations(s) | Dell 600 - Hard drive | Encryption | | | | | |
| Custodian 1 | User shares | G: Drive | | | | | | |
| Custodian 1 | PDA's, mobile devices | Blackberry | | | | | | |
| Custodian 2 | email | psts, osts | Office 2010 | | | | | |
| Custodian 2 | Laptop/workstations(s) | Dell 600 - Hard drive | Encryption | | | | | |
| Custodian 2 | User shares | G: Drive | | | | | | |
| Custodian 2 | PDA's, mobile devices | Blackberry | | | | | | |

Electronic Discovery Reference Model

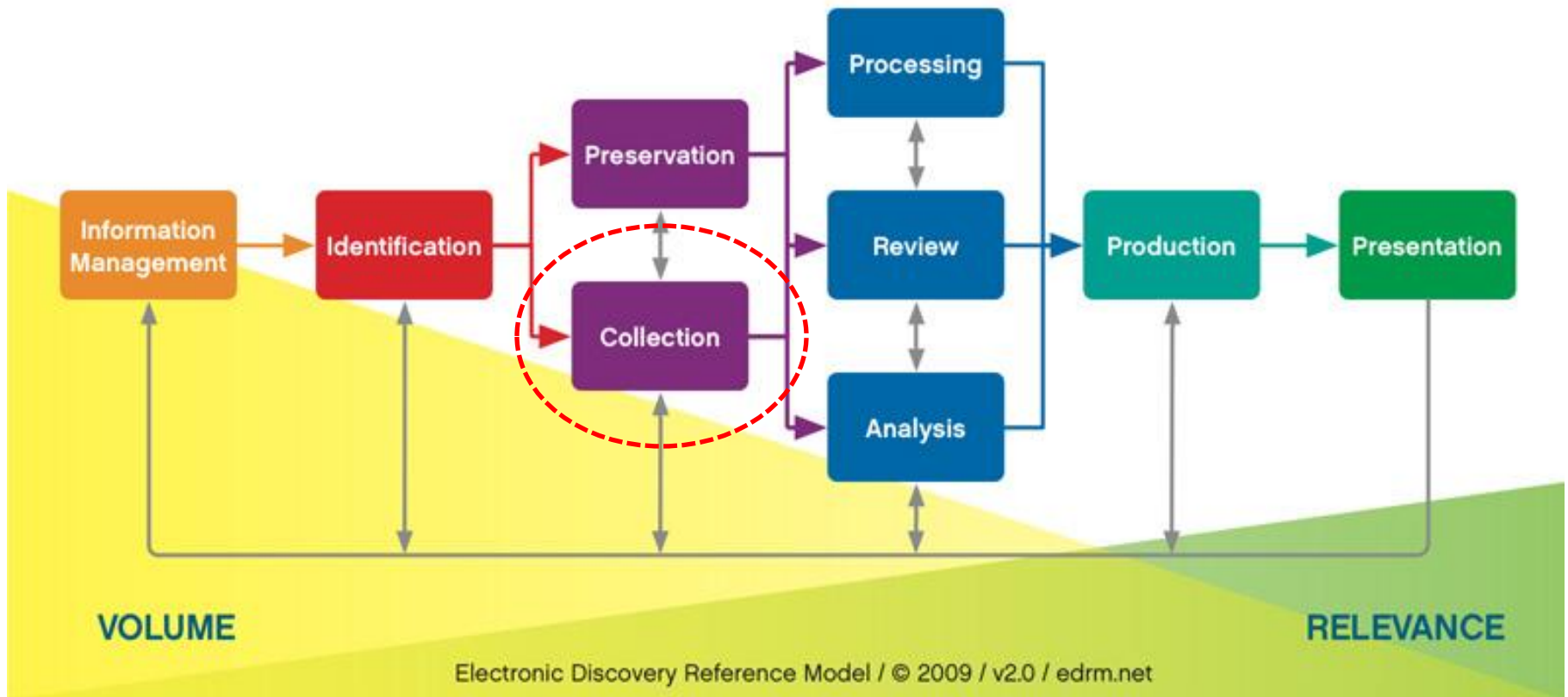


EDRM BEST PRACTICES

Preservation

- Identify hold triggers and act immediately
 - Receiving a Preservation Letter
 - Retaining Counsel and Experts
 - Providing Notice to Insurance Carrier
 - Filing of Claim with Administrative Agency
- Brief your client on requirements/obligations
- Create/send Litigation Hold letter to each department head
- Contact system administrators and cease deletion
- Email every custodian with Litigation hold notice
 - Track email acknowledgements
 - Resend periodically
 - Document failures to acknowledge and corrective action
- Work with IT administrators to assess volume
 - Get directory listings of potentially responsive data stores
 - fingerprint files in place if possible
- **Document** : USE e-discovery PM software and Lit Hold email systems.

Electronic Discovery Reference Model



EDRM BEST PRACTICES

Collection

- Develop an enterprise collection strategy
 - **Low risk:** Collect everything from potentially relevant data stores, filter later
 - Do selective collection based on Directory Structure, Custodian feedback
 - **High risk:** Allow each custodian to self-select (attorney present?)
- Develop an individual custodian strategy
 - Email from server, from local hard drives
 - Workstation or Laptop
 - User Shares on network
 - PDA's, flash drives, floppy disks
- Audit Disaster Recovery System
 - Get backup tape manifest and pull/isolate potentially responsive tapes
 - Determine media types (DLT), backup software (example: Veritas) and backup method (incremental) – review the backup tape affidavit



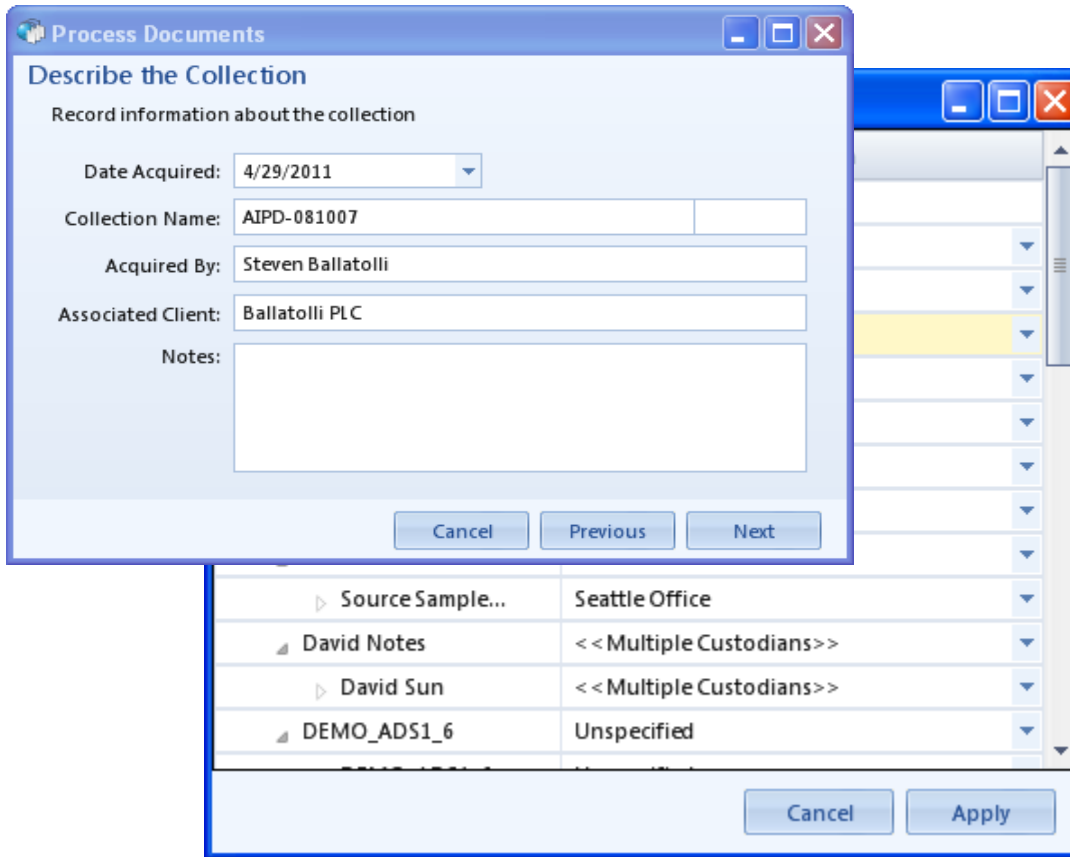
Select and use Collection technology:

