A Checklist for Getting the Most Out of Your E-Discovery Vendor Relationship
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Vendor Management Checklist

*Take a Project Management Approach*

- Organize Internal Project Team
- Vendor Selection
- Vendor Data Security
- Kick-off Meeting
- Choice of Technology
- Reporting
- Billing Management
- Database Management
- Training
- Quality Assurance / Quality Control
- Lessons Learned / Project Post Mortem
Internal Team
Law Department / Law Firm

Client

A well organized client team extracts the greatest benefit from the vendor relationship

Who is responsible for each area/task?
• Project Manager
• Attorney
• Legal Asst/Paralegal
• EDD Team/Litigation Support
• Consultant
• Co-Counsel

Identify the Single Point of Communication (SPOC)

What is the escalation chain-of-command?

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Vendor Selection

Overview

Project-Managing vendor selection is the necessary first step in a successful vendor relationship.

Methods
- RFP (Handouts available)
- SOW / Engagement Letter
- Other

Resources to Identify Vendors
- Previous RFPs
- Requests for Information (RFIs)
- Peer Recommendations
- Industry Groups
Vendor Data Security
Is ultimately the client’s responsibility

Include security vetting and planning from the beginning of the selection process

Targeted Areas
- Physical Security
- Network Security
- Secure/encrypted communications
- Client Infrastructure Security
- HIPAA, Confidential, and other special data categories

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Kick-off Meeting

Start off on the right foot

Get as many people to the table as possible, but make sure your client team is pre-organized.

For Both Client and Vendor Teams

- Set Expectations
- Communicate Deadlines
- Set Communication Protocol
- Keep Written Records of all Communications
  - i.e. Phone Call Recaps
- Requests for Information (RFIs)
- Identify Roles / Responsibilities
- Industry Groups
- Narrate Facts of the Matter
- Designate Priorities
  - Data Sources
  - Custodians
  - Tasks

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Choosing the right application and platform

Client and vendor teams must work closely together to establish the right tool for each project phase.

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Roles and Responsibilities

- Who is the Database Manager
  - Law firm
  - Client
  - Vendor
- Confirm Formats
  - Load
  - Redactions
  - Production
  - Reports / Logs
- Workflow
- Availability / Support
- Delivery Method
  - Load Files
  - Encryption
Empower the team with early training

Roles and Responsibilities

- Who is Training Users
  - Client
  - Vendor
- Levels of Training
  - User
  - Team Leader
  - Power User
  - Admin
- Available Materials
Reporting
Formats and Procedures

Ask for report format samples in RFP

Codify Early
- Report Formats
- Reporting Schedule
- Who sends and receives
- Need for custom reports

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Billing Formats and Procedures

Create billing procedures at outset to avoid confusion

Establish at Kick-off
- Invoice Formats
  - Client/matter numbers
- Recipients
  - Law firm
  - Client
  - Consultant
- Approval / Review Timeline
- Scope-change, SOW-changes
  - Establish Process Early to Avoid Surprises/Delays
Quality Assurance and Control

Defensibility is supported by attention to and documentation of quality processes.

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Plan Ahead

- What Phases need QC
- Who is Performing QC tasks
  - Client
  - Law Firm
  - Vendor
  - Consultant
- Documentation
- Checklists of QC tasks
Perform a project review with the vendor as soon as possible at the completion of a project or phase.

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• Vendors are people – they have lives, families—don’t make unreasonable demands unless absolutely necessary.

• A project is only going to have a finite number of people trained for that project at a given time. Additional participants can be added and brought up to speed, however, people cannot work 24 hours a day like machines.

• Everyone communicates using different methods and styles; what works best for you (email only communication) may not work best for everyone else (interactive phone calls).

Things to Remember
Continued Support

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War Stories
Panel examples and Audience participation

Stories from the Trenches!

Successes
What would you do again?

Challenges
What would you change?
Experienced Litigators and eDiscovery professionals are well versed in the best practices supporting vendor selection through RFP-fueled selection processes. The following phase, beginning the project, can equally benefit from policies and procedures such in the form of checklists.
• E-Discovery Vendor Checklist - Handout_LPSPG5-1.pdf
• E-Discovery Vendor Checklist - Points of Contact_LPSPG5.pdf
• E-Discovery Vendor Checklist - MeetingNotes_LPSPG5.pdf
• E-Discovery Vendor Checklist - Handout_LPSPG5.pdf
Questions

We’ll now open it up for questions
Thank You