



eDiscovery Negotiation: The Scope and Form of Productions

September 28, 2021

Meet Today's Panel

- Bill Gallivan



- Tom O'Connor



- Robert Powell



Begin with the end in mind

An Electronically Stored Information (ESI) Protocol is a negotiated agreement between parties in litigation that governs how relevant electronic documents will be identified, preserved, collected, processed, reviewed, and produced to the opposing party

- FRCP 1: “Just, Speedy, Inexpensive”
- ABA Model Rules of Professional Conduct
- Supervise the Process: J. Scheindlin
- Local rules: Some jurisdictions require affidavit of technical competence
- Judges have ruled against attorneys for lack awareness of rules and procedure
- FRCP 26(f) CONFERENCE OF THE PARTIES; PLANNING FOR DISCOVERY.
 - (1) Conference Timing. Except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B) or when the court orders otherwise, the **parties must confer** as soon as practicable...
 - (2) Conference Content; Parties’ Responsibilities
 - (B) the subjects on which discovery may be needed...
 - (C) any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced

The Federalist Experiment Suggests ...

- With updates and precedent guiding matters forward since 1938, United States Federal Courts use the Federal Rules of Civil Procedure (FRCP) as the applicable rules.
- Thankfully, these have been regularly and substantially amended to address new technologies, sources of evidences, and methods of discovery
- States may determine their own rules - which apply in only in those state courts.
- Currently, 35 of the 50 states have adopted rules that are based on the FRCP to varying degrees ... Your Mileage May Vary

... while Encouraging 50 Distinct Experiments

- Ohio – Parties ***shall*** confer ...
- New Jersey – parties are ***encouraged*** to meet and confer
- Pennsylvania – there is no equivalent to FRCP 26(f) ... treatment of such issues is to be determined by traditional principles of ***proportionality*** - such meetings are unnecessary - encourage litigants to have informal discovery meetings to work out issues
- Florida – ***No requirement*** for an early “meet and confer” type conference regarding eDiscovery ... your litigation, your choice
- Louisiana – No early requirements, but substantial civil rules to guide

New Jersey

N.J. Ct. R. 4:18-Production of Documents, Electronically Stored Information, and Things and Entry Upon Land for Inspection and Other Purposes; Pre-Litigation Discovery

In New Jersey the “meet and confer” language appears only in the Official Comment to the Rule:

Litigants and lawyers should be aware that metadata may be present in electronic documents produced in discovery. Parties are encouraged to meet and confer about the format in which they will produce electronic documents.

Ohio

Ohio Civil Rule 26 (F)

(F) Conference of the Parties; Planning for Discovery.

- **(1)Conference Timing.** Except those matters excepted under Civ. R. 1(C), or when the court orders otherwise, the attorneys and unrepresented **parties shall confer** as soon as practicable
- **(2)Conference Content; Parties' Responsibilities.**
 - must consider the nature and basis of their claims and defenses
- **(3)Discovery Plan.**
 - **(d)** any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced;

Pennsylvania

Though the term “electronically stored information” is used in these rules, there is no intent to incorporate the federal jurisprudence surrounding the discovery of electronically stored information. The treatment of such issues is to be determined by traditional principles of proportionality under Pennsylvania law.

- Explanatory Comment - Electronically Stored Information, Pennsylvania Rules of Civil Procedure, Title 231, Chapter 4000, Rule 4009

The rules do not contain any equivalent of Federal Rule 26(f), the meet-and-confer requirement before commencing discovery. The Pennsylvania committee felt that such meetings are unnecessary and may be a waste of time, although the committee does encourage litigants to have informal discovery meetings to work out issues

Florida and Louisiana

- While Florida has adopted rules specifically addressing electronic discovery, they do not include a mandatory “meet and confer”
- Louisiana was an early adopter of the FRCP standard ...
- The Louisiana legislature adopted limited revisions to the Code of Civil Procedure incorporating eDiscovery provisions comparable to the Federal Rules of Civil Procedure amendments. Louisiana also amended several civil rules to address electronically stored information. These amendments are effective beginning January 1, 2009.
 - Art. 1424, Art. 1425, Art. 1460, Art. 1461, Art. 1462, CCP 1354, CCP 1471, CCP 1551.

Courts do not seek surprises ...

