

**TAMING THE BEAST –  
Implementation of Effective Best Practices  
for Electronic Data Discovery**

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Primary Areas of Practice: Commercial litigation and counseling, with an emphasis on breach of contract, fraud, antitrust, intellectual property and unfair business practices.

Law School: University of California Los Angeles

Work History: Renée Lawson was one of the original lawyers in Morgan Lewis's San Francisco office, joining the firm in 2003. She began her career at Brobeck, Phleger & Harrison.

Ms. Lawson has represented both plaintiffs and defendants, and her clients have included some of Silicon Valley's largest technology companies as well as individuals and smaller companies. She has prepared numerous complex cases for trial, and

most recently led the effort to secure an April 2006 mid-trial defense verdict in an intellectual property usurpation case after eight weeks of trial.

Ms. Lawson also has extensive experience with litigation avoidance and counseling, including issues related to electronic discovery, document retention and the monitoring of electronic communications. In 2005, she was a presenter for the American Bar Association on “Document Retention Policies in Electronic Discovery - Sword and Shield.”

Ms. Lawson has been named one of the “Best Lawyers in the Bay Area” by the Bay Area Lawyer Magazine.

## **TAMING THE BEAST – Implementation of Effective Best Practices for Electronic Data Discovery**

Renée T. Lawson

It used to be that litigation was viewed as just one cost of doing business. The advent of electronic discovery in recent years, however, has significantly distorted that cost equation. Not only are the monetary costs of litigation substantially higher, but electronic discovery presents the added “cost” of potentially impacting the outcome of litigation with its traps for the unwary. Recent, high-profile decisions such as *Zubulake* and *Morgan Stanley* highlight the minefields that await litigants in this brave new world.

In this new environment (with a little help from the new Federal Rules of Civil Procedure), all lawyers responsible for litigation – outside and in-house counsel alike – must be familiar not only with the law applicable to electronic discovery, but also with the particular electronic data landscape of the client whom they serve. Those parties and counsel who effectively prepare for electronic discovery before litigation strikes can not only better control the discovery process, but may well control the outcome of a case.

But how do we as litigators (and typically not information technology experts) tame this beast? The answer is, not surprisingly, to take this new challenge head-on. This Article assists by setting out a proactive methodology for establishing electronic data “best practices” that enable an immediate, strategic and cost effective response in the inevitable trenches of electronic discovery

***How the New Federal Rules of Civil Procedure Require Counsel to Understand Their Client's Electronic Data Landscape at the Onset of Litigation***

Effective December 1, 2006, the new Federal Rules of Civil Procedure mandate that the Court and counsel address electronic data discovery early in litigation. In particular, the Rules require the specific consideration of electronic discovery issues in the context of: (1) Rule 26(f) conferences and disclosures, and (2) Rule 16(b) pretrial conferences and scheduling orders. This means that counsel must be prepared to discuss “issues relating to the disclosure and discovery of electronically stored information” within the first 100 days after the defendant has been served. *See* Fed. R. Civ. P. 16(b), 26(f).

Importantly, the Rules imply more than just a basic discussion among counsel at the Rule 26 conference. Indeed, the Committee Notes specifically direct counsel to become “familiar with” the client’s information systems before the conference so that an actual electronic discovery plan can be established. Fed. R. Civ. P. 26(f) advisory committee’s note (“important for counsel to become familiar with those [information] systems before the conference. With that information, the parties can develop a discovery plan that takes into account the capabilities of their computer systems.”).

What does it mean to be “familiar with” the client’s electronic data? The Rules identify some specific topics counsel may be called upon to address:

1. the client’s information systems (Fed. R. Civ. P. 26(f) advisory committee note);
2. the identification of sources of electronically stored information that are “readily accessible,” and those that are not “readily accessible” – including “the likelihood of finding responsive information on the identified sources” (Fed. R. Civ. P. 26(b)(2) and advisory committee note);

3. the volume, ability to search, and burdens/costs of accessing and retrieving electronic data (Fed. R. Civ. P. 26(b)(2) and 26(f) advisory committee notes);
4. preservation of information (Fed. R. Civ. P. 26(f) and advisory committee note);
5. production of embedded data and metadata (Fed. R. Civ. P. 26(f) advisory committee note); and
6. the form(s) in which electronic data should be produced (Fed. R. Civ. P. 26(f) and advisory committee note; *see also* Fed. R. Civ. P. 34).

The potential scope and complexity of these new electronic data obligations, and their timing early in the litigation process, underscore the criticality that parties and their counsel understand their electronic data before litigation strikes.

