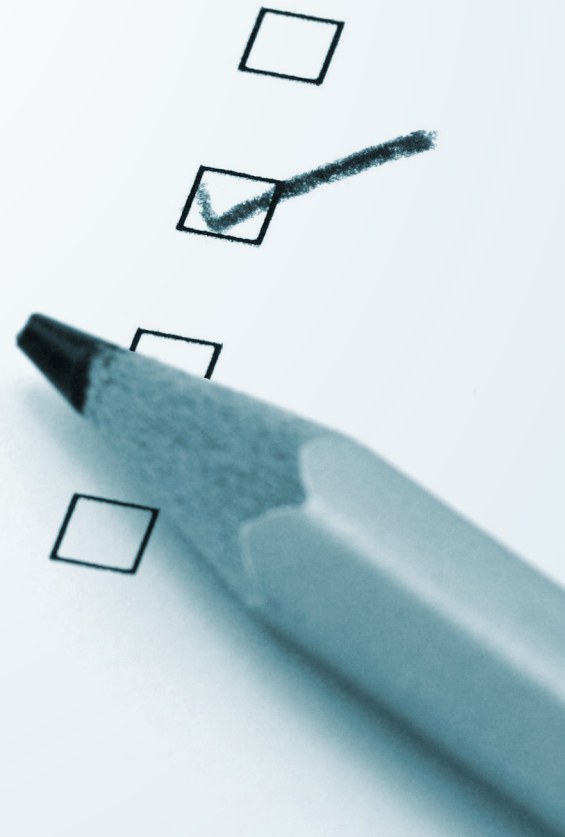


# EDISCOVERY PLANNING CONSIDERATIONS & CHECKLISTS

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- 1 / ESI PROTOCOL
- 2 / MEET & CONFER
- 3 / DATA COLLECTION
- 4 / CASE MANAGEMENT**
- 5 / DEPOSITION PREP



# EDISCOVERY PLANNING CONSIDERATIONS & CHECKLISTS

## 4 / CASE MANAGEMENT

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### PLANNING FOR SUCCESS

Taking the time to create a detailed plan in preparation for eDiscovery is one of the most impactful things you can do to save your clients time and money. Not only does it make eDiscovery more efficient, it can also help reduce discovery disputes and—most importantly—get parties to the litigation’s most relevant information faster.

Following is our eDiscovery Case Management Checklist - a must have for your team in today’s electronic information age.

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## EARLY CASE PLANNING

- Identifying key dates for discovery activities and deadlines up front will allow for more effective management of the matter.

### Some key dates to be aware of include:

- Legal Hold Issue Date
  - Collection Deadlines
  - Budget Discussion
  - Document Review Kickoff
  - Document Review Completion
  - Production Deadlines
- Confer with a broad group of stakeholders including IT, HR, Business Unit(s) and Legal to identify key custodians and data sources relevant to the matter
  - Establish regular status calls with the Case Team (Internal Counsel, External Counsel, Discovery Vendors, etc.) along with a primary point of contact for each party

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## LEGAL HOLD PLANNING

- Draft, approve and issue the legal hold notice
- Issue legal hold “reminders” notifying custodians of their continued obligation to preserve until the legal hold is released (e.g., *semi- annually, annually*)
- Determine whether custodian interviews will be conducted.
  - Yes, conducted manually
  - Yes, conducted virtually via an interview questionnaire
  - No

- ❑ Manage the Legal Hold
  - Follow up with custodians who do not acknowledge or comply with the legal hold
  - Track custodians who are on legal hold but then transfer or separate from the company. This will ensure their data remains intact in the event it is needed for pending or future litigation.

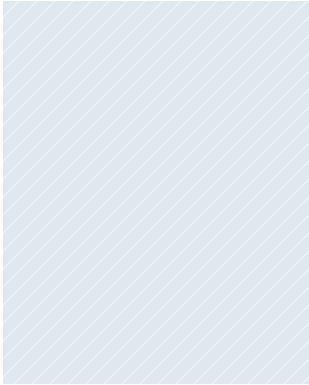

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## ★ ELECTRONIC DATA COLLECTION PLANNING


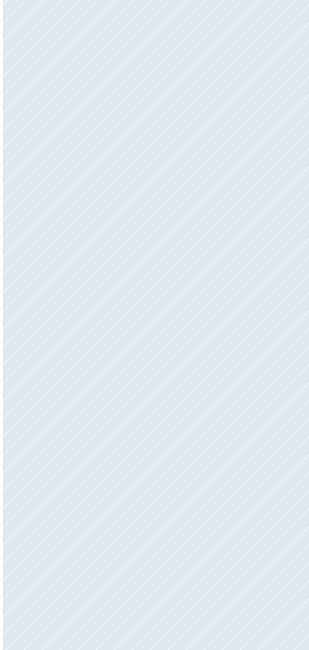
- ❑ Determine what types of electronic data need to be collected. It is important to identify whether the data sources are Employee or Employer controlled as the means to collect the data will vary.