- 26 (f) (2) *Conference Content; Parties' Responsibilities*. In conferring, the parties must consider the nature and basis of their claims and defenses and the possibilities for promptly settling or resolving the case; make or arrange for the disclosures required by Rule 26(a)(1); discuss any issues about preserving discoverable information; and **develop a proposed discovery plan. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court within 14 days after the conference a written report outlining the plan.** The court may order the parties or attorneys to attend the conference in person.

Defining Scope of Production

- Regardless of a federal or state mandate for a “meet and confer”, best practices demand investigation into your client data to determine the scope of production.
- eDiscovery tools make this process more effective and efficient:
 - Keyword searching
 - Keyword analysis
 - Who to Whom email analysis
 - Date histogram
- Content Over Media
 - Most important thing is to agree about what **information** is there. The technical format should be fairly standard and we would consider a part of the duty of technical competence. These obligations need to be understood to the extent that both parties can fulfill production obligations in a reasonable manner.

The Meet and Confer

- Goal is to facilitate and/or reasonably limit discovery
- Come with an understanding of your client's data universe
- Be ready to have an open discussion about:
 - Claims and defenses in the case
 - What ESI exists
 - Who the custodians are
 - The scope of the ESI to be preserved... on both sides (time frame, types, sources)
 - Preservation and production formats
 - Strategies to reasonably and proportionally reduce cost and burden (prioritization / ranking, targeted requests, targeted preservation)
 - Reasonably foreseeable preservation issues
 - Inadvertent production of privileged information
 - Privilege basis categorization and waiver issues
- Participate in good faith ... Cooperation and zealous advocacy can coexist
- Failure to cooperate raises litigation costs and could create grounds for sanctions

Negotiating ESI Protocol Agreements

- Civil Disputes
 - Formal Federal Agreement Formats
 - State level – Email can be Sufficient
 - Discovery Order may not be Required
 - Good Faith Roadmap is informed by the Data and Facts in Dispute
 - Arbitration at all levels will increase Flexibility
- For Criminal Defense and Agency Requests
 - You may be the recipient of diverse and inconsistent material across multiple agencies. Options ...
 - Subpoena and Document Request Standards DOJ, SEC, State Attorneys may be boilerplate. You can still Manage Time and Expense ...

Form of Production

Rule 34.

Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes

(a) IN GENERAL. A party may serve on any other party a request within the scope of Rule 26(b):

(1) to produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in the responding party's possession, custody, or control:

(A) any designated documents or electronically stored information—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form;

(b) PROCEDURE.

(1) Contents of the Request. The request:

C) may specify the form or forms in which electronically stored information is to be produced.

(E) Producing the Documents or Electronically Stored Information. Unless otherwise stipulated or ordered by the court, these procedures apply to producing documents or electronically stored information:

(i) A party must produce documents as they are ***kept in the usual course of business*** or must organize and label them to correspond to the categories in the request;

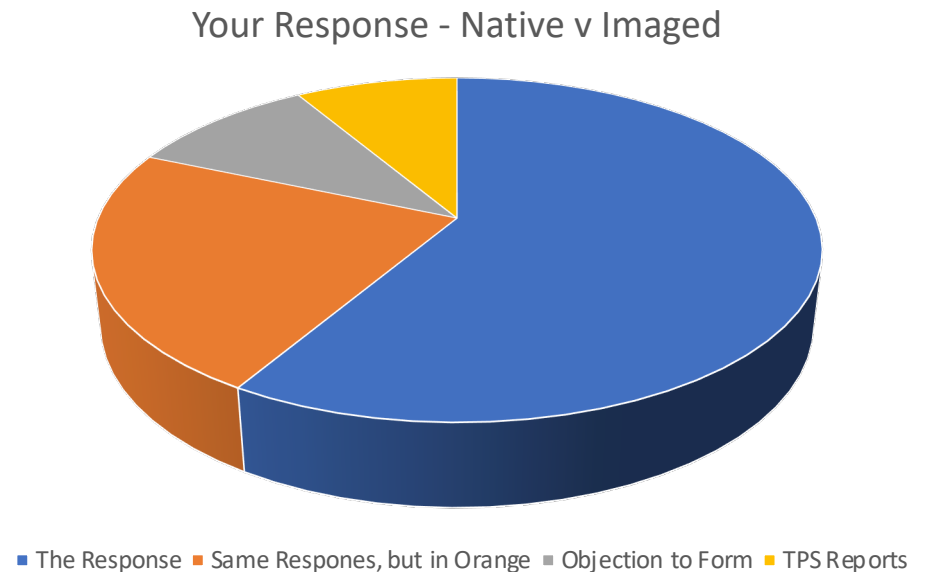
(ii) If a request does not specify a form for producing electronically stored information, a party must produce it in a form or forms in which it is ***ordinarily maintained or in a reasonably usable form or forms***; and

(iii) A party need ***not produce the same electronically stored*** information in more than one form.