### ***How To Best Prepare for Electronic Discovery Before Litigation Is Anticipated or Filed***

In order to be prepared for litigation, a company – a specifically in-house counsel – should anticipate and lay the groundwork for electronic discovery before litigation is initiated or filed by implementing the following three steps:

1. assembling and preparing an Electronic Discovery Team;
2. conducting and recording an Electronic Data Assessment;
3. establishing Electronic Discovery Guidelines and a Protocol that the Electronic Discovery Team can execute immediately once litigation is filed.

### **Step 1: Assemble an Electronic Discovery Team**

The Electronic Discovery Team is made up of:

1. in-house counsel;
2. in-house information technology personnel (“IT”);
3. outside counsel with demonstrable expertise in electronic discovery; and
4. if a relationship already is established or desired, the selected outside electronic data vendor.

This team of lawyers and IT professionals should – without the time pressure and other stresses of litigation – assess and prepare for electronic discovery. Specifically, the Electronic Discovery Team’s charge is to (1) evaluate the client’s data systems and structures and create an Electronic Data Assessment; and (2) establish Electronic Data Guidelines and a Protocol to preserve, collect, process and produce electronic data once litigation is initiated.

The Electronic Discovery Team is then an important resource in any future litigation (regardless of whether the Team members are otherwise directly involved in the client’s representation in the litigation) because of their critical knowledge of the client’s electronic data sources. The company’s ability to call this specialized team into action at the very start of litigation serves to flatten the electronic discovery learning curve, lower the associated costs (monetary and otherwise), assure compliance with electronic discovery obligations, and perhaps even lay the foundation for a strategic advantage in the litigation.

## **Step 2: Conduct and Record an Electronic Data Assessment**

The Electronic Discovery Team’s first responsibility is to conduct and record an Electronic Data Assessment that assesses and catalogs the client’s electronic data sources. The Electronic Data Assessment is a detailed, technical overview that includes:

1. the client’s data systems and structures;

2. the data sources most likely to contain responsive information in an electronic discovery context;
3. a determination of how data is stored;
4. a determination of how data is backed up, archived, or otherwise preserved, and for what term(s), including rotation schedules;
5. a determination of which data sources are “readily accessible” and which are not “readily accessible”;
6. identification of historic operating systems and applications;
7. the searchability of various data sources;
8. a preliminary determination of the burdens and costs associated with retrieving and accessing data from data sources; and
9. assessment of the client’s policies and procedures for electronic data use, management and retention.

### **Step 3: Prepare Electronic Data Guidelines and Protocol for Use in Future Litigation**

After conducting and recording the Electronic Data Assessment, the Electronic Discovery Team should then focus on the creation of Electronic Data Guidelines. Such guidelines lay out the general process of preserving, collecting, processing, producing and, upon completion, appropriately disposing of electronic data in litigation. Among other things, the Guidelines should cover:

1. decision-making process and responsibilities of the Electronic Discovery Team members;
2. identification and access to data;

3. issuance of preservation of data notice;
4. data collection;
5. data processing;
6. data review and production;
7. treatment of gathered and produced data at conclusion of litigation.

In connection with these general Guidelines, it is also useful for the Electronic Discovery Team to prepare a standard Electronic Data Protocol. The Electronic Data Protocol sets out (in a worksheet/checklist format) the specific, practical issues to be considered, decided and recorded with regard to the preservation, collection, processing, production and disposition of electronic data. It is a tool designed to be used by the Electronic Discovery Team to formulate, execute and record an electronic data strategy for a particular case or matter at the various stages of the litigation – onset (“kick-off), pre-data processing, pre-production and conclusion. (An exemplar is provided as Appendices A-C.)

The end-product from these pre-litigation efforts is an electronic data roadmap and an educated team that can be effectively and efficiently deployed by immediately upon notice of litigation.

***After Litigation Strikes, the Electronic Discovery Team Should Execute on the Process Now in Place***

Once litigation actually strikes, it is easy to undertake electronic discovery efforts if you have already laid the groundwork described above.

The Electronic Discovery Team (in-house counsel, in-house IT, outside counsel, and electronic discovery vendor) should be immediately notified and assembled once litigation is anticipated or

filed. During the course of a matter, the Electronic Discovery Team should meet to discuss the particular electronic data requirements and a plan to meet them. Such meetings should include:

1. a Kick-Off Meeting;
2. a Pre-Data Processing Meeting;
3. a Pre-Production Meeting; and
4. a Matter Closing Meeting.