### Common Employer-Controlled Data Sources

- Email servers (*mailboxes of individual email users*)
- File servers and print servers (*including individually-assigned network stores or "home shares"*)
- Network drives accessed by multiple individual users (*"group shares"*)
- Archival data on backup tape or other storage media
- Email journaling systems
- Document management systems
- Proprietary structured databases (*e.g., databases containing HR, customer or sales data*)
- SharePoint and other web-based collaboration sites
- Social networking sites and services/accounts used and maintained by the company
- Video and audio systems (*e.g., voicemail*)
- Legacy data (*ESI generated by computer programs no longer used by the company*)
- ESI maintained in hosted databases in connection with prior litigations/investigations

It is important to identify whether the data sources are Employee or Employer controlled as the means to collect the data will vary.

### Common Employee-Controlled Data Sources

- ESI found on user-assigned laptop/desktop hard drives, including:
  - Word processing, spreadsheets, images, and other text-based files
  - Locally stored e- mail archives (*user archived PSTs, OSTs*)
- Portable storage media (*user controlled external hard drives, flash drives, CD/DVDs*)
- Company-issued mobile devices (*e.g., cell phones, tablets*)
- Cloud- based storage (*e.g., Dropbox, iCloud*)
- Social media and personal email accounts used by the employee in connection with performance of job responsibilities

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## ELECTRONIC DATA PROCESSING PLANNING

- ❑ Determine what deduplication method(s) should be used. This decision can have a substantial effect on the number of documents that are reviewed, and what custodial metadata can be produced.
  - Deduplication within custodian
  - Deduplication across custodians (*global deduplication*)
- ❑ Determine what data culling methods should be applied:
  - Keyword search terms
  - Privilege search terms
  - Date range culling
  - File type culling

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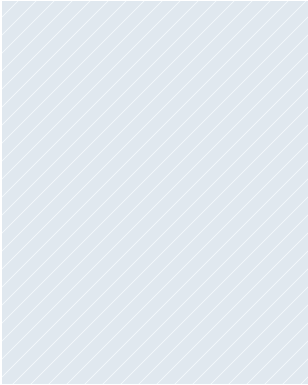

**\* HARD COPY COLLECTION PLANNING**

- Determine whether hard copy documents will need to be collected. Typical sources of hard copy documents include:
  - Custodians
  - Non-custodians
  - Off-site storage (e.g. *Iron Mountain*)
- Determine whether a hard copy box review should occur to limit the volume of data which requires scanning
- Identify a scanning vendor to convert the hard copy documents into electronic format
- Determine whether bibliographic coding will be required (*author, recipient, document type, title, date, etc.*)

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**\* DOCUMENT REVIEW PLANNING**

- Determine the parameters of the review
  - 1st Pass Review
  - 2nd Pass Review (QA/QC)
  - Privilege Review and Logging
  - Redaction Review and Logging
- Determine who will conduct the selected review workflows:
  - Internal Counsel
  - External Counsel
  - Managed Review Vendor
- Determine whether any analytical offerings or enhanced workflows will be utilized to expedite review (e.g., *predictive coding*)

**Determine whether any analytical offerings or enhanced workflows will be utilized to expedite review.**  
*(e.g., predictive coding)*

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## PRODUCTION PLANNING

- Determine the production format. The production specifications should generally be agreed upon during the meet and confer.
  - TIFF
  - Native
  - PDF
  - Hybrid
  
- Determine which metadata fields will be produced. Typical examples include but are not limited to:
  - BegBates/EndBates
  - BegAttach/EndAttach
  - Custodian
  - Date (Sent/Modified/Created)
  - Author
  - Title
  - Folder/Filepath
  - MD5 Hash

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## POST-PRODUCTION PLANNING

- Determine if opposing counsel productions will be loaded to the review platform
  
- Determine if depositions and transcripts will be loaded to the review platform
  
- Determine if review data should remain online, be taken off line, or archived after production

## ABOUT NEXTPOINT

Nextpoint is smart software that automates ediscovery projects for legal teams of every size. The highly secure, cloud-based solution lets your team begin document review in minutes with powerful data analytics tools, a user-friendly interface and collaborative access from anywhere. Innovative trial-prep features will exceed your expectations of what smart ediscovery software can do.

Founded as a litigation support company in 2001, Nextpoint introduced the world's first cloud-based litigation software a few years later. Since then, we've continued to innovate and expand to serve law firms, corporations and government agencies of all sizes. In 2013, Nextpoint was awarded U.S. Patent number 8,447,731 for our management of electronic data in the cloud, specific to litigation processes.

### ★ STOP PAYING FOR EDISCOVERY DATA

Nextpoint gives users **free, unlimited data uploads, processing, hosting, OCR, imaging and productions.** As you face increasing pressure to control costs, Nextpoint empowers users to easily process, analyze, review, produce and present data, affordably and predictably.

Learn more about Nextpoint

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