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Step Through The Process:

E-Discovery

1. Institute a Litigation Hold

- “ Notify ALL employees having any relationship to the issue—DO NOT DESTROY/ALTER
 - . May be only a passing encounter
- “ Confirm their notification
- “ Track notification & confirmations



Identify People Involved

- “ ALL employees having any relationship to the issue
 - . Don't forget former employees

- “ Third Parties
 - . Consultants, contractors, agents



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Identify Scope of the Hold

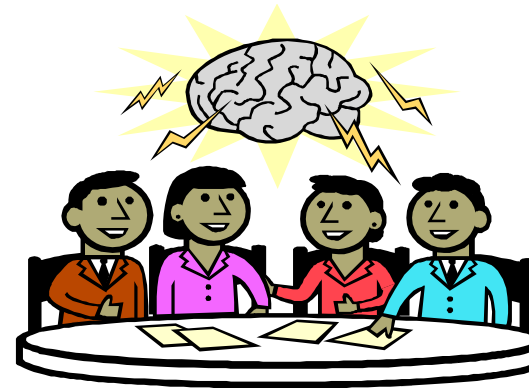
- “ Issue likely to become litigation
- “ Material that will help prove/defend the case or likely to be requested

2. Have a Litigation Hold Meeting

- ” Invite your litigation response team:
- . Inside Attorneys
 - . Outside Attorneys
 - . Paralegals
 - . Records
 - . IMS/IT
 - . Risk Manager
 - . Key Personnel

Discuss

- ” Scope of the Hold
- ” Forensic
- ” People identified
- ” Location/Media
- ” Hold in Place v. Collect
- ” Next Steps
 - . Who
 - . When



Electronic Storage Capacities

Media	Capacity	Equivalent
Floppy Disk	1.44 MB	720 Typed Pages
CD-Rom	650 MB	325,000 Typed Pages
DVD-Rom	4700 MB (4.7 GB)	2,350,000 Typed Pages
USB Thumb Drive	20,000 MB (20 GB)	10,000,000 Typed Pages
File Server	5,000,000 MB (5 TB)	25,000,000,000 Typed Pages
	Petabyte servers (10^{15} bytes)	

Do you think you might need some help searching through your media?



