

Is eDiscovery putting your practice, your clients, and yourself at risk?

Learn the 10 Don'ts of eDiscovery to avoid the most common problems.

10 Don'ts of eDiscovery

Source: LexisNexis

1 Don't Ignore eDiscovery

If you're behind the learning curve and not up-to-date on current laws, Best Practices, and rules of competency

You RISK:

**Your Reputation
Sanctions
Lagging Behind Competitions**

2 Don't Go It Alone

There are eDiscovery

- ✓ Experts
- ✓ Consultants
- ✓ Service Providers
- ✓ Articles
- ✓ Blogs
- ✓ And More

to help you.

3 Don't Neglect The Litigation Hold

As soon as there's reasonable anticipation of litigation, **issue a written litigation hold to stop document destruction**



Don't Rely on Clients/Vendors

4



Counsel has a duty to supervise and there have been sanctions for **failing to adequately monitor, oversee and supervise data collection and preservation**

5 Don't Rely on Custodians



Self-preservation by custodians is not a best practice, as they may lack the experience or knowledge to do it properly.

6 Don't Neglect the Meet & Confer

To make the most of it, bring an expert/client rep and data map, and agree to the scope of litigation hold, production format, and timing of production.



7 Don't Forget the Local Rules

Some local courts have put limits on the scope of initial discovery



8 Don't Forget a Claw-Back Agreement

Where the parties agree that if one party produces privileged information, the **other party agrees to give it back.**



9 Don't Forget Hosting and Culling

For certain circumstances, case data can be hosted through a hosted provider.

Culling techniques, including de-NISTing and de-duping can help reduce the size of your document set.



Don't Forget About Social Media

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eDiscovery is no longer just about email, and social media should be considered throughout the litigation process.

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