Many state rules on form of production follow FRCP

Form of Production

- ESI exists only in a native electronic format - even where a printed or petrified version may also have been created
- Native v Image Productions
 - Redaction
 - Metadata
 - Load Files
 - Mixed Formats
 - Equivalent Access
 - Utility
 - Viewability
 - Do I need a numbered, printed page?
 - Sometimes
 - Always
 - Always, even if it isn't possible
 - Never
 - Maybe
 - Refuse to Answer



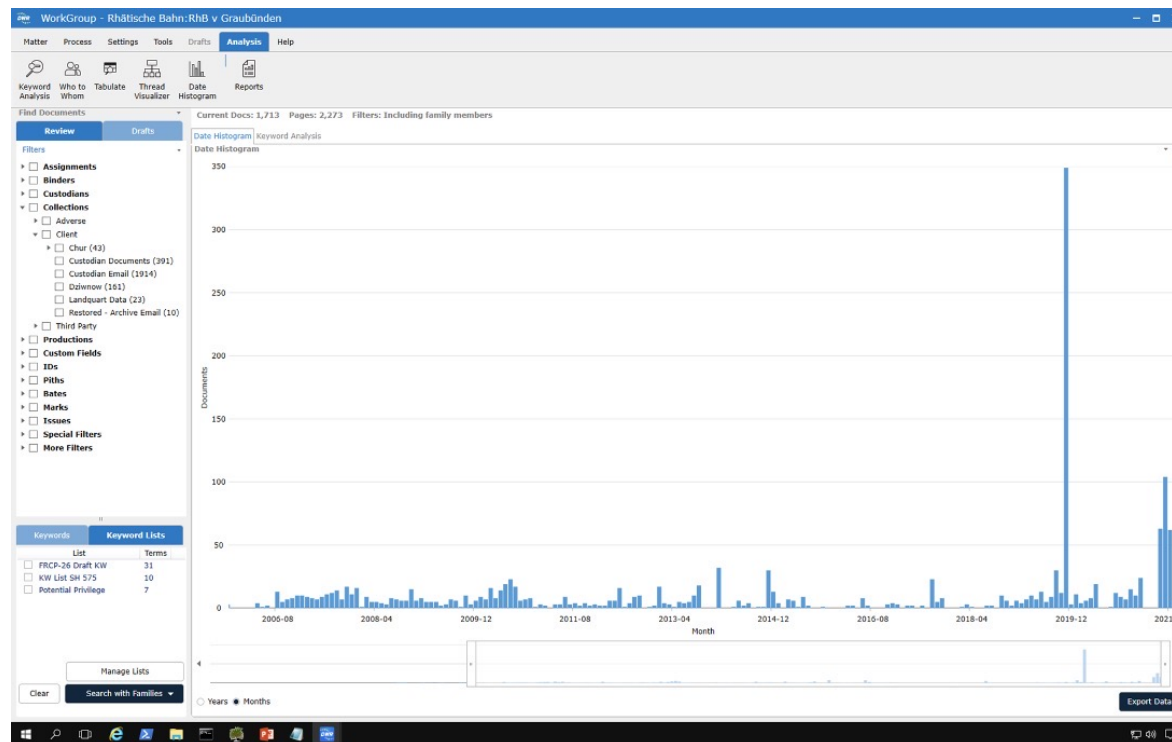
Form of Production – Example no Judgment

- Each Party shall produce each electronic document (or other separate item of ESI that can not be reasonably converted to static image as Files in Native Electronic Format) as a Bates-stamped, 300 dots per inch (dpi), PDF or single-page, searchable Group IV TIFF JPG image, along with metadata load files. TIFF files can be produced in black and white, but if the original is in color, then a JPG file should be produced in color. Color optimization should apply for PDFs where possible.
- Emails and related attachments should be produced in a manner that maintains the parent-child relationship, if any.
- All documents are to be provided with per document searchable text (.TXT) files, and such text files shall contain the full text extraction. If a document is scanned into TIFF format, the text file should contain that document's OCR text. These text files and image load files should indicate page breaks to the extent possible.
- All electronic production, whether in the foregoing format or in native format as described below, should be made to the receiving party on reasonable media, or portable hard drive, or by sending a link to a secure FTP site containing the relevant files.
- Unique document control numbers should be applied to each native files, imaged document or individual page as appropriate
- Documents subject to Protective Order Designation will be produced in a manner that identifies on a document or page level