- **Pre-existing:** Multimillion \$ in the wild enterprise wide collection systems
- **Deleted files, File fragments, registry files:** Forensic images
- **Active files only:** Forensically sound copying
- **Manual or Network:** Drive by drive or network pull to collection target device

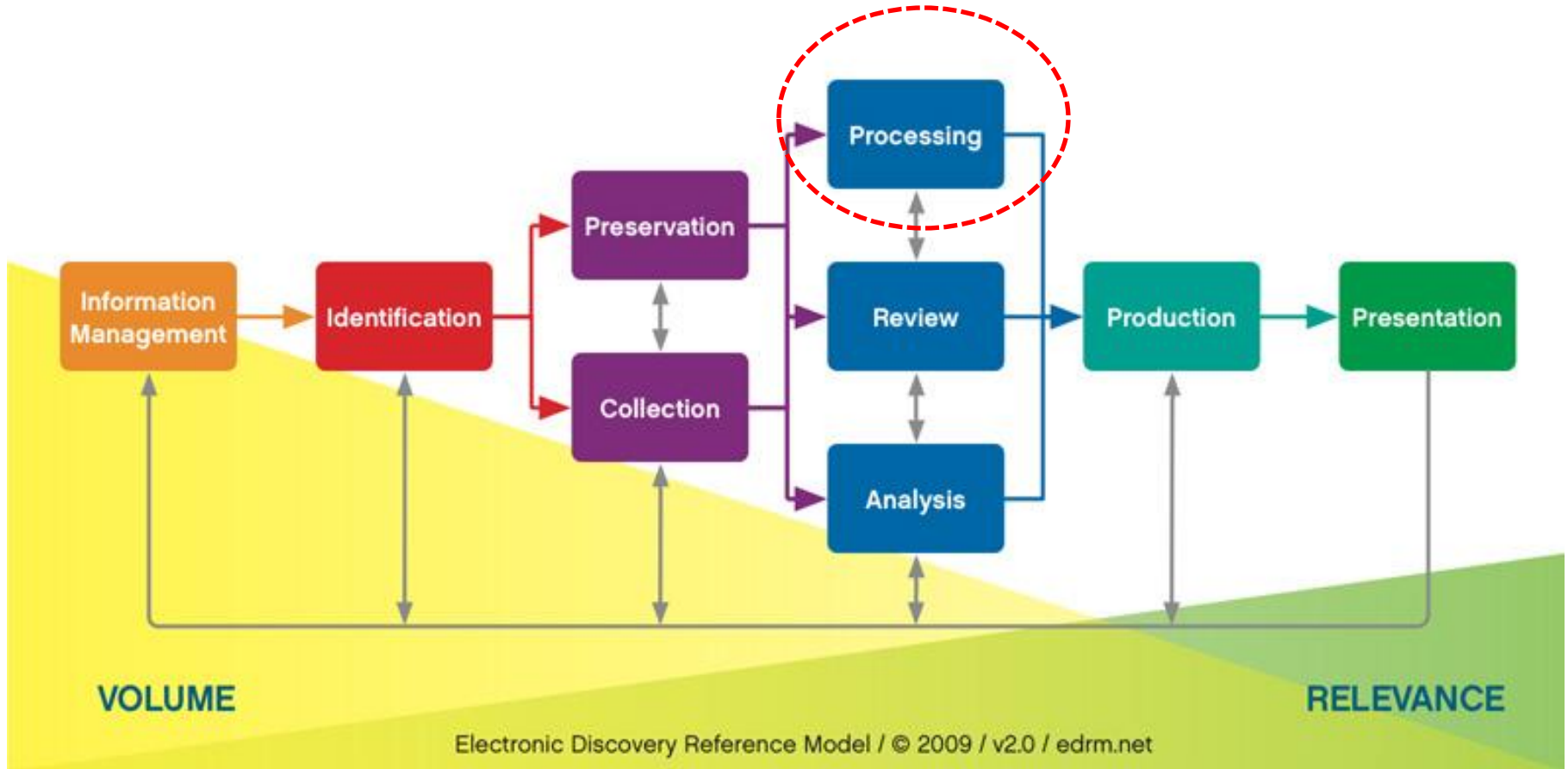


Just because you collected does not mean you have to process or review

Connect Collection to Processing Common tools document IDs



Electronic Discovery Reference Model



Automatic Processing



No more manual processing; no paying by the GB/page

| IMPORTKEY | PROCESSED | CLIENT | COLLECTION | PA | STATUS | DESC | SIZE | FILES | E | MEDIA |
|-----------|-----------------|-------------|-------------------|----|----------|------|-----------|-------|---|------------------|
| 12 | 4/29/2011 9:57 | Unspecified | 001 | | Included | | 123.49 MB | 1,945 | 4 | local to GGO-SUL |
| 8 | 4/28/2011 3:35 | Unspecified | Data Source | | Included | | 600.15 MB | 3,848 | 7 | local to GGO-SUL |
| 7 | 4/28/2011 3:32 | Unspecified | David Notes | | Included | | 31.75 MB | 109 | 4 | |
| 9 | 4/28/2011 3:44 | Unspecified | Don W Rodriguez | | Included | | 13.43 MB | 84 | 1 | local to GGO-SUL |
| 6 | 4/28/2011 3:30 | Unspecified | Employee Director | | Included | | 91.74 MB | 1,836 | | |
| 13 | 4/29/2011 10:02 | Unspecified | INstalled | | Included | | 6.59 MB | 1 | | local to GGO-SUL |
| 14 | 4/29/2011 10:02 | Unspecified | INstalled | | Included | | 6.59 MB | 1 | | local to GGO-SUL |
| | | | | | Included | | 119.02 KB | 3 | | local to GGO-SUL |
| | | | | | Included | | 600.15 MB | 3,848 | 7 | local to GGO-SUL |

Process Documents

Processing Options

Options for processing this collection.

Expand containers.

Remove NSRL library references (De-NIST).