All information and decisions made in these meetings should be conducted in an attorney-client setting and maintained as privileged and confidential. In addition, outside counsel should be responsible for recording such decisions in meeting minutes, which will be maintained as part of the master case/matter file.

During this process, the Electronic Discovery Team should consult the Electronic Data Assessment for specific detail concerning data sources, availability and methods of collection.

### **Step 1: Electronic Discovery Team Kick-Off Meeting**

The Kick-Off Meeting is scheduled for the Electronic Discovery Team to discuss the nature and requirements of the litigation and make and document initial decisions on how to proceed prior to collecting data. Among other things, the Team should discuss:

1. the general substance and status of the matter;
2. identification of potential custodians, data and scope of collection;
3. matter administration;
4. initial data review decisions.

The resulting decisions should be documented in Kick-Off Meeting Minutes, or something similar. (An exemplar is provided as Appendix A.) Based on those decisions, the Team can then effectively collect data and document its efforts.

## **Step 2: Electronic Discovery Team Pre-Data Processing Meeting**

Prior to processing the electronic data collected, the Electronic Discovery Team should meet to evaluate the collected data and to make processing decisions. Counsel should provide express and detailed processing instructions to the electronic discovery vendor during this meeting.

Among other things, the Team should discuss:

1. known deadlines;
2. quality assurance issues, including any issues that arose in the collection process;
3. culling and suppression rules;
4. known issues related to specific data types;
5. de-duplication;
6. file treatment issues;
7. pre-review marking;
8. review interface issues; and
9. data delivery.

The resulting decisions will be documented in Pre-Data Processing Meeting Minutes, or something similar. (An exemplar is provided as

Appendix B.) Based on those decisions, the electronic discovery vendor can then effectively process the data for counsel's review.

### **Step 3: Electronic Discovery Team Pre-Production Meeting**

Prior to preparing data for production, the Electronic Discovery Team should meet to evaluate the processed and reviewed data and to make production decisions. Counsel should provide express and detailed production instructions to the electronic discovery vendor during this meeting.

Among other things, the Team should discuss:

1. known deadlines;
2. production-related processing issues;
3. quality assurance issues;
4. privilege log generation;
5. data formatting;
6. data production format;
7. labeling format;
8. production media; and
9. delivery.

The resulting decisions should be documented in Pre-Production Meeting Minutes, or something similar. (An exemplar is provided as Appendix C.) Based on those decisions, the electronic discovery vendor can then effectively prepare the data for production.

#### **Step 4: Electronic Discovery Team Closing Meeting**

At the conclusion of the matter, the Electronic Discovery Team should meet and discuss, among other things:

1. disposition of all collected, reviewed and produced data;
2. the appropriate period and manner of preservation of the data, if any; and
3. notice to those custodians who had received a preservation notice during the matter.

Outside counsel will record the resulting decisions and action items in the Matter Closing Meeting Minutes.

#### ***Why Adopt This Proactive Methodology for Taming the Electronic Discovery Beast?***

The approach described in this Article is not beyond the capabilities of most companies and their counsel, but it is not in widespread use. It should be, however. The benefits and efficiencies of such proactive efforts are immediately realized at the moment litigation strikes:

1. an organized and knowledgeable Electronic Discovery Team of in-house and outside legal and IT personnel can be mobilized immediately;
2. preservation obligations can be met immediately;
3. data location and collection costs are minimized;
4. cost-shifting efforts can be implemented early and effectively;
5. meet and confer, disclosure and electronic discovery obligations can be met effectively and completely;

6. a person most knowledgeable/30(b)(6) deponent/testifier regarding the company's data sources is up-to-speed and available; and
7. the likelihood of falling victim to electronic discovery pitfalls is reduced to near zero.

In sum, these best practices effectively tame the “electronic discovery beast.”

\* \* \*

**Please note that the appended Electronic Data Protocol Exemplar and the other tools described above are for guidance in the context of this Article only. They are not for use in any litigation or other proceeding. The exemplar is a basic illustration for training purposes. As such, it is necessarily incomplete and does not contain every issue, decision point or type of data source, particularly given the uniqueness of each organization's IT architecture, its particular practices and policies, and the litigation with which it may be faced.**

**Any electronic data efforts must be coordinated closely with in-house, outside counsel experienced in electronic discovery efforts, electronic discovery vendor, and IT professionals to ensure that the specific approach devised for any given case or matter is appropriate, including taking into consideration applicable law, the particularities of the subject data, as well as any recent changes to the organization's systems, software, or data collection methods.**

