



Thursday, May 22
10:30 am–12:00 pm

4001 Document Collection

Walter Connor

Corporate Paralegal - Litigation
DuPont Legal

Andreae Selleck

Discovery Operations Manager
DuPont Legal

Faculty Biographies

Walter A. Connor

Walter A. Connor III is a corporate paralegal with E.I. DuPont de Nemours and Company in Wilmington, Delaware. His responsibilities include paralegal support as part of a team handling large scale, document intensive commercial, toxic tort, and personal injury litigations. He is a case manager and member of DuPont Legal's discovery management team. He is also part of DuPont Legal's major incident investigation team.

Prior to joining DuPont, Mr. Connor was employed by Hoyle, Morris & Kerr LLC in Philadelphia as a paralegal working on nationwide school district asbestos cases. While at Hoyle, Morris & Kerr, he traveled all over the United States as part of the trial team on numerous school district asbestos cases.

In his spare time, Mr. Connor is a co-chair of The Diamond State Classic, one of the country's best high school girl's basketball tournaments.

Mr. Connor received his B.A. from Wilkes College in Wilkes-Barre, Pennsylvania and his paralegal certificate from The Institute for Paralegal Training in Philadelphia, Pennsylvania.

Andreae Selleck

Andreae Selleck is the discovery operations manager in DuPont's Legal Department in Wilmington, Delaware. Her responsibilities include managing the internal preservation and collection processes, working with suppliers that provide litigation support services and analysis of discovery budgets related to litigation support.

Prior to being the discovery operations manager, Ms. Selleck was a corporate paralegal in DuPont Legal and worked in the area of litigation support providing assistance to legal teams within the company. Prior to joining DuPont, Ms. Selleck was a litigation paralegal at law firms in Philadelphia, New York, and Washington, DC.

Ms. Selleck received a B.A. from the University of Delaware.

Overview

- A Document Collection Defined
- Preservation, Collection, Processing
- The Paralegal Role

A Document Collection Defined

- The Triggering Event
- Hard Copy, E-mail, Electronically Stored Information Considerations
- Preserve, Preserve, Preserve

Document Collection Process

- Develop a Strategic Plan Early
- The Five Steps of the Process:
 - Preservation
 - Collection
 - Processing
 - Review
 - Production

Preservation

- Records Hold Order
- Distribution (Targeted v. Broad)
- State What You Want People To Do
- Type of Records
- K.I.S.S. Principle

Collection

- Define Scope (Hard copy, E-mail, ESI)
- Identify Primary and Non-Primary Custodians
- Define In-House v. Outside Counsel Role
- Roles and Responsibilities
- To Delegate or Not to Delegate?
- Always Look Down the Road

Collection, cont.

- Collection Criteria and Review Criteria
- Budget, Budget, Budget
- Begin Custodian Interviews; Involve Outside Counsel
- Identify and Collect at the Time of Interview
- Individual v. Group/Common Area Files
- Consistency of Collection Calls
- Utilize IT Resources

Processing

- Electronic Culling Considerations
- Beware the Over Eager Vendor!
- If You Don't Know, Call in the Experts!

Processing

- Planning Pays Off
- Take Control of the Process Early
- Always Look Down the Road

Processing - Background Information

- What is the Value of the Case
- How Many Custodians
 - # of boxes of paper
 - # of E-mail accounts
- Type of E-mail Accounts
- Backup Tapes
- Archives

Processing - Background Information

- # of Sources of E-docs/ Electronically Stored Information (“ESI”)
 - Hard drives
 - Servers
 - CD/DVD(s)
 - Team rooms
 - Databases
 - Blogs
 - Audio

Processing - Background Information

- Will Forensics be Needed when Collecting “ESI”
- Forensics:
 - An exact bit by bit copy of the contents of a machine (disc drive, server drives, etc.)
 - Provides access to deleted or residual data
 - Useful when trying to piece together evidence
 - Used in law enforcement and gov’t investigations, and employment cases
 - Expensive

Processing - Background Information

- Will Searching and Culling be Used
 - Date range criteria
 - Keyword searching
 - Concept searching:
 - Maps relationships between large sets of documents and then associates the words based on the context in which they are used.
 - It goes beyond keyword searches to find documents that have similar content.

Processing - Background Information

- How will the Review be Done
- Tiff Images that are Linked to Data
 - Hard copy docs are scanned into a Tiff in order to be reviewed on-line
 - Electronic documents are converted into Tiff format
- Native – Document in its Electronic Format
- Linear – by Custodian/ Documents Reviewed in the Order that the Documents were Scanned into the Database.

Processing - Background Information

- How will the Review be done?
- Clustering:
 - Grouping of documents by category or statistical similarity. Files determined to be about the same or similar topics are clustered together in a graphical relationship that facilitates the reviewing similar documents together.

