

SAMPLE E-DISCOVERY PROJECT ASSEMENT QUESTIONS

1. What is the case about? What type of case is it?
2. Is there a preservation order in place? Are you able to share a copy?
3. Is there a court order or a known deadline for when electronic discovery needs to be completed?
4. When is the expected discovery start date?
5. Approximately how many custodians' documents are going to be produced?
6. Where are the custodians located? One or multiple locations?
7. Do electronically stored information (ESI) and hard copy paper documents need to be produced?
8. What are all of the data sources that pertain to the custodians or case (e.g., desktops, laptops, user home directories, shared servers, department servers, e-mail servers, etc.)? If this information is unknown, when will you be able to interview data custodians and/or IT staff to learn these details?
9. Who will be performing the data collection (internal IT staff, law firm, outside expert, etc.) and how will collection be conducted? Does IT have the bandwidth and expertise to perform the collection? Do sensitivity issues or other case factors necessitate collection by a third-party?
10. Are steps being taken to ensure data spoliation does not occur? Have interviews with the correct people taken place to ensure tape rotations are stopped and a "do not delete notice" has gone out?
11. After the preservation order was put in place, what additional changes or steps were taken?
12. If Kroll is not involved in the collection process what type of media will the data be provided on (e.g., tape, hard drives, CD/DVD's, etc.)?
13. Do you know the volume of data likely to be involved (e.g., number of gigabytes or number of gigabytes per custodian)?

14. Will discovery involve e-mail and data files? If so, which e-mail system and version is being used? Has the system or version changed over the years? If so, which ones were used previously?
15. What is the time period of data that needs to be produced?
16. Are there backup tape archives involved? If so, what kind of tapes are they? And what backup software and version was used to create the tapes? Have the type of tapes and software used to create the tapes changed over the years? If so, which types were used previously?
17. What is the current rotation process and what has the process involved historically?
18. Where is the location of the tapes?
19. Are tapes still being recycled today?
20. What are the retention policies for e-mail servers versus data servers?
21. What is the company's policy for employees that have left? Are there procedures to backup former employees' systems or retain copies of their data?
22. How do you plan to perform the review (e.g., using an online repository review tool such as Ontrack Inview, a litigation support database such as Concordance or Summation, or by conducting a paper review)?
23. Do you plan to key-word search or date- filter the data? Or is the data already filtered?
24. Are you going to apply de-duplication technologies when processing the data?
25. How many reviewers do you expect will review the data?
26. What is the production format going to be (e.g., online repository, litigation support database, or paper)?