**Appendix A**  
**Electronic Data Protocol Exemplar**  
**KICK-OFF MEETING MINUTES**

<b>ELECTRONIC DISCOVERY KICK-OFF MEETING MINUTES (page 1 of 6)</b>	
<b>Matter/Case:</b>	
<b>I. GENERAL MATTER INFORMATION</b>	
<b>Kick-Off Meeting Date:</b>	
<b>Matter/Case Caption:</b>	
<b>Nature or Summary of Matter/Case:</b>	
<b>Matter Type:</b>	

**ELECTRONIC DISCOVERY KICK-OFF MEETING MINUTES (page 2 of 6)**

<b>Matter Contacts:</b>	<u>In-House Legal:</u>  <u>In-House IT:</u>  <u>Outside Counsel:</u>  <u>Data Vendor:</u>
<b>Matter Priority:</b>	<input type="checkbox"/> URGENT <input type="checkbox"/> LITIGATION MATTER <input type="checkbox"/> GENERAL BUSINESS <b>KNOWN DEADLINES:</b> _____

**ELECTRONIC DISCOVERY KICK-OFF MEETING MINUTES (page 3 of 6)**

**II. SCOPE OF DATA COLLECTION**

**General Relevant Date Range for Matter:**

**User-Specific/Custodial Data:**

CUSTODIAN	PRIORITY (High, Medium, Low)	COMMUNIC'N PERMITTED WITH CUSTODIAN?	HARD DRIVE Non- Forensic	HARD DRIVE Forensic Image	CHECK FOR NT USER SHARE	CHECK FOR UNIX HOME DIRECTORY	EMAIL FROM SERVER (Exchange, POP or Unix)	PDA
1.								
2.								
3.								
4.								

**ELECTRONIC DISCOVERY KICK-OFF MEETING MINUTES (page 4 of 6)**

<p><b>Non-Custodial Data:</b></p>	<p><input type="checkbox"/> NT-Share Servers  <input type="checkbox"/> Intranet  <input type="checkbox"/> Document Repositories  <input type="checkbox"/> Voicemail  <input type="checkbox"/> Field Office/Remote Servers</p>	<p><input type="checkbox"/> Unix-Share Servers  <input type="checkbox"/> Databases  <input checked="" type="checkbox"/> Scheduling Applications Data  <input checked="" type="checkbox"/> Instant Messaging  <input type="checkbox"/> Other</p> <p><i>(NOTE: actual protocol should provide more detail)</i></p>
<p><b>Backup Tapes:</b>  <b>NOTE: This is <u>inaccessible</u> data and involves a costly and extreme process; proceed only if required and with permission of in-house counsel.</b></p>	<p><input type="checkbox"/> Server Backup <i>(be sure to note time period for backups, tape recycling and preservation schedule)</i>  <u>Specify Data Sought and Time Period:</u> _____  <i>(NOTE: actual protocol should provide more detail)</i></p>	<p><input type="checkbox"/> Instruct IT to stop recycling  <input type="checkbox"/> Destruction of existing backup tapes and transfer to Legal for preservation  <input type="checkbox"/> Restore backup tapes and deliver to Electronic Data Vendor for processing  <input type="checkbox"/> Deliver backup tapes to Electronic Data Vendor for restoration and processing</p>

**ELECTRONIC DISCOVERY KICK-OFF MEETING MINUTES (page 5 of 6)**

**III. Matter Administration**

<b>Initial Preservation Instruction:</b>	<input type="checkbox"/> NO <input type="checkbox"/> YES – Responsibility: <input type="checkbox"/> In-House <input type="checkbox"/> Outside Counsel Date of Instruction: _____
<b>Reminder of Preservation Instruction:</b>	<input type="checkbox"/> NO <input type="checkbox"/> YES – Responsibility: <input type="checkbox"/> In-House <input type="checkbox"/> Outside Counsel <input type="checkbox"/> Frequency: _____
<b>Collection of Cost-Shifting Data:</b>	<input type="checkbox"/> NO <input type="checkbox"/> YES – Responsibility: <input type="checkbox"/> In-House <input type="checkbox"/> Outside Counsel

