Ohio
LITIGATION SUPPORT
STATEWIDE MEETING

20 E-Discovery Warnings & Tips in 60 Minutes

Moderated by
Brett Burney
Burney Consultants, LLC

Technological competence is now part of the Ohio Rules of Professional Conduct.

Jason Beehler
Attorney
Kegler, Brown, Hill + Ritter

AMENDMENTS TO THE OHIO RULES OF PROFESSIONAL CONDUCT

The following amendments to the Ohio Rules of Professional Conduct (Prof. Cond. R. 1.0, 1.1, 1.4, 1.6, 1.12, 1.17, 1.18, 4.4, 5.3, 5.5, 7.1, 7.2, 7.3, and 8.5) were adopted by the Supreme Court of Ohio. The history of the amendments is as follows:

September 15, 2014	Initial publication for comment
February 24, 2015	Final adoption by Supreme Court
April 1, 2015	Effective date of amendments

OHIO RULES OF PROFESSIONAL CONDUCT

I. CLIENT-LAWYER RELATIONSHIP

RULE 1.1: COMPETENCE

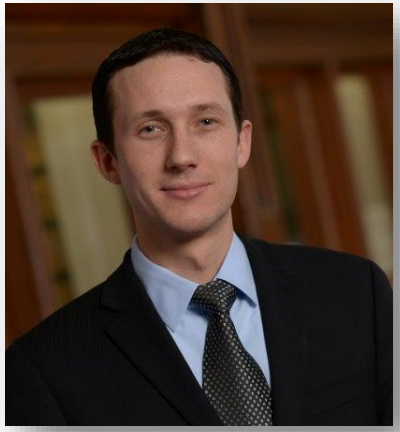
[No amendments to the black-letter rule]

Comment

Maintaining Competence

[8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

Understanding your data before jumping in too soon!



Dave Hasman
Litigation Support Manager
Bricker & Eckler

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Myth-Buster: Without an e-discovery budget, even the best team, procedures and technologies will not result in a success for your client on a given project engagement.

E-Discovery budgets are attainable.

Stephanie Maw
E-Discovery/Litigation Support Director
Keating Muething & Klekamp

Warning: Not conducting custodial interviews with clients prior to collections to learn how and where individual custodians work and store data.

Elizabeth Conaway
Litigation Support Manager
Taft, Stettinius & Hollister

Begin the conversations about case management with your litigation support team early.

Leverage your resources wisely.

Jim Abrams
Attorney
Taft, Stettinius & Hollister

Beware of opposing parties not following agreed-to protocols. It starts with something small and grows.

If you have to follow the protocol so do they.

Julie Richer
Legal Technology Program Manager
AEP

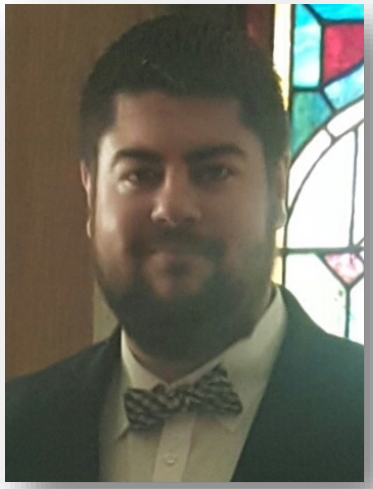
Check the size of your extracted text field to ensure you have it all. Mostly useful for PDFs since the last overlay is usually what is extracted during processing.

Kristen Atteberry
Litigation Support Analyst
Faegre Baker Daniels

To complete eDiscovery projects on budget, focus on total project cost, not just unit rates.

Geoff Wilcox
Managing Director
United Lex

Implementing data management policies now will greatly reduce discovery costs when litigation happens.



Benjamin Hubble
Manager-Records Management
Wendys

Run Clustering, always. Having those extra data points can be really useful as documents are added.

Rene Laurens
Advice Team
kCura

When clients are producing documents directly (without a vendor), trust but verify.

Jason Beehler
Attorney
Kegler, Brown, Hill + Ritter

From: Marcus A. Newell <Marcus.Newell@integrity.net>
Sent: Tuesday, November 28, 2006 2:45 PM
To: lowe31tlowe04@4smartphone.com
Subject: Revised Final Agreement
Attachments: Settlement_Agreement_112806.doc

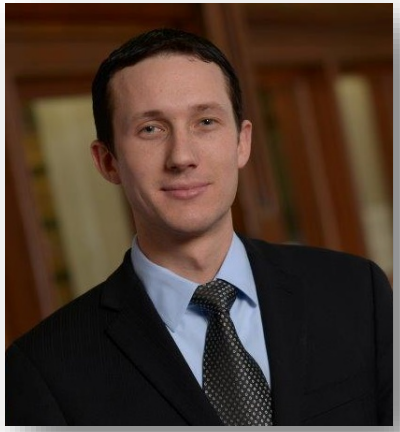
Kevin,

Please see the attached revised agreement. I have accepted the other side's changes, and my suggestions appear in redline. Once you have reviewed, call me so we can discuss.

Marcus

Marcus A. Newell
Chief Legal Counsel
Integrity Home Improvements
65 E. State St., Suite 1800
Columbus, OH 43215

What happens next? Understanding your obligations after a matter is closed!



Dave Hasman
Litigation Support Manager
Bricker & Eckler

To Re-Use, or Not To Re-Use, This is the Question: Critical considerations for re-using institutional client preservation/collection data subject to prior matter litigation holds.

Stephanie Maw
E-Discovery/Litigation Support Director
Keating Muething & Klekamp

Warning: Creating a forensic image of everything without consideration of proportionality.

Elizabeth Conaway
Litigation Support Manager
Taft, Stettinius & Hollister

Find the best and worst documents to use as examples to facilitate document review.

Jim Abrams
Attorney
Taft, Stettinius & Hollister

Constantly take the time to update your production protocol based on issues/realizations from each case you work.

Create a template!

Julie Richer
Legal Technology Program Manager
AEP

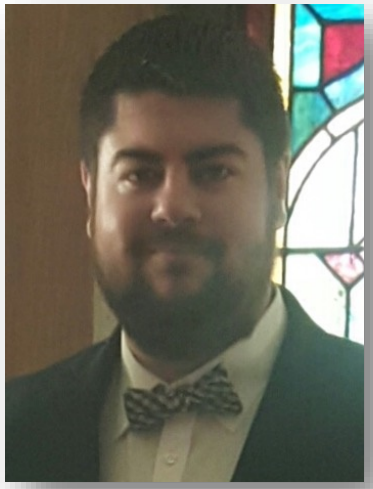
Redacting Metadata fields can be time consuming. Create macros to do this.

Kristen Atteberry
Litigation Support Analyst
Faegre Baker Daniels

When drafting search terms, recognize that we think we are good at search, and we are actually terrible at it.

Geoff Wilcox
Managing Director
United Lex

Overly broad legal hold can drive up costs - needs to be well-thought out from the outset.



Benjamin Hubble
Manager-Records Management
Wendys

Run key terms to find NON-relevant documents. Build a list of common phrases that people use in everyday life (e.g. coffee, drinks, bar, wedding, fantasy football, etc.) then take a sample to confirm they are NOT relevant.

Rene Laurens
Advice Team
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