Look Before you Leap

- Consider the impact of agreements - whether formal or informal – fully informed by your client's content – both data and metadata.
 - Agreed upon Custodians
 - Keyword Analysis
 - Email Networks
 - Key Dates, Cutoff Dates, and Date Distribution
 - Thread Consolidation
 - Content Sources (Server, Folder, Geography)
 - Content Types (Common File types, Client and Matter Specific Formats)
 - Custody (Cloud and Social Data, Static, Ephemeral)

Date Histogram



Keyword Analysis

WorkGroup - Rhätische Bahn: RHB v Graubünden

Matter Process Settings Tools Drafts Analysis Help

Review Policy Marks Issues PODs Priv Basis Edit Columns Manage Assignments Manage Custodians Keyword Lists Indexing Custom Print Settings Placeholder Images

Find Documents Review Drafts

Filters

- Assignments
- Binders
- Custodians
- Collections
 - Adverse
 - Client
 - Chur (43)
 - Custodian Documents (291)
 - Custodian Email (1914)
 - Dziwnow (161)
 - Landquart Data (22)
 - Restored - Archive Email (10)
 - Third Party
- Productions
- Custom Fields
- IDs
- PIIhs
- Rates
- Marks
- Issues
- Special Filters
- More Filters

Keywords Keyword Lists

Keyword	Total	Unspecified	RHB:Landwirtschaft	Haupt, General Herman	Hopper, Admiral Grace	Sagan, Carl	Hobbe, Willem Jan	RHB:Finance	RHB:Führung	RHB:Geschäftstätigkeit	Rip
"university of maryland"	44	32	0	1	9	2	0	0	0	0	0
(dave or david) w/2 kirsch	23	1	0	0	22	0	0	0	0	0	0
(red or rob or robert) w/2 green	5	4	0	0	0	0	1	0	0	0	0
(traube or weintrauben) or (graubünden or rhätia)	54	37	3	0	0	0	1	4	3	6	0
agriculture	160	108	19	4	0	25	0	0	0	0	1
baco	17	10	1	1	0	4	0	0	0	0	0
checklist or manifesto	45	35	2	0	0	1	1	0	0	0	1
cornell	82	51	12	1	4	8	1	0	0	0	0
dwr or glist or checklist or manifesto or discovery	892	606	2	14	11	11	3	0	0	2	5
fermentados or fermentation	49	34	6	1	0	6	0	0	0	1	0
fermentados or fermentation or tartaric acid or m	208	140	23	4	0	33	0	0	0	1	1
grape	155	109	25	1	0	16	0	0	0	0	0
grape and patent or (cornell w/2 viticulture)	35	22	4	1	0	5	0	0	0	0	0
green	174	128	9	6	3	14	1	1	1	0	1
landquart or chur or sbb or rbb or (baum or baur	460	309	7	5	0	9	3	4	7	11	0
mail(@possumlodge.com)	0	0	0	0	0	0	0	0	0	0	0
mail(@rhsmilth.umd.edu)	0	0	0	0	0	0	0	0	0	0	0
ndip or loc or maryland	128	95	2	3	19	3	0	0	0	0	0
ndip or loc or maryland or eel or stipulation or hi	264	188	2	9	19	5	3	1	0	1	2
noir	81	57	12	1	0	8	0	0	0	1	0
patent	103	78	4	1	6	5	0	0	0	0	2
quantum theory	8	5	0	1	0	2	0	0	0	0	0
red	257	188	16	9	11	21	2	0	3	3	2
rgreen@possumlodge.com	0	0	0	0	0	0	0	0	0	0	0
stipulation or (penrose w/10 wyoming) or (wine	266	188	31	11	1	12	2	1	0	0	2
tartaric acid or methanol	25	13	3	1	0	6	0	0	0	0	0
traminette or ndr or baco and (patent or cornell)	37	23	7	1	0	5	0	0	0	0	0
traminette or ndr or baco and (patent w/10 corn	9	5	1	1	0	1	0	0	0	0	0
viticulture	79	56	15	0	0	7	0	0	0	0	0
warroom or manifesto	195	127	5	3	0	2	3	0	0	0	2
富士山 or japan or 日本 or 富士 or 葡萄	109	73	11	4	0	8	0	0	1	0	1