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3. Modify Hold

- ” Add new people/issues as needed
- ” Confirm & Track



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4. Remind

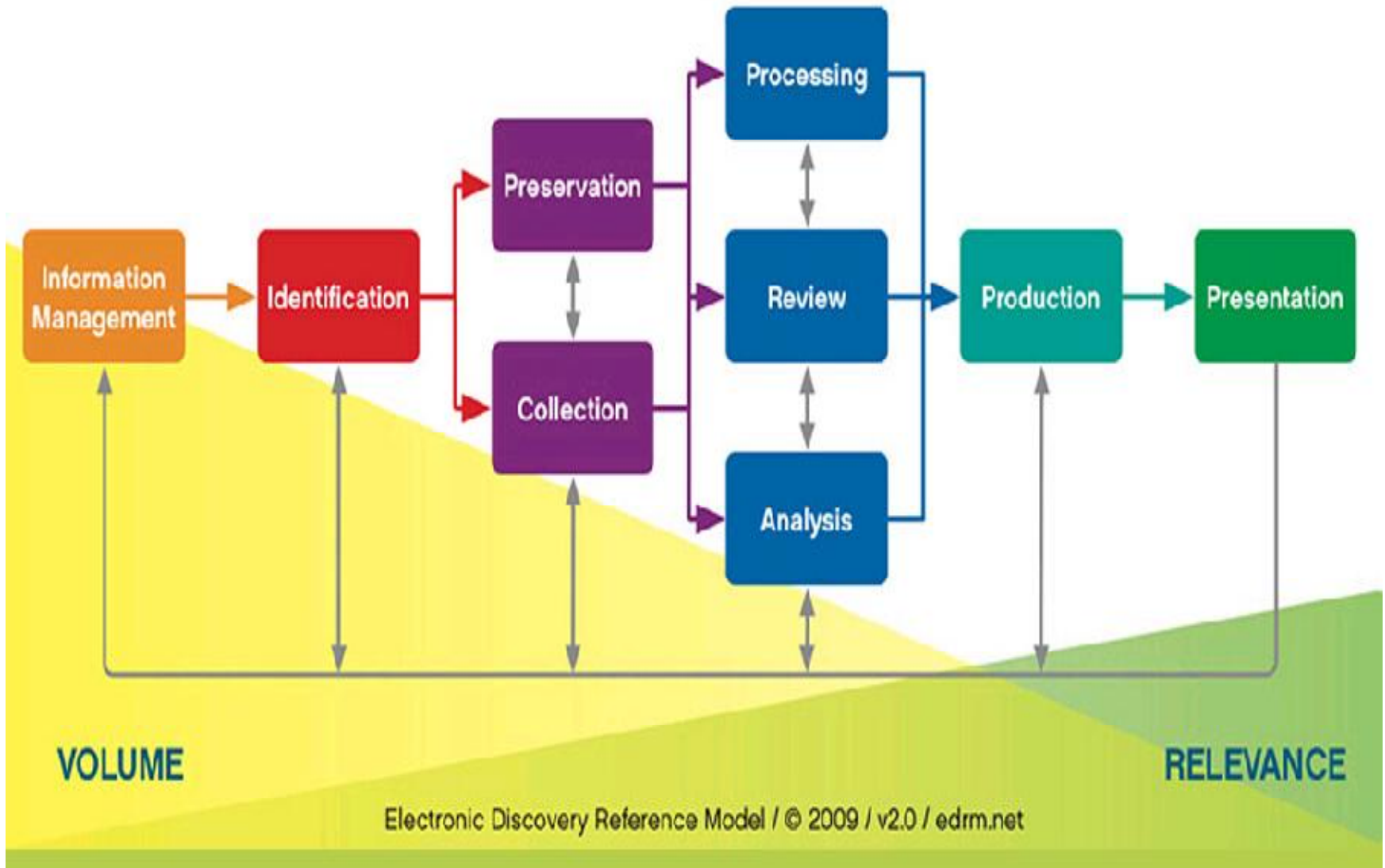


5. Collect

- “ Document and track all Collection efforts
- “ Review what is collected for holes
 - . Search terms, known documents, reality check



Electronic Discovery Reference Model



How Do You Store Your Collection?



6. Modify Hold/Collection

- ” Add new people/issues as needed
- ” Delete people/issues as needed
- ” Collect for missing areas
- ” Confirm & Track



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Tracking Tools

Roll your own
Excel
Access
Other

Off the shelf

Revision=4.6 Revision Date=3/1/2010

Salt Lake City Attorneys Office

Case Status System

Case Name Search Court Number Search Search

Case Information | Cost Accounting | Motions | Witnesses | Litigation Hold Summary | Reporting

PrimaryKey:

Case Name: Court Number:

Date Filed: Attorney Assigned: Case Type:

Status: Paralegal: Judge: Case Closed:

Date Served: Date Answer Due: Trial Date: File Location: Disposition:

Case nickname:

Case Summary: After investigations and reports of inappropriate activity the City called for a license revocation hearing. The hearing was 12/12/08; the hearing officer revoked the license for 1 year. appealed the decision to the District Court and requested a temporary injunction. On 3/9/09 the court issued a memorandum decision denying the

Opposing Counsel: Addl Counsel:

Third Party Counsel:

CLIENT CONTACT:

Department: Department Cost Center: Risk Claim Number:

Reserve: Settlement Authorization:

Opening Report rptLitigationHoldStatusReport

Record: of 206

Form View



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HOMEWORK

” Read

- . *Phillip M. Adams & Assocs., L.L.C. v. Dell, Inc.*, 621 F. Supp. 2d 1173 (D. Utah 2009) (lengthy discussion of record keeping practices and litigation hold issues).