

# Welcome to the 1<sup>st</sup> Law Department Session of ILTA 2013!

While you are waiting for the session to begin the moderator asks that you complete the short poll for this session at:

<http://ilta.cnf.io/sessions/225>

We appreciate the participation and hope that this session is very interactive!

- ◆ Complete the Poll Questions at:
- ◆ Introduce yourself to the people sitting next to you!
- ◆ Be thinking about your greatest case related successes and what made them work.
- ◆ Be thinking about your stumbling blocks and what causes them.
- ◆ Be ready to participate!

# If I Were in Your Shoes...

## Strengthening Partner Relationships

Monday, 8/19/2013

11:00 - 12:00



# About the Panelists



- ◆ Scott Cohen, Director of E-Discovery Support Services - Winston & Strawn



- ◆ Andre Guilbeau, Executive Vice President - Kiersted Systems



- ◆ Eric Lieber, Director of Legal Technology - Toyota Motor Sales, U.S.A., Inc.

# Disclaimer

- ❖ The views expressed are solely those of the presenters and should not be attributed to the presenters' corporation, firm or clients
- ❖ This presentation is solely for educational purposes and does not constitute legal advice
- ❖ By attending this presentation, you understand that there is no attorney client relationship intended or formed between you and the presenters

# Sample Scenario

- Commercial litigation
- Federal court
- The players
  - Responsible Corporate Citizen (RCC)
  - Outside defense counsel: Smith, Jones, and Smith LLP
  - Vendor: Dependable Services Corp
- Details:
  - 75 Custodians
  - Court imposed deadline: produce data requested in the 1st set of discovery in three months
  - Ten priority custodians to be deposed as identified by the opposing party with a set deadline

# Represented Parties

- ◆ Client - Responsible Corporate Citizen (“RCC”) played by *Eric Lieber*

My viewpoint is....  
My focus area is....

- ◆ Vendor- Dependable Services Corp played by *Andre Guilbeau*

My viewpoint is....  
My focus area is....

- ◆ Outside Counsel - Smith, Jones and Smith LLP played by *Scott Cohen*

My viewpoint is....  
My focus area is....

# What are the Client's Expectations?

- ◆ Understand what the case about and what is the strategy
- ◆ Understand the client's culture
  - ◆ Calendar driven with as much advance notice as possible
  - ◆ The Legal department owns the relationship with the custodians, and is responsible for internal coordination
- ◆ Identify ways to ensure effectiveness from a cost, personnel and outside counsel/consultant perspective
  - ◆ Planning is essential and time well used
  - ◆ Determine together how to best organize collections, review and production formats and lead-times.
  - ◆ Determine workflows

# Discussion Points

- ◆ Custodial interviews to determine the required ESI sources
  - ◆ Email: Outlook, Notes and .msg
  - ◆ Structured data
  - ◆ Mobile devices
  - ◆ File shares and workstations
  - ◆ Foreign language documents
- ◆ Workflows
- ◆ Status calls and coordination among client, Outside counsel and the hosting vendor



# The Outside Counsel Perspective

## Pre-Litigation

- ◆ Focus on Litigation readiness
  - ◆ Retention policies for ESI
  - ◆ Multi-disciplinary team in place

## During the Litigation

- ◆ Timely and Reasonable Approach to Litigation hold
- ◆ Attention to Budgeting and planning
- ◆ Open lines of communication
- ◆ Realistic expectations

# Other OC Considerations

## Setting and managing expectations

- ◆ New or existing client
- ◆ First time or seasoned litigant
- ◆ Client experience with eDiscovery
- ◆ Simple vs. complex ESI landscape
- ◆ International data privacy/protection issues

# The Vendor Perspective

- ◆ Partner
- ◆ It's not just push button
- ◆ Developing expectations
- ◆ Understanding reality
- ◆ Applying technology

# Before there is a matter

- ◆ System adoption and use
- ◆ Define consistent process
- ◆ Collection and transfer methodology
- ◆ Test, and keep testing

# Even when things get crazy...

- ◆ Take a deep breath
- ◆ Consistency is king
- ◆ Resist the temptation to unilaterally “tweak”
- ◆ Make clear how decisions can have ripple effect

# Keys to Success

- ◆ Communicate
- ◆ Collaborate
- ◆ Understand the true goal
- ◆ Assume nothing

# Thank you!

Questions???