Processing - Background Information

- Production(s)
 - Deadline(s)
 - Format
 - Needs to be Consistent with the Meet & Confer

Vendor(s) Selection

- Functionality
- Searching Capabilities
- On-Line Review
- Productions
- Demo

Vendor(s) Selection

- Interview Vendor's Other Clients
 - Are they an active user of the software
 - How long have they been using this software and number of cases.
 - What functionality is used most
 - Have deadlines been met
 - Project management
 - Pros/Cons
- Pilot the Software

After Vendor(s) is Selected

- Ask for Budget Estimates
- Keep Vendor in Loop through out the Project

Design Meeting - ESI

- Volume of ESI to be Processed
- Keyword Searching or Concept Searching
 - (Run test sample)
- Dedupe
- What are the Rules for Processing/
Converting E-mails and ESI

Design Meeting - ESI

- Need to make sure that Metadata is not altered.
 - Metadata captures the elements or attributes (name, size, data, type) about records. It identifies how, when and by whom it was created, accessed, modified and how it is formatted. Some metadata can be easily seen by the user; while other metadata can be hidden or embedded. Metadata can be altered intentionally or inadvertently.

Design Meeting - ESI

- Exceptions
- Review Format - - Native or Tiff
- Form of Production (Consistent with Meet & Confer)

Design Meeting - Paper

- What is Getting Picked up at the Time of Scanning – Custodians, Site, Box Number, etc
- Will the Documents be OCR'd (Full Text Searchable)
- How will the Documents be Numbered
- Will the Documents have Bibliographic Coding
 - (title, document type, date, author, recipient, copyee, etc.)
- How will the Fields be Formatted

Design Meeting - Database

- What Fields will be in the Database
- Need to Make Sure that Data from the Paper and ESI are Consistent
- What Needs to be in the Review Screen
- Schedule Training

Review

- Training (what is/isn't responsive?)
- Timeline
- Quality Control
- How does Outside Counsel fit in?
- Roles and Responsibilities

Review

- Tiff
- Native
- Responsiveness
- Privileged
- Issues
- Training for Reviewers

Production

- Format
- Who has Final Sign-off Responsibility?
- Tracking What Went to Who, How, Where and when?
- Numbering Considerations

Production

- Deadlines
- Rolling Productions
- Format – Tiff, PDF, Native (Consistent with Meet & Confer)

Other Considerations

- Don't Forget About the Travel Logistics
- Be Flexible yet Firm at the Same Time
- Be Prepared to Adjust on the Fly
- Try to do it Right the First Time
- Remember to Bring Supplies for the Collection
- Know the Collection Procedures
- Be Honest Regarding the Progress and the Deliverables
- Make Time to have Fun and Unwind

Additional References

- Federal Judicial Center- Managing ESI Discovery: A Pocket Guide for Judges www.fcj.gov
- The Sedona Conference www.sedonaconference.org
- EDRM (Electronic Discovery Reference Model) www.edrm.net
- ILTA (International Legal Technology Association) www.iltanet.org
- ALSP (Association of Litigation Support Professionals) www.alsponline.org

Electronically Stored Information Questionnaire

ACC Corporate Counsel University®
San Francisco, California
May 21-23, 2008

Person Being Interviewed: _____

Date of Interview: _____

Do you have any relevant documents on a computer other than the one in your primary office?

Does your administrative assistant store any relevant documents on his/her computer?

Do you own or use a laptop computer for business purposes? If so, how do you store files on the laptop?

Do you have any e-mails, diskettes, thumb drives, etc. that have information relating to this situation/litigation? (Note: get all relevant information IT would need to copy e-mail accounts, server names, account names, etc.)

How do you keep track of appointments? Do you use a desk calendar/electronic calendar/PDA? Do you sync/back up this calendar to a computer or server?

Do you maintain an electronic address/contact book?

What particular e-mail application do you use – Company e-mail/personal e-mail (Yahoo, Google, Hotmail, etc.)?

Do you archive your e-mail account(s)? Where and how do you store the archive?

Do you have any password protected/private files in your e-mail account? Electronic Documents? Server Files? If so, make sure to get username and password(s).

Do you use instant messaging applications? If so, which one(s)?

What other software do you use (i.e. Word, Powerpoint, Excel)? Which version(s)?

Are any of your files encrypted or password protected? If so, please provide password.

Where and how do you store your non e-mail electronic documents (My Documents/Shared Drives/Desktop, etc.)?

Electronically Stored Information Questionnaire, cont.

ACC Corporate Counsel University®
San Francisco, California
May 21-23, 2008

Do you store any records on network servers? If so, what is the name(s) of the server(s)?
What file structure do you use?

Do you utilize any shared workspaces/team rooms/blogs?

Do you use any databases? If so, what database applications do you use? Where are those
databases stored? Who is the database administrator(s)?

Do you store any data on any other media (i.e. backup tapes, jaz drives, flash/thumb
drives, removable hard drives, floppy disks, zip files, CD/DVD, Palm Pilot, Blackberry,
mobile/cell phone, digital camera, etc.)?

Do you use a cell phone for work? If so, which provider? Do you utilize text messages
through the phone?

Do you have voice mail?

Do you have any DVDs/Videotapes/Audiotapes that contain relevant information?

Is there any other storage location for records that I haven't asked you about today?

Interviewer Signature

Interviewer Name (Please Print)