Apply FRCP-26 Draft KW by Custodians

Manage Lists

Clear Search with Families

Append to previous export Export

Apply Stemming to Keywords ☒ Heat Map

Who to Whom email Analysis

WorkGroup - Rhätische Bahn: RHB v Graubünden

Matter Process Settings Tools Drafts Analysis Help

Keyword Analysis Who to Whom Tabulate Thread Visualizer Date Histogram Reports

Find Documents

Review Drafts

Filters

- Assignments
- Binders
- Custodians
- Collections
 - Adverse
 - Client
 - Chur (43)
 - Custodian Documents (291)
 - Custodian Email (1914)
 - Dziwnow (161)
 - Landquart Data (22)
 - Restored - Archive Email (10)
 - Third Party
- Productions
- Custom Fields
- IDs
- PIHs
- Rates
- Marks
- Issues
- Special Filters
- More Filters

Keywords

Keyword Lists

List	Terms
<input checked="" type="checkbox"/> FRCP-26 Draft KW	22
<input checked="" type="checkbox"/> KW List SH 575	10
<input checked="" type="checkbox"/> Potential Privilege	7

Manage Lists

Clear Search with Families

Current Docs: 1,713 Pages: 2,273 Filters: Including family members

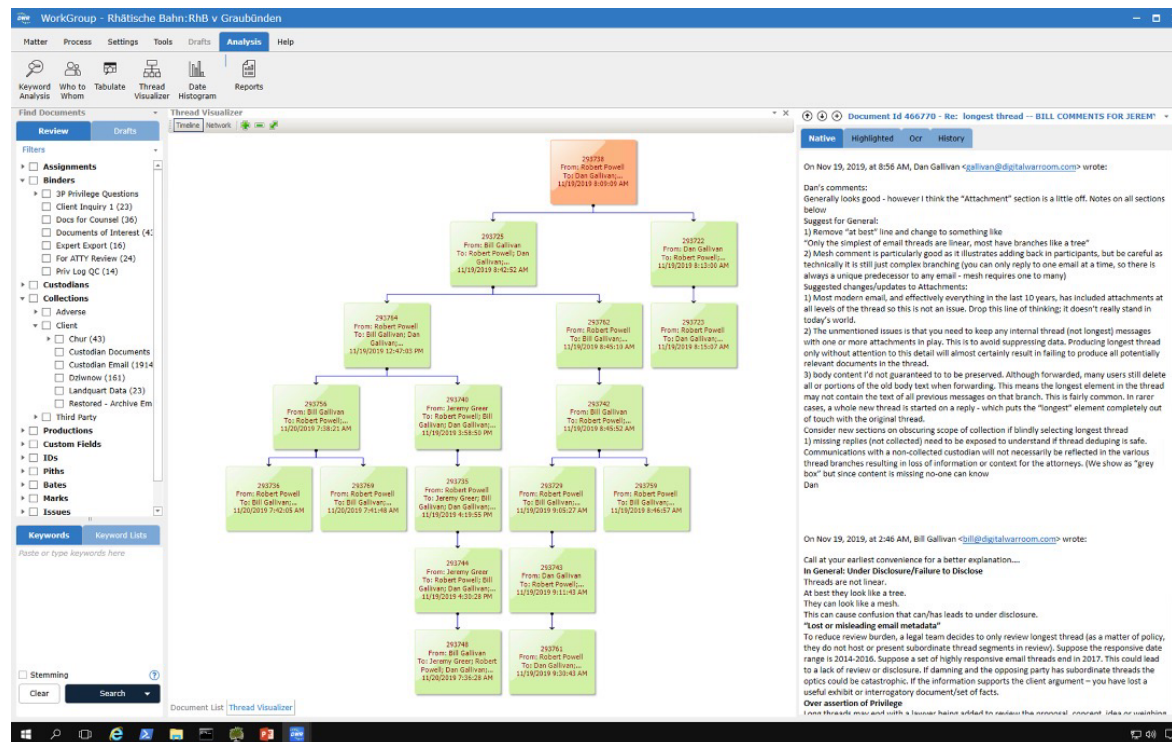
#	ID	FAMILY	DATE	TITLE	TO	FROM	CC	MARK	REDACT STA	PETH	THREAI
1	126633	126633	1/28/2020 12:34 PM	2020-01-28 Agreed Protocol for the Product...				Privileged			188
2	126638	126638	11/18/2019 3:24 PM	Bunney Buyers Guide 2019. DWR Pages 34 t...				Responsive...			98
3	126640	126640	12/14/2018 9:36 AM	Classic Trains - Mountain Railroads.pdf				Non-Respons...	Approved		255
4	126642	126642	10/4/2005 9:32 AM	criminal_court_guide.pdf				Privileged			399
5	126644	126644	11/18/2019 9:47 AM	DWR - Loading Documents with Load Files...				Responsive			185