**ELECTRONIC DISCOVERY KICK-OFF MEETING MINUTES (page 6 of 6)**

<b>Housing of Data for Review:</b>	<input type="checkbox"/> Company <input type="checkbox"/> Vendor <input type="checkbox"/> Outside Counsel	<input type="checkbox"/> local network <input type="checkbox"/> remote access <input type="checkbox"/> web remote access
<b>Data Review Format:</b>	<input type="checkbox"/> Native Application <input type="checkbox"/> Quick View <input type="checkbox"/> Quick View with Native Application Capability <input type="checkbox"/> Tiff with Metadata <input type="checkbox"/> PDF with Metadata	
<b>Review Tool:</b>		
<b>Reviewer Training on Tool:</b>	<input type="checkbox"/> NO <input type="checkbox"/> YES – Responsibility: <input type="checkbox"/> Data Vendor <input type="checkbox"/> Outside Counsel Date of Training: _____	

**Appendix B**  
**Electronic Data Protocol Exemplar**  
**PRE-DATA PROCESSING MEETING MINUTES**

<b><u>ELECTRONIC DISCOVERY PRE-DATA PROCESSING MEETING MINUTES</u> (page 1 of 6)</b>	
<b>Matter/Case:</b>	
<b>I. PRE-DATA PROCESSING MEETING</b>	
<b>Meeting Date:</b>	
<b>Participants:</b>	
<b>Known Deadlines:</b>	
<b>II. PRE- PROCESSING QUALITY ASSURANCE</b>	
<b>Problems Identified in Requested Data:</b>	<input type="checkbox"/> Could not locate: _____ <input type="checkbox"/> Corrupt: _____ <input type="checkbox"/> Encrypted/Inaccessible: _____ <input type="checkbox"/> Other: _____

**ELECTRONIC DISCOVERY PRE-DATA PROCESSING MEETING MINUTES (page 2 of 6)**

**III. PROCESSING QUALITY ASSURANCE**

<b>File Culling:</b>	<input type="checkbox"/> NIST list <input type="checkbox"/> Other
<b>File Suppression:</b>	<input type="checkbox"/> By extension <input type="checkbox"/> Inclusion list: _____ <input type="checkbox"/> Suppression list: _____ <input type="checkbox"/> By specified date range (including zero dates) <input type="checkbox"/> By term — include all documents containing term(s): _____
<b>Known Issues Relating to Specific Data Types:</b>	
<b>De-Duplication:</b>	<input type="checkbox"/> Identical Duplicates Only <input type="checkbox"/> “Near” Duplicates – Criteria: _____

**ELECTRONIC DISCOVERY PRE-DATA PROCESSING MEETING MINUTES (page 3 of 6)**

<b>Email Thread Treatment:</b>	
<b>Attachment Treatment:</b>	
<b>“Orphan” Treatment:</b>	
<b>Zip File Treatment:</b>	
<b>Encrypted/Corrupted File Treatment:</b>	

DO NOT COPY - TRAINING MATERIAL

**ELECTRONIC DISCOVERY PRE-DATA PROCESSING MEETING MINUTES (page 4 of 6)**

**IV. PRE-REVIEW SEARCHING/MARKING**

<b>Premark for Date Range:</b>	<input type="checkbox"/> NO <input type="checkbox"/> YES - Date Range: _____
<b>Premark with Relevant Terms:</b>	<input type="checkbox"/> NO <input type="checkbox"/> YES - Terms/Names: _____
<b>Pre-Mark with Privilege Term Searches:</b>	<input type="checkbox"/> NO <input type="checkbox"/> YES - Terms/Names: _____
<b>Pre-Mark with "Junk" Terms:</b>	<input type="checkbox"/> NO <input type="checkbox"/> YES - Terms/Names: _____
<b>Pre-Review Concept Searching:</b>	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES - Terms/Names: _____

**ELECTRONIC DISCOVERY PRE-DATA PROCESSING MEETING MINUTES (page 5 of 6)**

**V. REVIEW INTERFACE CRITERIA**

<b>Review Batch Criteria:</b>	<input type="checkbox"/> Custodian <input type="checkbox"/> Date Range <input type="checkbox"/> Size of Batch	<input type="checkbox"/> File Type <input type="checkbox"/> Term/Issue Code <input type="checkbox"/> Other: _____
<b>Review Codes:</b>	<input type="checkbox"/> Responsive <input type="checkbox"/> Responsive – Hot <input type="checkbox"/> Non-Responsive <input type="checkbox"/> Redact <input type="checkbox"/> Secondary Review <input type="checkbox"/> Comments (field) <input type="checkbox"/> Other	<input type="checkbox"/> Privileged <input type="checkbox"/> Privileged – Attorney-Client <input type="checkbox"/> Privileged – Work Product <input type="checkbox"/> Privileged – Trade Secret <input type="checkbox"/> Privileged – Privacy <input type="checkbox"/> Privileged – NDA <input type="checkbox"/> Other _____

