



## **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

# 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.

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## 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

# Technology

Choosing the right application and platform

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



## Collection

- Forensics vs Targeted Collections
- Automated Collection
- Remote Collection
- Client Resources
- Onsite Consultants



## Culling/Processing

- Filtering
- Searching
- Using Complex Search Terms
- Processing Specifications



## Review

- Review Platform Options
- Outsourced/Managed Review
- TAR / Predictive Coding
- Defensibility

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# Review Platform

## Management

Avoid Confusion

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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

# Training

## Support

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

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# 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

# 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.



### Plan Ahead

- What Phases need QC
- Who is Performing QC tasks
  - Client
  - Law Firm
  - Vendor
  - Consultant
- Documentation
- Checklists of QC tasks



# Lessons Learned

## Project Post Mortem

Perform a project review with the vendor as soon as possible at the completion of a project or phase.



### Take a Positive Approach

- Remediation
- Process Review
- Vendor Review
- Documentation



- 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

# 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.

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## Handouts

- 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
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## Handouts

# Questions

*We'll now open it up for questions*

# Thank You