Who to Whom

Sent To	WordSmith	travlang s Word of the Day	Robert Powell	Dan Gallivan	Bill Gallivan	Jalali Yazdi Shireen	Trains Magazine	Allen Brody	Jeremy Greer	robert@ggolic.com	David A Kirsch	Empty	Brett Burney
Robert W Powell				3									
Robert Powell			3	85	22	22	21	20	18		14		8
Regus@rhl@wor													
Dan Gallivan			18	12	20	8			12	10			
Bill Gallivan			10	12				20	18	9			
Jeremy Greer			18	21	21			20		16			
Paulette Kahaley						22							
Chris Waterman			1	1		22							
Allison O'Neill					3			20	6				
Joann Powell			14										
Empty					1							12	
Anthony Ramirez				12									
Christina Fournie			4							8			
Justin Powell						8							
Allison O'Neill						8							
Jeff Keleher			4							8			
Chris Helms			4							8			
Allen Brody					3				6				
robert@digitalw						2							
Avila Jeanne Mar										4			
Antemle Della										4			
chris@digitalw						2							
paulette@digital						2							
Chartan Michael													
dpsun_junk@hotmail													
_DM004LM Supp													
Woolard Nicole													

Append to previous export ☐ Export

Email Thread Visualizer



Content Types

WorkGroup - Rhätische Bahn: RHB v Graubünden

Matter Process Settings Tools Drafts Analysis Help

Keyword Analysis Who to Whom Tabulate Thread Visualizer Date Histogram Reports

Find Documents

Review Drafts

Filters

- Assignments
- Binders
- Custodians
- Collections
 - Adverse
 - Client
 - Third Party
- Productions
- Custom Fields
- IDs
- PITHs
- Rules
- Marks
- Issues
- Special Filters
- More Filters

Current Docs: 2,998 Pages: 3,694 Filters: Including family members

	ID	FAMILY	DATE	TITLE	TO	FROM	CC	MARK	REDACT STA	PITH	THREAT
1	126632	126632	2/18/2021 1:53 PM	10074 GWR Customer Report October 2016...				Non-Respons...			83461
2	126633	126633	1/28/2020 12:34 PM	2020-01-28 Agreed Protocol for the Producti...				Privileged			188
3	126634	126634	2/18/2021 1:52 PM	43105_Nameplate.jpg							83469
4	126635	126635	2/18/2021 8:11 AM	BauRk_road_point_with_slide_step.jpg							83460
5	126636	126636	2/18/2021 8:10 AM	Bristol_Temple_Meads_railway_station...							83463
6	126637	126637	2/18/2021 8:12 AM	Brunel's_Railway_Bridge_at_Maldenhe...							83452
7	126638	126638	11/18/2019 3:24 PM	Burney Buyers Guide 2019. DWR Pages 34 L...				Responsive -...			98
8	126639	126639	2/18/2021 8:11 AM	Chaffin's_Map_-_Route_of_Great_Western_...				Responsive			83458
9	126640	126640	12/14/2018 9:56 AM	Classic Trains - Mountain Railroads.pdf				Non-Respons...	Approved		255
10	126641	126641	2/18/2021 8:04 AM	Coat_of_arms_of_the_Great_Western_Railw...				Responsive			83455
11	126642	126642	10/4/2005 9:33 AM	criminal_court_guide.pdf				Privileged			399
12	126643	126643	2/18/2021 8:11 AM	DSCN2101-aurl-bathurst_crap_1200x600.jpg				Responsive			83457

Tabulate

Options: Ext

	Privileged	Non-Responsive	Responsive - Public	Responsive - AEO	Responsive	Responsive - HC	Junk	Privileged - Non-Responsive	Potential Privilege
doc	2	18	15	2					
email		12		1					
eml	5	8			5	1			
html		6							
jpg	2	22		2	7				
mht					2				
mov		8							
mp3				2					
msg	4	19	2		12	2		3	
pdf	2	10	9	8	24	9			2
png					2				
ppt		6							
tif				2					
txt					2				
xls		11			2				