272 total: 41 source files, 86 emails and 145 attachments

C:\Sample Files\Source Sample Data - Small Set

Select a tool that supports a wide variety of file types

Automatic Processing



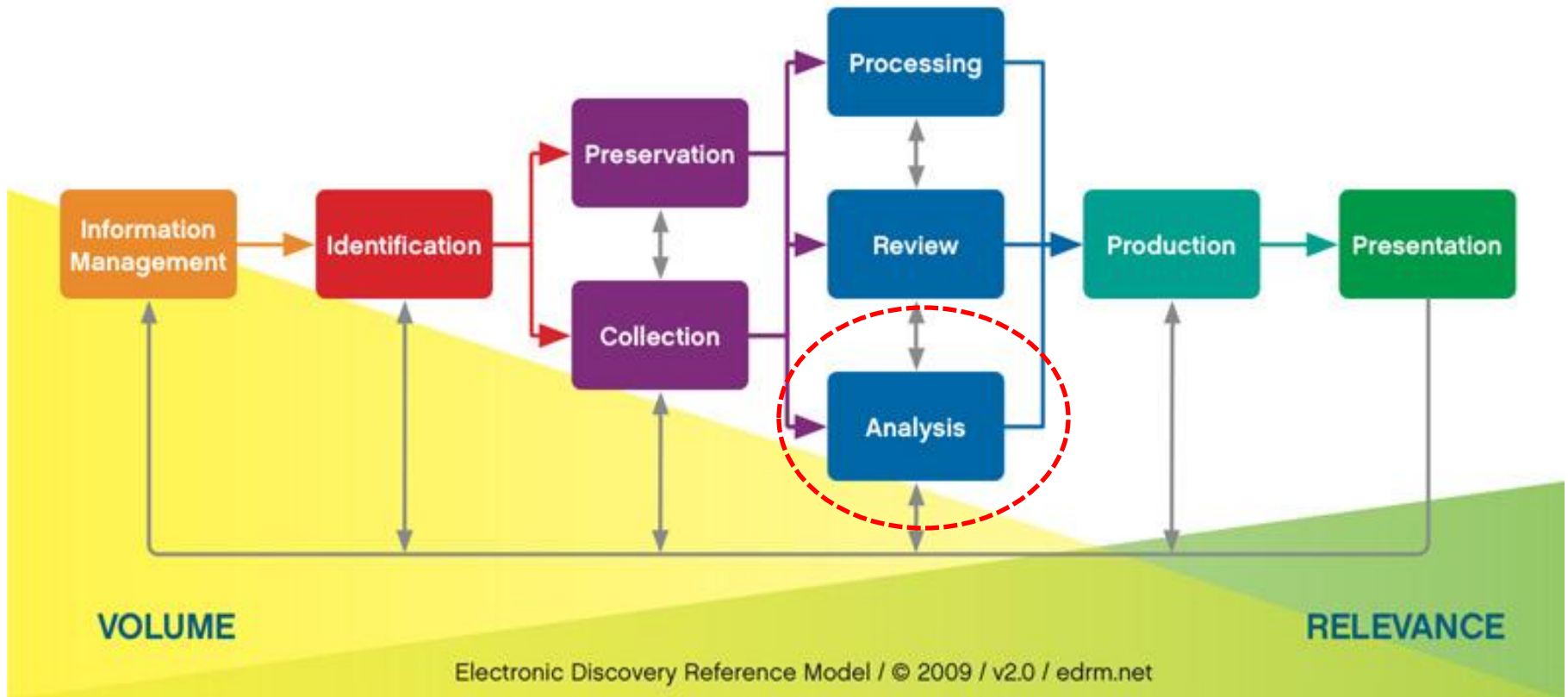
No more manual processing; no paying by the GB/page

| COLLECTION | DATE | PHASE | ITEM | TYPE | PATH | NOTES | SIG |
|---|----------------|-------------|-------------------|------|-------------------------------------|--|------------------|
| EVENT: Potential Self-Extracting Archive Found (1 item) | | | | | | | |
| Don W Rodriguez | 4/28/2011 3:44 | ExeExpander | romeo.exe | exe | 004\Don W Rodriguez\files | | F7188CB4E00000 |
| + EVENT: Encrypted or password-protected (18 items) | | | | | | | |
| EVENT: Corrupt or invalid container item (2 items) | | | | | | | |
| Data Source | 4/28/2011 3:34 | ZipExpander | redline_video.swf | swf | Source Sample Data - Small Set\Mark | Corrupt or invalid container item | 0000000000000000 |
| Source Sample Da | 4/29/2011 9:53 | ZipExpander | redline_video.swf | swf | Source Sample Data - Small Set\Mark | Corrupt or invalid container item | 0000000000000000 |
| EVENT: Corrupt or invalid container (2 items) | | | | | | | |
| Data Source | 4/28/2011 3:34 | ZipExpander | redline_video.zip | zip | Source Sample Data - Small Set\Mark | Corrupt or invalid container;Wrong Local | 2E3C6D74E00001 |
| Source Sample Da | 4/29/2011 9:53 | ZipExpander | redline_video.zip | zip | Source Sample Data - Small Set\Mark | Corrupt or invalid container;Wrong Local | 6FDFAA86800001 |

Decide upfront what to do with triage\exception documents:

- Corrupt files
- Password protected files
- Encrypted content

Electronic Discovery Reference Model



- What is ECA?
 - A salesperson’s favorite buzzword/Acronym
 - “Early case assessment” = Quick search to determine claim viability
 - “Early cost assessment” = filter and count, to determine legal cost, timelines
 - Sometimes referred to as “Early Data Assessment” – How much data? Did I collect everything needed?
 - Gross Relevancy = Using technology to eliminate grossly irrelevant docs
- Common Filter criteria (Negotiate or document)
 - Key word or phrase inclusion lists (Boolean: word w/5 word)
 - Key word or phrase exclusion list (Privilege)
 - Date ranges (modify date and transmit date)
 - File types or extensions – start with top 20 communication extensions
 - Email origination (@law firm, @competitor...)
- Advanced Analytics
 - Clustering: diamond ring, diamond almonds, baseball diamond
 - Anchor documents clustering
 - Custodian networking: Who is talking to whom about what

ECA-what type of docs do I have?

Digital WarRoom® WorkGroup - BarryCO:Demo_8245

Matter Settings Review Productions Admin Help

Reports

- Decision Log
- Privilege Log
- Clawback Log
- Collected Documents
 - Collection Summary
 - Counts by Extension
 - Counts by Extension by Custodian
 - Email Histogram by Custodian
 - Unindexed Documents by Extension by Co...
- Reviewable Documents
 - Counts by Custodian
 - Counts by Date Posted by Custodian
 - Counts by Extension
 - Counts by Extension by Custodian
 - Date Histogram (All Documents)
 - Date Histogram (All Email)
 - Email Histogram by Custodian
 - Unindexed Documents by Extension by Cu...
- Review Progress

Process
Analysis
Policy
Review
Produce
Productions
Reports

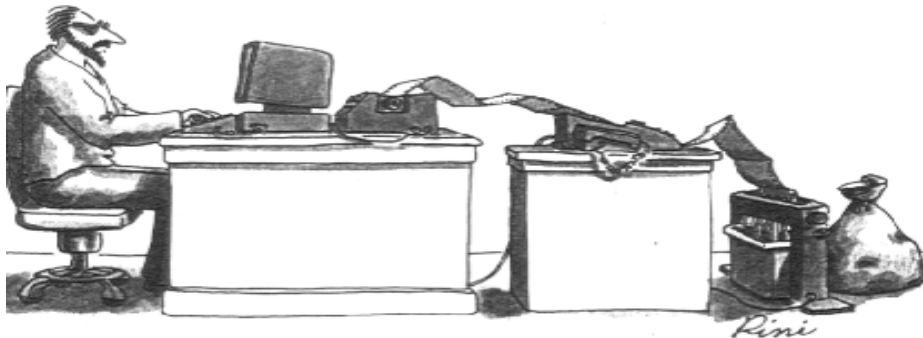
Drag a column header here to group by that column.

