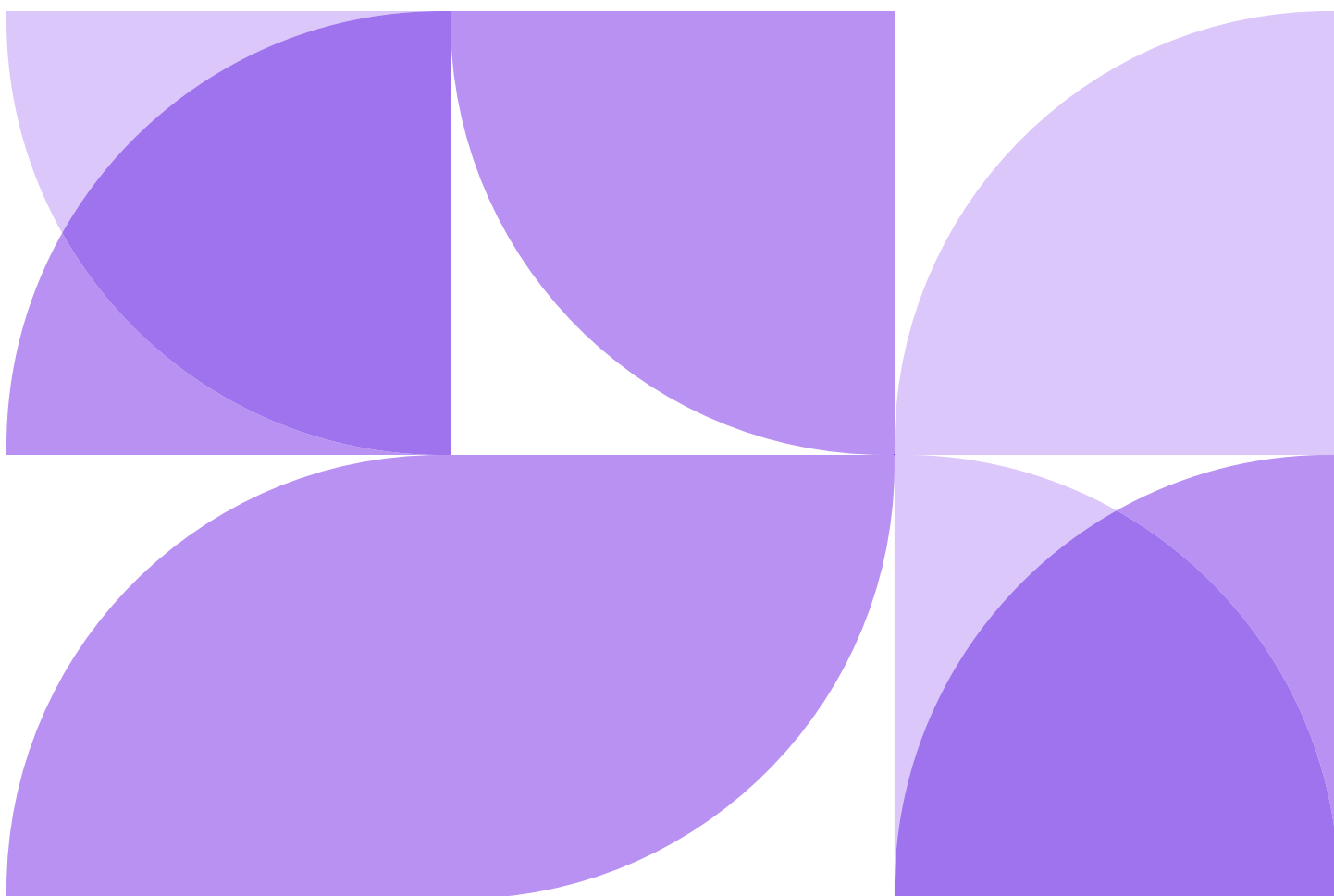




WRITTEN BY NEXTPOINT  
CLIENT SUCCESS TEAM

# Data Collection eDiscovery Checklist

*Your strategic, step-by-step plan for data  
collection success*



# Data Collection

## eDiscovery Checklist

*Your strategic, step-by-step plan for data collection success*

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### The Importance of Collection Strategy

Data collection can be the most complex and technically rigorous of all discovery phases. It involves the extraction of potentially relevant electronically stored information from its native source into a separate, secure repository for review.

The collection process should be comprehensive without being over-inclusive. It should preserve the integrity of the data, the chain of custody and authenticity of the documents — all while not disrupting the organization or individual's operations.

Because the collection process is data-centric, most people think of it as an IT activity. However, there's a great deal of strategy that goes into data collection that demands both legal and technological acumen. It's vital to assemble cross-functional, collaborative collection teams to ensure there is a properly executed collection strategy.

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Data collection is a complex and dynamic process that relies on sound eDiscovery strategy, as well as proven technical resources and expertise. There are vital best practice guidelines demanded in each of the various stages of the collection process.

Here are four important guidelines you should adhere to:

## Collect Only What You Need

It may be easy to identify a relevant custodian and simply copy his/her entire hard drive, email box, or work-product folders. But easy doesn't always equal smart.

More data collected means more data to process, and ultimately to review. And that all adds up to more money spent on eDiscovery. Instead, develop strong preservation and early case assessment processes, and **target your collections so that you are only collecting the potentially relevant ESI**—nothing more or less.

## Be Proactive

Your goal should always be to recognize potential collection challenges early on. Inevitably, some matters will present unique collection hurdles. Mobile collection, highly disorganized data stores on legacy systems, hidden or fragmented files, all present potential challenges in collection.

**It's always in your best interest – financially and procedurally – to be proactive in assessing your needs and determining if outside resources will be needed.** Even if outside assistance or experts ultimately are not needed, it's important to give your internal IT team early notice that a big project is potentially looming, so they can plan resources accordingly.

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## Phase Your Collections

It's best to think of our collection process in terms of phases or tiers, rather than to try to tackle everything at once.

In a phased collection strategy, data is prioritized so that only the highly relevant data is collected immediately. **Less relevant data is collected only when absolutely needed.** Remember, that the only way to execute a defensible phased collection strategy is to have a very strong preservation process that does not force you into the position of having to collect everything at once.

## Create a Master Database for ESI

Law firms often have multiple matters that revolve around the same or similar issues, people, and data. **Rather than create multiple copies of the same data, create a centralized repository** (Nextpoint database) of collected ESI and develop a systematic process for reusing that data across multiple and disparate matters.

## Questions for Consideration

1. How many parties are involved?
2. What deadlines have been agreed upon?
3. Have any preservation steps been taken?
4. Who are your key custodians and where are they located?
5. Do any identified custodians have direct IT resources available?



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6. What are each custodian's key sources? (e.g. email, phone, tablet, company server, etc.)
  7. How accessible are each identified key source? (e.g. password protection)
  8. Which collection method is preferred/necessary for each source? (e.g. Self v. External v. Remote)
  9. Do you anticipate the authenticity of any evidence may come into question during the course of your matter?
  10. Is there a priority hierarchy that can be created from all identified custodians and their respective sources?
  11. Are there any parameters to be applied at the time of collection? (e.g. date range)

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