Append to previous export ☐ Export

e pluralibus Veris, uno Facto

- Amateurs Argue Tools, Experts Argue Tactics, Masters don't Argue
 - De Facto Technical Standards Exist for the Exchange of Productions.
 - Litigation Support Professionals and Vendors most cost effectivity implement policy decisions and comply with Discovery Orders that are
 - Compliant with broad standards
 - Tool and technology agnostic
 - Cooperation and zealous advocacy can coexist
- A Rose by Any Other Name ...
 - Many Platforms have nearly identical technical capabilities, but inhabit a Tower of Babel
 - Your Rosetta Stone is a general definition and good faith understanding; allow the Greeks to Greek and the Geeks to Geek

Metadata Fields – Example no Judgment

To the extent possible, each party will provide the following metadata fields:

- BEGBATES
- ENDBATES
- ATTRANGE
- BEGATTACH
- ENDATTACH
- PAGECOUNT
- CUSTODIAN
- TITLE / SUBJECT
- THREAD
- FROM
- TO
- CC
- BCC
- SENT
- RECEIVED
- AUTHOR
- CREATED
- MODIFIED
- FILEPATH
- FILENAME
- FILESIZE
- FILEEXT











Phonetic	Ideographic
	
F	To carry
	
M	To Breath
	
D	To Grasp
	
O	People/Company

Image Credit – The Ohio State University

AUTHOR	The author of document (Microsoft Office documents only)
BATES	A semi-colon delimited list of all Bates numbers assigned to document
BCC	Email BCC recipients.
CC	Email CC recipients.
COLLECTION	Name of document's associated Collection.
COMMENT	Any comments entered by reviewers.
COMPANY	The company of document (Microsoft Office documents only)
CREATED	The date the instance of the document ingested by DWR was created.
CUSTODIAN	Name of document's associated custodian.
DATE	The last-modified, received or sent date associated with the document in DWR.
DESCRIPTION	The document description (Microsoft Office documents only)
DOCTITLE	The document title (Microsoft Office documents only)
ESTIMATED PAGES	Page estimate based on proprietary metrics.
EXT	The file extension or file type.
FAMILY	The family ID number. Related documents (such as an email and its attachments) share the same family ID number.
FILETYPE	The document type (File, Email, Attachment, Container, Binary)
FROM	Address/sender of email.
ID	The unique document identifying number used for tracking. Documents that are duplicates of each other have different IDs. (See Pith, below.)
ISSUES	The issue codes (if any) assigned to a document.
KEYWORDS	The document keywords (Microsoft Office documents only)
LANG	The document language (Microsoft Office documents only)

Creating Formal Production

The screenshot displays the 'WorkGroup - Rhätische Bahn: RhB v Graubünden' application. The main window shows a list of documents with columns for ID, FAMILY, BATES PI, BEG Bu, MARK, DATE, and TITLE. A dialog box titled 'Export Production RhB-Gb000000001 - 00000136 (136 pages)' is open, allowing users to configure export settings. The dialog includes a 'Loadfile Columns' section with checkboxes for various fields like BEG BATES, END BATES, BEGATTACH, ENDATTACH, POD, DATE, BATES PREFIX, BCC, CC, EXT, CUSTODIAN, FROM, ISSUES, MARK, AUTHOR, CaseTimeLine, COLLECTION, COLOR, COMMENT, FAMILY, FILETYPE, FROMADDR, ID, and LASTSAVED. The 'Destination Directory' section shows the location 'C:\Users\robert\Desktop' and volume 'VOL001'. The 'Options' section includes checkboxes for 'Include searchable text where it exists', 'Export separate columns for dates and times', 'Export load files only', 'Export images and natives (image productions only)', 'Include natives for redacted images', 'Use custom DAT file delimiters', and 'Export lower resolution images'. A 'Native' document preview is visible on the right, showing a document titled 'Re: boilerplate production language' with a date of September 03, 2019, and a subject line 'Re: boilerplate production language'. The preview also shows a list of attachments including 'E-Discovery Stipulation (13558983_4).doc', 'E-Discovery Stipulation (sent to Defendants on 12_12_08) (13558983_4).doc', 'Electronic Document Production Protocol - Strong Basic.doc', and 'EST - Joint Conference Report.doc'.