| EXTENSION | TOTAL DOCS | UNIQUE DOCS |
|-----------|------------|-------------|
| email | 1906 | 1225 |
| c | 46 | 46 |
| mbx | 23 | 23 |
| h | 17 | 17 |
| zip | 26 | 17 |
| pdf | 15 | 15 |
| doc | 15 | 12 |
| txt | 20 | 12 |
| jpg | 9 | 9 |
| msg | 7 | 7 |
| pst | 6 | 6 |
| ppt | 6 | 5 |
| db | 5 | 4 |
| htm | 4 | 3 |
| xls | 7 | 3 |
| gz | 2 | 2 |
| mht | 2 | 2 |
| | 1 | 1 |
| dwg | 1 | 1 |
| exe | 1 | 1 |
| mp3 | 1 | 1 |
| tar | 1 | 1 |
| vsd | 2 | 1 |
| xml | 2 | 1 |
| xsd | 2 | 1 |
| xsl | 2 | 1 |

Steps to Implement ECA

Capitalize on the benefits of pretrial conferences.

- Rule 26(f) meetings and Rule 16 conferences provide insight into opposing party's data management protocols and its plans for handling electronic discovery.
- Key topics for discussion include:
 - scope of preservation
 - preliminary disclosures about the parties' computer systems
 - document processing and production formats
 - testifying experts, cost allocation, and anticipated evidentiary disputes.



Steps to Implement ECA

Use data filtering options.

- Not every electronic document found within the files retrieved from a user or on a backup tape is responsive or relevant to a discovery request.
- E-discovery filtering technology can narrow the universe of data by approximately 75 percent by limiting the data set to certain custodians or to documents with specified file attributes (e.g., keywords, certain document types, created or last accessed within a specified date range).
- **DOCUMENT** ALL FILTERING ACTIVITIES AND DECISIONS; be prepared to explain your process

Gauge your discovery costs

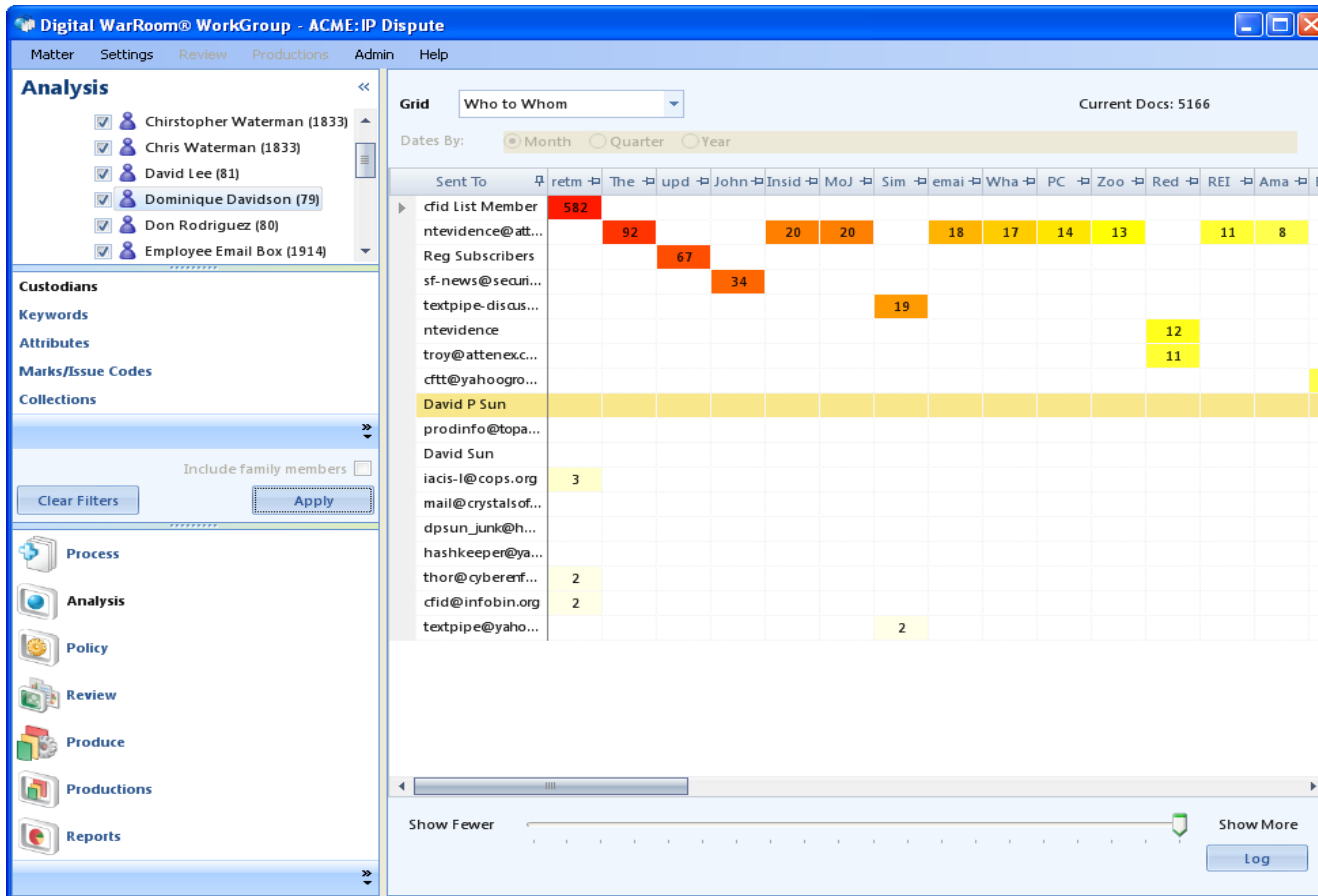
- Provide the best estimate of the size of your expected data population, including the expected formats, review schedule and review team expectations.
 - This includes eDiscovery as well as paper production which is still a relevant portion of your discovery costs.
- Provide this information in a formal RFP to a series of vendors, listing your software utility needs and requirements.
- Work with a consultant and/or eDiscovery provider experienced and capable of responding to your needs.
- Beware per GB fees

Can I use technology to help with ECA?



