

PRESENTED AT

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USLS Preservation ESI Checklist

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Litigation ESI Preservation & Collection Checklist

Electronic Evidence Preservation is a necessary step in practically any litigation. Use this checklist to be fully prepared for each of your matters. For best results in Preservation Phases 1 through 5 involve the Legal Team, Primary Client Contact, Client IT and an eDiscovery/Computer Forensics Expert ([U.S. Legal Support can provide one at no charge](#)).

Things to know:

ESI = Electronically Stored Information

95% of discoverable evidence in a typical litigation was originally in electronic format.

Native review is approximately 2x faster than paper/image review.

Each paper document is copied 7x-14x during a typical litigation.

1GB of data = Up to 70,000 pages of paper

Benefits of a Proper Electronic Data Preservation:

Fulfillment of legal and ethical obligations.

More accurately project discovery costs and review hours.

Effectively decrease costs related to discovery.

USLS ESI Services:

Preservation Consultation

Computer Forensic Collections

Computer Forensic Analysis

Early Case Assessment

eDiscovery Processing

Document Review Platforms

Litigation Support Consultation

Trial Presentation

Preservation Phases:

Phase 1: Preservation

Phase 2: Issue Initial Litigation Hold Notice

Phase 3: Formulate a Protocol or Plan to Identify and Properly Collect Potentially Relevant Information

Phase 4: Identify Potentially Relevant Information

Phase 5: Determine the Information Management Landscape

Data Preservation Assistance? Call 855-447-0530

If you need assistance with your data preservation [U.S. Legal Support can provide an eDiscovery/Computer Forensics expert to for Phases 1-5 at no charge](#).

Checklist is based from a sample approach to developing a sound document collection process, referenced at Section II(7)(b)(vi) of the Guidelines on Best Practices for Litigating Cases Before the Court of Chancery. It should be modified to fit the circumstances, and used in conformity with the Guidelines.

Phase 1: Preservation

Identify, Prevent and Plan		Completed Info	
Task	Description	Date	By
Identify and Record	Identify and record steps taken to preserve potentially relevant information, i.e., information that is known (or reasonably should be known) to be relevant in the action.		
Prevent Inadvertent Destruction	Preservation is not limited to simply avoiding affirmative acts of destruction because day-to-day operations routinely alter or destroy evidence.		
Communicate Preservation Plan to Opposing Party	Parties are not required to preserve every shred of information. Act reasonably. If possible, seek agreement with the opposing parties at the beginning of the litigation about steps to take to preserve potentially relevant information and how to handle the privilege assertion process.		

Notes:

Also available as part of the eCourse

[Ethics: Texas Uniform Trade Secrets Act, Computer Fraud and Abuse Act and Using Forensics in Non-Compete Cases](#)

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"It's a CSI World: Learn It, Live It"