WorkGroup - Rhätische Bahn: RhB v Graubünden

Matter Process Settings Tools Drafts Analysis Help

Keyword Analysis Who to Whom Tabulate Thread Visualizer Date Histogram Reports

Find Documents

Review Drafts

Filters

- Assignments
- Binders
- Custodians
- Collections
- Productions
 - Rhätische Bahn
 - RhB-Gb000000001 - 00000136 (30)
 - RhB-Gb000000137 - 00000166 (14)
 - VOL 007A
- Custom Fields
- IDS
- Raths
- Bates
 - RhB-Gb (97)
 - Select a prefix above, then enter Bates ranges here (numbers only)...
- Marks
- Issues
- Special Filters
- More Filters

Keywords Keyword Lists

Paste or type keywords here

Stemming

Clear Search

Current Docs: 30 Pages: 136 Filters: 1 production

Document Id 126723 - Re: boilerplate production language - Native file

Native Highlighted Image Ocr History

From: robert@ggolic.com

Date: September 03, 2019 11:00:28 AM (-04)

To: "Liss, Paula"

Cc: "Antonia, Della"; "Avila, Jeanne-Marie"

Subject: Re: boilerplate production language

Attachments: E-Discovery Stipulation (13558983_4).doc; E-Discovery Stipulation (sent to Defendants on 12_12_08) (13558983_4).doc; Electronic Document Production Protocol - Strong Basic.doc; EST - Joint Conference Report.doc;

Hi Paula,

Sure thing, please see the four attached are representative examples that are reasonable and suitable for editing.

Specifically from a DAT file perspective, a common and non-burdensome set of fields might be to consider:

BEGBATES
ENDBATES
ATTRANGE
BEGATTACH
PAGECOUNT
CUSTODIAN
TITLE / SUBJECT
THREAD
FROM
TO
CC
BCC
SENT
RECEIVED
AUTHOR
CREATED
MODIFIED
FILEPATH
FILENAME
FILESIZE
FILEEXT
NATIVELINK
OCRPATH

Happy to schedule some time next couple weeks to review these if you would like?

Export Production Close

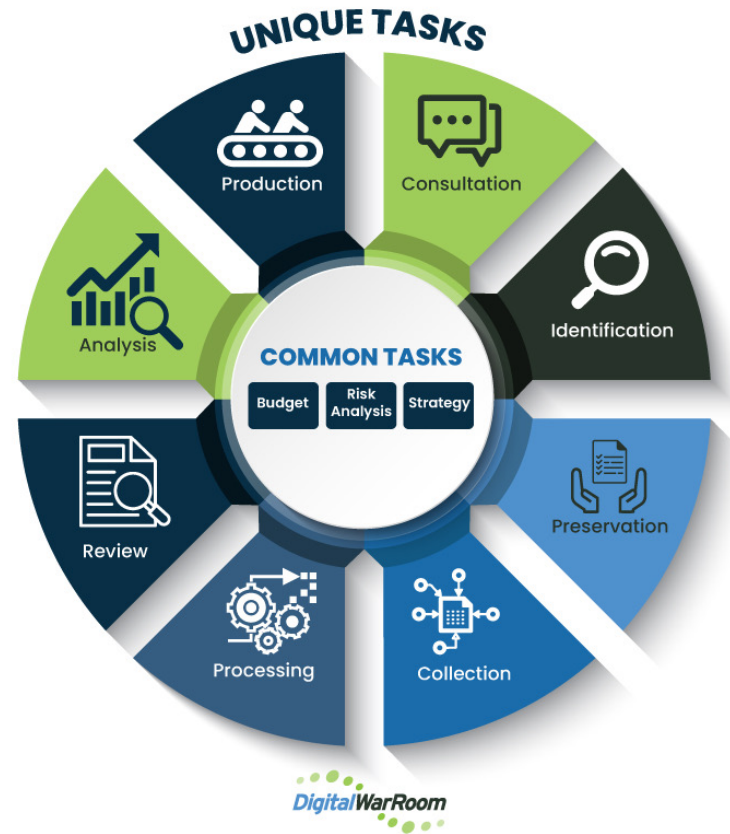
- Consider Federal and State Items

- Protective order agreement - Including all allowable protective orders.
- A Rule 502(d) claw back agreement will allow privilege to be upheld in the case that a privileged document is produced inadvertently.
- Privilege log specifications, agree on appropriate cooperative procedure for how to claim privilege & withhold privileged information

- We can provide Samples after the Session

[illegible]

The eDiscovery Checklist Manifesto



Questions & Answers

Bill Gallivan

bill@digitalwarroom.com

Tom O'Connor

toconnor@gulftc.org

Robert Powell

Robert@digitalwarroom.com