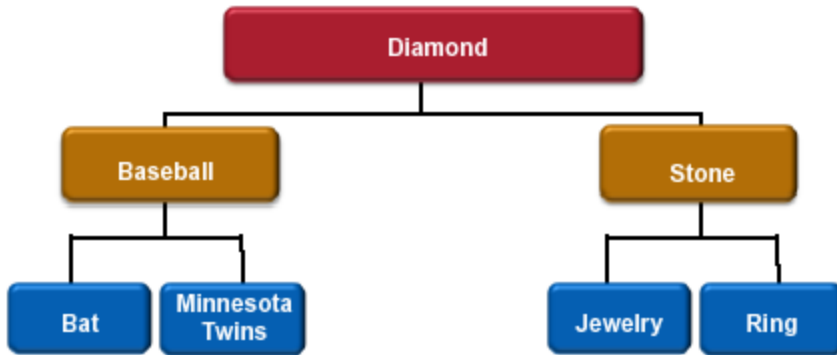
Identifying Key Custodians

“Who is talking to whom about what”



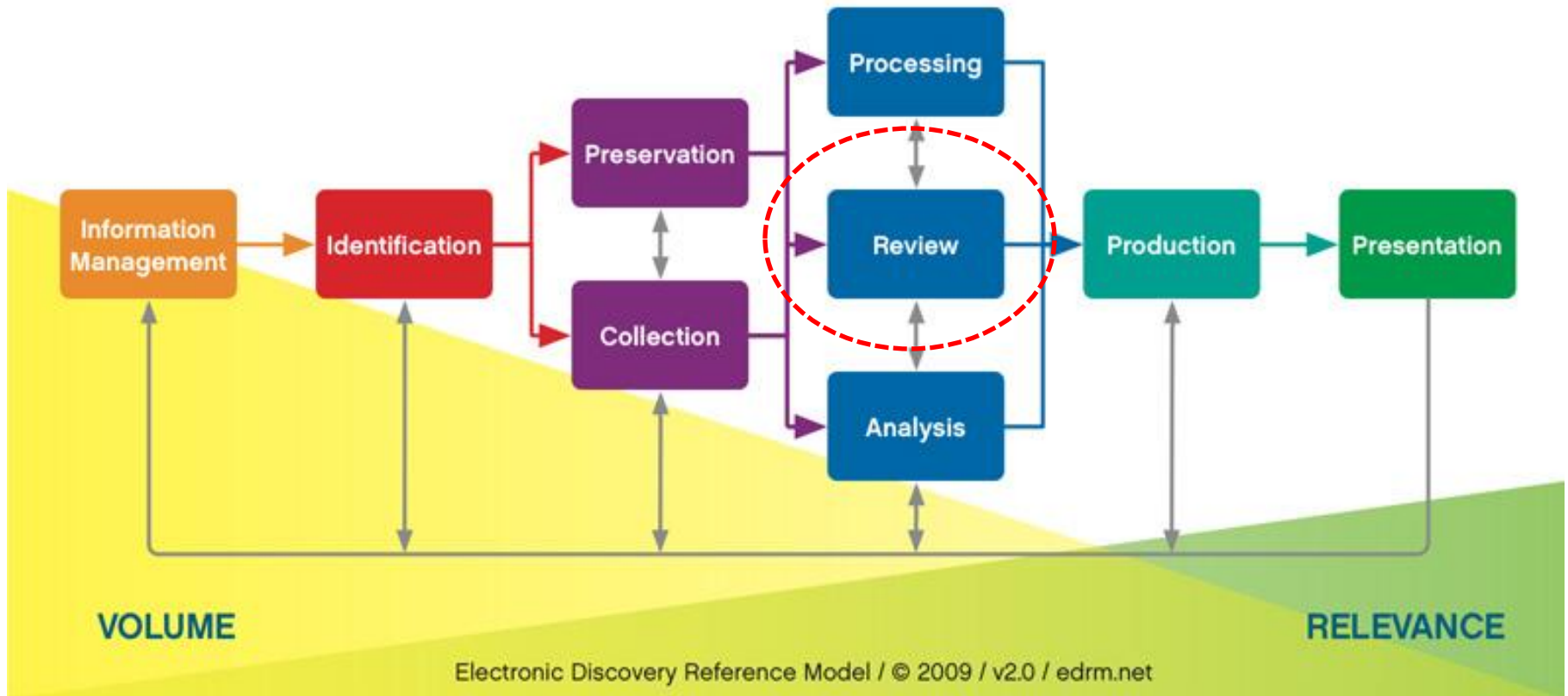
Technology and ECA

is Concept searching ready for mainstream?

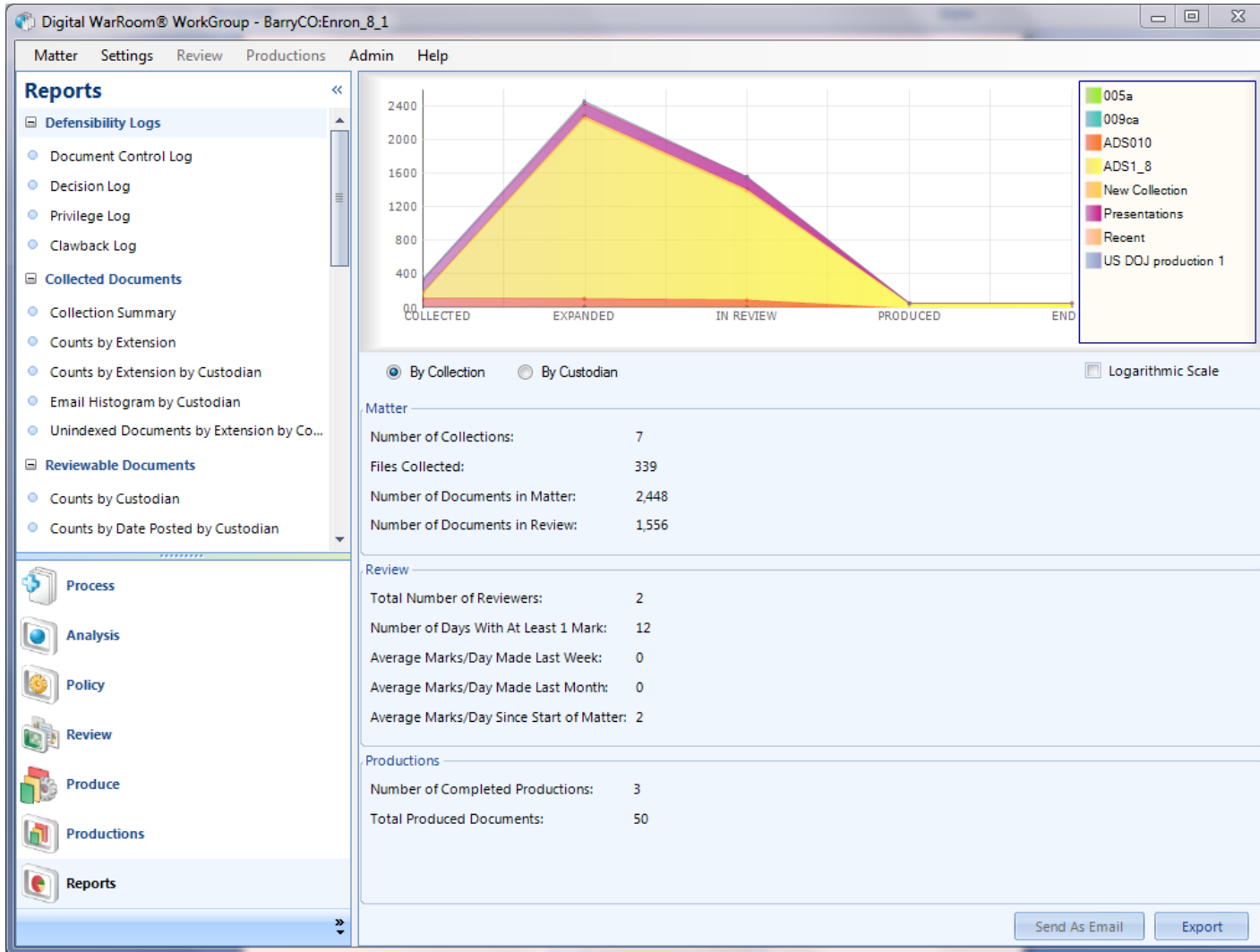


- **Conceptual Searching- During ECA\Policy decisions**
 - What is it? Signal to Noise ratio tuning
 - Concept Searching. It tracks “word equivalents” that may be used in a document population that are not apparent to the users.
- **Sampling** and testing for defensibility
- *(Note: see Sedona Conference guidance)*

