

## The Art & Science of the EDRM

The Art and Science of the EDRM (Electronic Discovery Reference Model) is a 5-Day course designed for all members of the litigation team including general counsel, outside counsel, support staff and IT. The course takes a deep dive into the EDRM and provides a path to fundamentally understanding not only a conceptual view of the entire eDiscovery process but also the workflows associated with each phase. The EDRM, together with the combined litigation support experience of our subject matter experts and their conceptual practices, serve as the framework for this course.

The Art & Science of the EDRM course is designed for beginners and is intended to break down the complexities of eDiscovery, identify the risks and benefits associated with using technology and provide tangible protocols and conceptual practices that will streamline the integration of these processes into a practical and useful workflow. The benefits of this course yield collaboration, compliance and reduction of litigation costs. Students return to their profession with a plan for successful transition.

This course has pending CLE Accreditation.

### Prerequisites:

- 🍃 Commitment to Learn
- 🍃 Ability to Set Goals
- 🍃 Open to Change

### Class Material:

Students will receive class materials together with baseline templates and checklists to be utilized for incorporating conceptual practices into their workflows.

## 1 Introduction

The introduction provides interest and motivation, focusing on the lesson and its purpose illustrating the benefits from the lesson. The intent is to develop an appreciation of how roles will blend as students learn about the conceptual practices of working with eDiscovery and relevant technology as they explore the backgrounds, roles and responsibilities of their classmates.

## 2 Understanding the EDRM

The EDRM diagram represents a conceptual view of the e-discovery process, not a literal, linear or waterfall model. One may engage in some but not all of the steps outlined in the diagram, or one may elect to carry out the steps in a different order than show therein. The EDRM is a commonly used term in the legal industry and should be very familiar. This flow was designed by a group of highly regarded eDiscovery professionals and thought leaders in our trade. It is used widely as a basis for discussion and analysis, not as a prescription for the one and only right way to approach e-discovery.

## 3 FRCP

This module empowers students with an understanding of which states have adopted the Federal Rules of Civil Procedure relevant to electronically stored information and how they apply to the EDRM. The rules are broken down in layman's terms providing insight to all to effectively bridge the gap between IT, Legal and Support staff.

## 4 Information Governance

*As defined by the EDRM:* "getting your electronic house in order to mitigate risk and expenses should e-discovery become an issue, from initial creation of ESI (electronically stored information) through its final disposition". This module assists the attorneys and their staff in providing not only an understanding of security policies but also a path for exploring ESI systems and storage plans, cloud storage, email systems, and other shared resources. At the same time, checklists and cheat sheets will be incorporated to survey the data and develop talking points to be addressed between the client and counsel.

## 5 Identification

*As defined by the EDRM:* "locating potential sources of ESI and determining its scope, breadth and depth." This module will help develop a thorough understanding of the basic concepts of the "Who, What, When, Where and Why" of electronically stored information, identifying relevant custodians and interview questions together with preparing for the Meet and Confer Conference. Checklists and cheat sheets will be provided as baseline templates to support discussions with the client, custodians and counsel.

## 6 Preservation

*As defined by the EDRM:* "ensuring that ESI is protected against inappropriate alteration or destruction". Preservation requires that the attorney and the client work hand-in-hand in order to meet the requirements and standards the courts have established. "Preservation Ready" stems from a collaborative effort to examine policies, data, sources, and custodians. In this module, we will explore these areas attaining eCompetence™ and developing the skills to navigate through the variables associated with preservation. This will include litigation holds and related software options. These skills provide the knowledge for compliance.

## 7 Collection

*As defined by the EDRM:* "gathering ESI for further use in the e-discovery process (processing, review, etc.)". The knowledge provided in this module serves as the infrastructure to execute a sound collection while preserving the integrity of the data, addressing spoliation issues together with the pros and cons of various forms of production. An important part of collection is planning, understanding the client's system, documentation and early data assessment.

## 8 Processing

*As defined by the EDRM:* "reducing the volume of ESI and converting it, if necessary, to forms more suitable for review & analysis". This module provides the skills necessary to plan for processing and identifying accepted file types, and organizing the data in the most efficient manner for review. Students will understand the strengths and weaknesses associated with the various options for culling the data to streamline review based on the needs of the matter.

## 9 Review and Analysis

*As defined by the EDRM:* "Evaluating ESI for relevance, privilege...content, and context, including key patterns, topics, people & discussion". This module provides students with insight into several review platforms, industry leading features and when it is appropriate to use them together with the power of searching. Students will also learn that Case Planning is an iterative process throughout the life of the case but is of particular importance in preparation for review - avoiding costly and timely mistakes.

## 10 Production

*As defined by the EDRM:* "delivering ESI to others in appropriate forms and using appropriate delivery mechanisms". Skills provided to the students within this module focus on quality control, privilege, clawback provisions, and the pros and cons of various file formats.