KILPATRICK TOWNSEND

6 KEY TAKEAWAYS

Ways to Improve Electronic Discovery

Kilpatrick Townsend's Katie King recently spoke at the North Carolina Bar Association's "NextGen ESI — Ways to Improve Electronic Discovery" As good stewards of a client's time and resources, we should embrace e-discovery technology in order to create efficiencies and reduce costs…and you don't have to be a natural "techy" in order to understand and take advantage of e-discovery technology.

Here are 6 takeaways from the NextGen ESI CLE:

1

The Science and Art of Search Terms: In order to identify the information that needs to be collected and reviewed, it's important to understand the search capabilities of your clients' systems, conduct custodian interviews to help develop search terms and utilize search term reports to target what's actually relevant.

2

Burden: When you want to make a burden argument, be sure to come prepared with supporting evidence including actual data sizes, hit counts and potential costs for data processing and document review.

3

How to Use Active Learning: Active learning is a machine learning tool that can be extremely helpful in narrowing data sets needing review, culling out irrelevant documents and conducting QC of already-reviewed data sets…and you don't have to be a "techy" to understand it!

4

Make Email Threading Standard: In almost every case, consider making email threading standard so that your team can avoid spending time reviewing every back and forth of an email string.

5

Native v. Non-Native Productions: There are good reasons why standard production specifications in the industry call for production in image format whenever possible, and native only for documents that cannot be imaged…bates stamping, redactions, avoiding corruptions and making sense of email families to name a few.

6

Mobile Data Collections Don't Need to Be Complicated: There's a middle ground between the full forensic collection where the employee needs to hand over their phone for hours (or days) and simply taking screenshots (which provide no metadata and no context for the communication), and depending on the type of mobile device and what you need to collect, there are tools that enable the client drive the process with your oversight.

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