Electronic Discovery Reference Model



Post ECA-decide what to review



Make sure policy is defensible\documented

Filtering Options
Custodians
Document types
Dedupe methods
Conversations
Search terms
Privilege Review
Clustering

The screenshot displays the 'Set Policy' application interface, which is used for configuring search and review policies. The interface is divided into several sections:

- Left Panel (Custodians/Collections):** Shows a tree view under 'BarryCO-Demo_8245'. The 'Custodians' folder is expanded, listing several custodians with their document counts: Engineering Drawings (1), Lay, Ken (23), Multimedia (4), Remote Offices (24), Rodriquez, Don (80), Stolpe, Stephanie (16), Sun, David (78), Unspecified (28), and Waterman, Chris (1833).
- Top Panel (Set Policy):**
 - Extensions to Include:** Radio buttons for 'All Document Types', 'Document Groups', and 'Custom Selection'. 'Document Groups' is selected, and 'Emails and documents' is checked. A list of file extensions is shown: doc, docx, email, event, htm, html, jpeg, jpg, pdf, pps, ppt, pptx, rtf, tif, tiff, txt, xls, xlsx.
 - Date Range:** Start Date: 1/1/1970, End Date: 1/1/2027.
 - Keyword Options:** 'Keywords to include:' contains a list: soluções, laptop (theft or stolen), problems, problems w/50 board, confidential. 'Keywords to exclude:' is empty.
 - Apply stemming rules to keywords:** A checkbox that is currently unchecked.
- Bottom Panel (Deduping Options):**
 - Dedupe method:** A dropdown menu set to 'Dedupe Within Custodians'.
 - Dedupe using:** Radio buttons for 'Pith' (selected) and 'Forensic Fingerprint'.
 - Add only the longest thread messages:** A checkbox that is unchecked.
- Bottom Panel (Advanced):**
 - Include documents previously removed from Review:** A checkbox that is unchecked.
 - Message:** '0 documents have been explicitly removed from Review. If you enable this option, these documents may be posted back into Review when this policy is applied.'

Navigation buttons include 'Close', 'Previous', 'Next', and 'Advanced'.

Review-standardize priv review treatment of family documents



Digital WarRoom PRO

Matter: Help Designate Edit Window

Designate

Current Documents: 100
Selected Scope: Custodian is David
Search Parameters: No filters

Attributes

Date Range:
Start Date: 1/1/1970
End Date: 4/29/2010

Extensions:
No Extension Filters

| EXT | COUNT |
|-------|-------|
| email | 25 |
| event | 0 |
| gif | 14 |
| jpg | 13 |
| ppt | 2 |
| doc | 2 |
| xls | 4 |
| prg | 7 |
| el | 0 |
| elc | 0 |
| h | 0 |
| c | 0 |
| bmp | 0 |
| vcl | 0 |
| bin | 0 |
| txt | 14 |
| rtf | 0 |
| text | 0 |
| xpm | 0 |
| html | 0 |
| htm | 4 |
| css | 0 |
| map | 0 |
| in | 0 |
| tif | 0 |
| rpm | 0 |
| ppx | 0 |
| ... | ... |

Other Attributes:
 Only indexed files
 Only files with redaction flags
 Only families with mark conflicts

Scopes
Keywords
Attributes
Marks/Issue Codes
Advanced

| MARK | IS | ID | FAMILY | DATE | TITLE | EXT | SIZE |
|----------------|----|------|--------|------------|---|-------|---------|
| Non-Responsive | | 6784 | 6784 | 04/19/2006 | information.txt | txt | 866 |
| Non-Responsive | | 6786 | 6786 | 04/17/2006 | auditor_v02.sql | sql | 6290 |
| Non-Responsive | | 6788 | 6788 | 06/29/2004 | Copy of 75.txt | txt | 597299 |
| Non-Responsive | | 6796 | 6796 | 04/19/2006 | pandp12.txt | txt | 717330 |
| Non-Responsive | | 6802 | 6802 | 04/19/2006 | ulyss11h.htm | htm | 1646753 |
| Non-Responsive | | 6808 | 6808 | 04/19/2006 | 76.txt | txt | 597300 |
| Non-Responsive | | 6810 | 6810 | 11/28/2002 | advsh12.txt | txt | 590093 |
| Non-Responsive | | 6830 | 6830 | 12/24/2005 | relat10d.doc | doc | 1379840 |
| | | 6844 | 6844 | 04/19/2006 | Dinner on Saturday | email | 5712 |
| | | 6846 | 6846 | 04/19/2006 | many attachments | email | 5239 |
| | | 6850 | 6846 | 04/19/2006 | multiplication table.xls | xls | 43008 |
| | | 6854 | 6846 | 04/19/2006 | 5200.txt | txt | 141430 |
| Non-Responsive | | 6856 | 6846 | 04/19/2006 | relat10d.doc | doc | 1379840 |
| | | 6858 | 6858 | 04/19/2006 | RE: read this when I'm on vacation | email | 10653 |
| | | 6860 | 6860 | 04/19/2006 | multiplication table.xls | xls | 43008 |
| | | 6862 | 6862 | 06/12/2008 | New Microsoft PowerPoint Presentation.ppt | ppt | 249344 |
| | | 6864 | 6864 | 04/19/2006 | the square.vsd | vsd | 20480 |
| | | 6866 | 6866 | 04/19/2006 | Thumbs.db | db | 6144 |
| Privileged | | 6872 | 6872 | 04/19/2006 | FW: attorney communication | email | 3177 |
| | | 6874 | 6872 | 04/19/2006 | multiplication table.xls | xls | 45056 |
| | | 6876 | 6876 | 04/19/2006 | Check this out | email | 3540 |
| | | 6880 | 6880 | 04/19/2006 | this email has lots of containers | email | 3855 |
| | | 6948 | 6880 | 04/19/2006 | file.txt | txt | 46 |
| | | 6954 | 6880 | 04/19/2006 | alice30.txt | txt | 163218 |
| | | 6960 | 6880 | 04/19/2006 | 10031-8.txt | txt | 409992 |
| | | 6992 | 6892 | 04/19/2006 | RE: read this when I'm on vacation | email | 4013 |
| Privileged | | 6894 | 6894 | 04/19/2006 | attorney communication | email | 3631 |
| | | 6902 | 6902 | 04/19/2006 | RE: attorney communication | email | 3161 |
| | | 6906 | 6902 | 04/19/2006 | experiment log.txt | txt | 252 |
| | | 6908 | 6908 | 04/19/2006 | RE: Check this out | email | 6539 |
| | | 6910 | 6910 | 04/19/2006 | FW: Check this out | email | 3181 |
| Non-Responsive | | 6912 | 6910 | 04/19/2006 | information.txt | txt | 866 |
| | | 6916 | 6916 | 04/19/2006 | big news, save this on the home computer | email | 3749 |
| | | 6920 | 6920 | 04/19/2006 | read this when I'm on vacation | email | 3009 |
| | | 6926 | 6926 | 10/23/2009 | Interesting files to read | email | 24136 |
| Non-Responsive | | 6928 | 6926 | 10/23/2009 | HuckFinn.txt | txt | 597299 |
| Non-Responsive | | 6930 | 6926 | 10/23/2009 | information.txt | txt | 866 |
| Non-Responsive | | 6932 | 6926 | 10/23/2009 | pandp12.txt | txt | 717330 |
| | | 6936 | 6926 | 10/23/2009 | multiplication table.xls | xls | 43008 |
| | | 6938 | 6926 | 10/23/2009 | New Microsoft PowerPoint Presentation.ppt | ppt | 249344 |
| | | 6940 | 6926 | 10/23/2009 | the square.vsd | vsd | 20480 |

