



The Sedona Conference

“Jumpstart Outline”

Questions to Ask Your Client and Your Adversary to Prepare for Preservation, Rule 26 Obligations, Court Conferences, and Requests for Production (March 2011 Version).

This outline provides examples of topics for discussion and questions to ask your client and your adversary as you prepare for meeting obligations related to preservation, Rule 26 initial disclosure, court conferences, and requests for production. The answers to these questions will guide you in (i) instructing your client about its preservation and production obligations and (ii) understanding your adversary’s systems and preservation efforts to date and then structuring your discovery requests addressed to your adversary. This is a simplified outline to assist, in particular, those people who have had only limited experience in dealing with electronic discovery. As those who have had extensive experience in this arena know, the process of questioning and even the questions themselves are iterative in scope. With each answer that you elicit, inevitably additional quests must be asked. Hopefully, having an outline like this within easy reach will serve as a “jumpstart” to encourage transparency and dialogue for a successful Rule 26(f) meet and confer.

This outline was initially prepared by Ariana Tadler for The Sedona Conference Institute’s program entitled “Getting Ahead of the eDiscovery Curve: Strategies to Reduce Costs & Meet Judicial Expectations” held March 13-14, 2008 at The Westin Horton Plaza San Diego, San Diego, CA as an example of a tool to assist counsel in dealing with electronic discovery issues. The Sedona Conference is seeking feedback on this outline as it is reviewed and used by practitioners in real-world discovery situations, and it is periodically updated on The Sedona Conference website.

*Copyright 2011, The Sedona Conference
Reprinted courtesy of The Sedona Conference.*

*The full text of “Jumpstart Outline” is available
free for individual download from The Sedona Conference website at
<https://thesedonaconference.org/download-pub/427>*