**ELECTRONIC DISCOVERY PRE-DATA PROCESSING MEETING MINUTES (page 6 of 6)**

<b>Issue Codes:</b>	<input type="checkbox"/> Match to Keyword Searches <input type="checkbox"/> Custom Codes A: _____ E: _____ B: _____ F: _____ C: _____ G: _____ D: _____ H: _____
<b>VI. DELIVERY OF DATA FOR REVIEW</b>	
<b>Delivery:</b>	<input type="checkbox"/> All Data Simultaneously <input type="checkbox"/> Rolling Basis Priority: _____
<b>Anticipated Delivery:</b>	

Appendix C  
Electronic Data Protocol Exemplar  
**PRE-PRODUCTION MEETING MINUTES**

<b><u>ELECTRONIC DISCOVERY PRE-PRODUCTION MEETING MINUTES</u></b> (page 1 of 6)	
<b>Matter/Case:</b>	
<b>I. PRE-PRODUCTION MEETING</b>	
<b>Pre-Production Meeting Date:</b>	
<b>Participants:</b>	
<b>II. DEADLINES</b>	
<b>Production Deadline(s):</b>	

**ELECTRONIC DISCOVERY PRE-PRODUCTION MEETING MINUTES (page 2 of 6)**

**III. PRE-PRODUCTION PROCESSING**

**Reinsert Duplicates:**

- NO
- YES

**Redaction:**

- Electronic Redaction and Production
- Print Record (for manual redaction) and TIFF Redacted Record
- Print Record (for manual redaction) and hard copy production

**IV. QUALITY ASSURANCE**

**Pre-Production Quality Assurance:**

- Confirm marking of all files for production
- Conflict resolution on attorney marks
- Run privilege terms across production set
- Run keywords/concept searches across production set
- Verify redaction of all records marked "Redact"



**ELECTRONIC DISCOVERY PRE-PRODUCTION MEETING MINUTES (page 4 of 5)**

**VII. DATA PRODUCTION FORMAT**

**Labelling Format:**

Level of label:

- Page Level
- Record Level

Bates Viewability on Printed Files:

- Viewable
- Not Viewable

Labeling:

Prefix \_\_\_\_\_  
Starting Number \_\_\_\_\_

Additional Designation:

- Highly Confidential       Confidential
- Attorneys' Eyes Only       Other: \_\_\_\_\_

**ELECTRONIC DISCOVERY PRE-PRODUCTION MEETING MINUTES (page 5 of 6)**

<b>Data Production Format:</b>	<input type="checkbox"/> Native Application <input type="checkbox"/> Tiff <input type="checkbox"/> .EML <input type="checkbox"/> PDF <input type="checkbox"/> With Metadata <input type="checkbox"/> Without Metadata <input type="checkbox"/> Single Page <input type="checkbox"/> Multi-Page
<b>Production Media:</b>	<input type="checkbox"/> CD <input type="checkbox"/> DVD <input type="checkbox"/> Website <input type="checkbox"/> Hard drive <input type="checkbox"/> Hard copy <input type="checkbox"/> Other: _____
<b>Searching Capability:</b>	<input type="checkbox"/> Searchable <input type="checkbox"/> Not Searchable
<b>External Label on Production Media:</b>	<input type="checkbox"/> Case Name: _____ <input type="checkbox"/> Producing Party: _____ <input type="checkbox"/> Bates: Prefix _____ Starting Number _____ <input type="checkbox"/> Additional Designation: <input type="checkbox"/> Highly Confidential <input type="checkbox"/> Confidential <input type="checkbox"/> Attorneys' Eyes Only <input type="checkbox"/> Other: _____

**ELECTRONIC DISCOVERY PRE-PRODUCTION MEETING MINUTES (page 6 of 6)**

**VIII. DELIVERY OF PRODUCTION FILES**

<b>Supply Copies of Production Data to:</b>	
<b>Export/Load for Outside Counsel Network:</b>	<input type="checkbox"/> NO <input type="checkbox"/> YES
<b>Export/Load for Litigation Support Tools:</b>	<input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> Concordance <input type="checkbox"/> ASCII Delimited <input type="checkbox"/> iPro <input type="checkbox"/> Doculex <input type="checkbox"/> Summation <input type="checkbox"/> JFS Litigator's Notebook <input type="checkbox"/> Opticon <input type="checkbox"/> Other: _____