Document Browser

ID: 6872 Date: 4/19/2006 12:46:00 PM Title: FW: attorney communication Locus:

Work Product

Native Highlighted History Priv Log

From: David P. Sun April 19, 2006 12:46:24 PM (-07)
To: David P. Sun
Cc:
Bcc:
Subject: FW: attorney communication

Attachments: multiplication table.xls

Now I'm including a document that is personal (do not produce) with this privileged email.

-----Original Message-----
From: David Sun [mailto:dpsun_junk@hotmail.com]
Sent: Wednesday, April 19, 2006 12:16 PM
To: David P. Sun
Subject: attorney communication

David,

I just heard from our IP attorney. This is privileged information. He says I need to keep quiet about this discovery so we can properly protect this information.

-David

Express yourself instantly with MSN Messenger! Download today - it's FREE!
<http://messenger.msn.click-url.com/go/omni00200471ave/direct/01/>

Thread Visualizer

David Sun — David P. Sun

David P. Sun — David P. Sun

EDRM BEST PRACTICES

Review Decisions

Review

Review Native or Review Images

Capturing Work Product

- Disposition **Marks** – one per document, Produce or Withhold
- **Issue** codes – many per document, claim construction
- Dedupe or prevent duplicative marking (Inherit marks)
- Redactions and comments
- Priv Log identification and documentation
- Tracking mark history (rollbacks)
- The good, the bad and the ugly of Binders
- Predictive Coding/marking-During Review
 - Using one attorneys decision to code other documents without review
- **Sampling** and testing for defensibility (see Sedona Conference guidance)



“It’s very user-friendly, once it gets to know you.”

Searching, filtering, insight

Filter on custodian, date, file type, keyword(s), collection ...

Fuzzy search, stemming, similar docs

Sort on family ids, path, custodian, collections...

Thread ids and thread elimination (Tree and branches)

Document Control Log

the cornerstone of defensibility

Digital WarRoom® WorkGroup - BarryCO:Enron_8_1

Matter Settings Review Productions Admin Help

Reports

- Defensibility Logs
 - Document Control Log
 - Decision Log
 - Privilege Log
 - Clawback Log
- Collected Documents
 - Collection Summary
 - Counts by Extension
 - Counts by Extension by Custodian
 - Email Histogram by Custodian
 - Unindexed Documents by Extension by Co...
- Reviewable Documents
 - Counts by Custodian
 - Counts by Date Posted by Custodian

Process

Analysis

Policy

Review

Produce

Productions

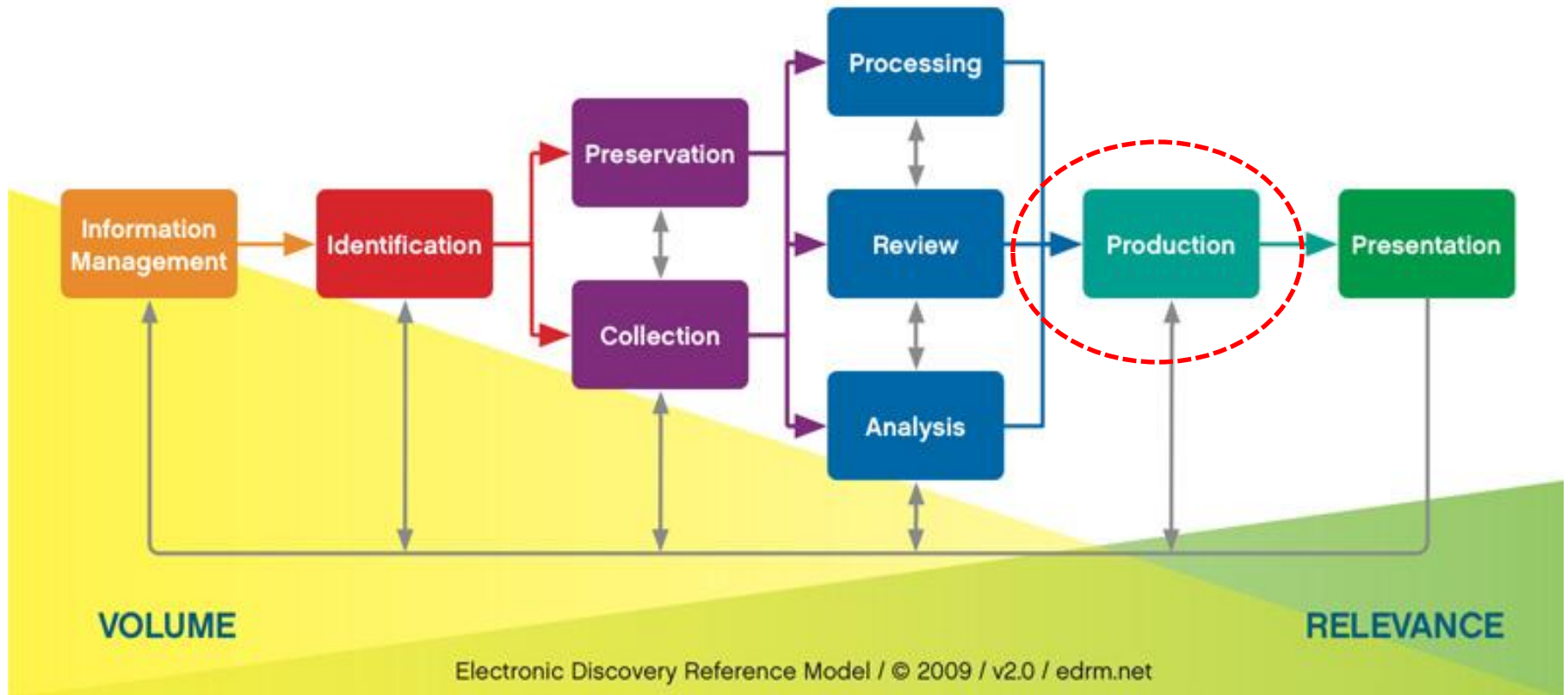
Reports

Drag a column header here to group by that column.

| DATE | USER | TASK | COLLECTION | CUSTODIAN | DETAILS |
|------------|-------|---------------------|------------|-------------------|---|
| 04/25/2011 | barry | Add Native Coll... | ADS1_8 | | Started Processing at 4/25/2011 4:53:47 PM - 210.84 MB containing 73 files before expansion |
| 04/25/2011 | barry | Add Native Coll... | ADS1_8 | | Completed Processing at 4/25/2011 4:54:57 PM - Processed 2130 files - Added 2066 documents and 64... |
| 04/25/2011 | barry | Assign Custodia... | ADS1_8 | Waterman, Chris | Assigned 1,836 documents to custodian 'Waterman, Chris' from location '001\Chris Waterman' |
| 04/25/2011 | barry | Assign Custodia... | ADS1_8 | Sun, David | Assigned 108 documents to custodian 'Sun, David' from location '001\David Sun' |
| 04/25/2011 | barry | Assign Custodia... | ADS1_8 | Remote Offices | Assigned 34 documents to custodian 'Remote Offices' from location '002' |
| 04/25/2011 | barry | Assign Custodia... | ADS1_8 | Lay, Ken | Assigned 46 documents to custodian 'Lay, Ken' from location '003' |
| 04/25/2011 | barry | Assign Custodia... | ADS1_8 | Rodriquez, Don | Assigned 84 documents to custodian 'Rodriquez, Don' from location '004' |
| 04/25/2011 | barry | Assign Custodia... | ADS1_8 | Rodriquez, Don | Assigned 81 documents to custodian 'Rodriquez, Don' from location '004\Don W Rodriguez' |
| 04/25/2011 | barry | Assign Custodia... | ADS1_8 | Multi Media | Assigned 4 documents to custodian 'Multi Media' from location '005' |
| 04/25/2011 | barry | Assign Custodia... | ADS1_8 | Stephanie, Stolpe | Assigned 16 documents to custodian 'Stephanie, Stolpe' from location '006\sample.pst' |
| 04/25/2011 | barry | Assign Custodia... | ADS1_8 | Autocad Drawin... | Assigned 1 documents to custodian 'Autocad Drawings' from location '008' |
| 04/25/2011 | barry | Build Keyword I... | ADS1_8 | | Indexed 99.71% of 2,066 documents with OCR - 0.19% is unindexable and 0.10% is unindexed. 1 docum... |
| 04/25/2011 | barry | Set Policy | ADS1_8 | Autocad Drawin... | Added 1 documents. Criteria used: Date range: 1/1/1970 12:00:00 AM to 1/1/2027 12:00:00 AM; ; Excludi... |
| 04/25/2011 | barry | Set Policy | ADS1_8 | Lay, Ken | Added 23 documents. Criteria used: Date range: 1/1/1970 12:00:00 AM to 1/1/2027 12:00:00 AM; ; Excludi... |
| 04/25/2011 | barry | Set Policy | ADS1_8 | Multi Media | Added 4 documents. Criteria used: Date range: 1/1/1970 12:00:00 AM to 1/1/2027 12:00:00 AM; ; Excludi... |
| 04/25/2011 | barry | Set Policy | ADS1_8 | Remote Offices | Added 29 documents. Criteria used: Date range: 1/1/1970 12:00:00 AM to 1/1/2027 12:00:00 AM; ; Excludi... |
| 04/25/2011 | barry | Set Policy | ADS1_8 | Rodriquez, Don | Added 79 documents. Criteria used: Date range: 1/1/1970 12:00:00 AM to 1/1/2027 12:00:00 AM; ; Excludi... |
| 04/25/2011 | barry | Set Policy | ADS1_8 | Stephanie, Stolpe | Added 16 documents. Criteria used: Date range: 1/1/1970 12:00:00 AM to 1/1/2027 12:00:00 AM; ; Excludi... |
| 04/25/2011 | barry | Set Policy | ADS1_8 | Sun, David | Added 77 documents. Criteria used: Date range: 1/1/1970 12:00:00 AM to 1/1/2027 12:00:00 AM; ; Excludi... |
| 04/25/2011 | barry | Set Policy | ADS1_8 | Waterman, Chris | Added 1833 documents. Criteria used: Date range: 1/1/1970 12:00:00 AM to 1/1/2027 12:00:00 AM; ; Exc... |
| 04/25/2011 | barry | Add Native Coll... | 005a | | Started Processing at 4/25/2011 5:33:48 PM - 748.76 KB containing 3 files before expansion |
| 04/25/2011 | barry | Add Native Coll... | 005a | | Completed Processing at 4/25/2011 5:33:49 PM - Processed 3 files - Added 3 documents and 0 containe... |
| 04/25/2011 | barry | Set Policy | 005a | Unspecified | Added 3 documents. Criteria used: Date range: 1/1/1970 12:00:00 AM to 1/1/2027 12:00:00 AM; ; Excludi... |
| 04/25/2011 | barry | Assign Custodia... | 005a | Multi Media | Assigned 3 documents to custodian 'Multi Media' from location '005a' |
| 04/25/2011 | barry | Build Keyword I... | 005a | | Indexed 100.00% of 3 documents with OCR - 0.00% is unindexable and 0.00% is unindexed. |
| 04/25/2011 | barry | Production Crea... | | | Created Image production PDS001 |
| 04/25/2011 | barry | Pre-Imaging Sta... | | | Started conversion of all documents with produce-type marks. |
| 04/25/2011 | barry | Production Star... | | | Started Image Production: PDS001, 23 documents |
| 04/25/2011 | barry | Finalize Product... | | | Finalized production PDS001, 23 documents, 33 pages, 0 redacted documents, Bates range: ENRON-000... |

Send As Email Export

Electronic Discovery Reference Model



Produce Native or Produce Images

- Native much less expensive and much quicker but....
- Bates number per file or per page
- Extra metadata or limited load files
- SEC, DoJ require spreadsheets and other file type native (or both)

Ordering and re-duping considerations

Family members, conflicts, orphans

- Protective order Designations (PODs) will be different
- If one attachment is Privileged?

Deblanking, Bates gaps, multi vs single page, exporting volumes

QA image quality – common problems

- Scaling, gifs, orientation, clipping
- BW, gray scale, color

EDRM BEST PRACTICES

Post Production Presentation

Mostly same as Review with following additions

Separate Searchable Providers

- Client productions
- Adverse productions
- Third Party Productions

Track dates of production and custodians

Columns for searching and sorting on bates numbers

Special binders: Print order configurable for Depos and exhibits

Matter close-out

- Save work product – annotations, privilege marks?
- Bring home into your own review environment for future access
- Be able to easily resurrect if
 - stay is lifted
 - other similar matters are filed in other jurisdictions

Summary

- ‘Mainstreaming’ will be a natural progression as e-discovery matures
- Courts increasingly expect efficient handling and production of digital content
- EDRM processes are applicable to matters of all types and sizes
- Tools are emerging that support your entire portfolio of matters

Resources

- www.edrm.net
- E-Discovery Rule Making and the States (2011 update); download at www.digitalwarroom.com, or Sedona site www.sedonaconference.org
- Craig Ball's Edna Challenge: www.craigball.com
- Tom O'Connor's Ernie Challenge: <http://www.eddupdate.com/2011/04/the-ernie-challenge.html>
- E-Discovery to Serve the Small Litigant; National Law Journal, January 2011

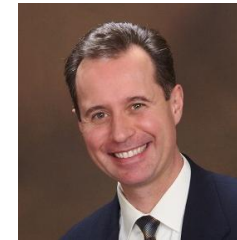
Q & A



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