

eCompetence™ Standards Essentials Course

For more information, please contact: [info @wellslit.com](mailto:info@wellslit.com)

The eCompetence™ Standards Essentials course is a 3-Day course designed for all members of the litigation team including general counsel, outside counsel, support staff and IT. The course provides the necessary tools to meet the ethical duty of technology competence. The State Bar of California Standing Committee on Professional Responsibility and Conduct Formal Opinion No. 2015-93, also known as the “golden standard”, outlines nine areas of competency. This opinion, together with the eDiscovery Pocket Guide, and the Electronic Discovery Reference Model serve as the framework for this course.

The eCompetence Standards Essential 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 practices into your workflow. The benefits of this course yield collaboration, compliance, and reduced litigation costs.

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 Initial Assessment

During the initial assessment, we will walk you through understanding the basic concepts of the “Who, What, When, Where and Why” of electronically stored information. The Attorney’s duties and responsibilities will be highlighted as we go through the step of building the team, documenting your processes and establishing a tangible workflow.

2 Identify Custodians

This competency requires establishing relevant custodians. Together we’ll break down and identify required interview questions. This process will serve as the basis for your workflow and template allowing these concepts to be incorporated into your practice.

3 Client ESI Systems & Storage

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, emails 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.

4 The Power of Searching

In our experience, litigators and their staff do not recognize the power of searching, the variety of searching techniques that can be used or how to use them independently or iteratively across the life of a case. There is an “art” and a “science” to searching. This module provides the students with real life ‘aha’ moments using relevant technology that will aid them with early case assessment, early data assessment and techniques for reducing litigation costs.

5 Options for Smart Preservation and Collection

The rules provide that attorneys should be familiar with the risks and benefits associated with relevant technology. The previous modules and workflows developed thus far will serve as building blocks to form defensible data collections. This module not only exposes the attorneys and their staff to technologies but prepares the team to identify the steps that must be addressed and documented as part of this process.

6 Executing Preservation

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 the policies, data, sources, and custodians. In this module, we’ll explore these areas attaining eCompetence™ and developing the skills to navigate through the variables associated with preservation. These skills provide the tools for compliance.

7 Sound ESI Collection

Earlier in the curriculum students gain eCompetence to understand the various options available for preservation and collection. This knowledge 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.

8 Review and Analysis

The 9 competencies stated within the CA Bar Opinion cover a wide scope of information linked to competence relevant to breaking down the complexities of working with eDiscovery together with the risks and benefits of associated technology. It does not, however, address review. This is sometimes the most costly phase of the life cycle of a case. As such, we will walk through the various industry leading tools and features that propel you into review and reduce litigation costs.

9 Cooperative Exchanges

In the advisory Committee Notes to Rule #1, there is an explicit reference to cooperation. In order to determine the most beneficial format of production in terms of being useful and timely, the parties must understand various production formats. The competency requires a recognizable format but that doesn't necessarily mean it is the most appropriate format. In order to attain eCompetence™ in this area, it is necessary to take a deep dive into the various formats of a production and take proactive steps in preparing a quality and timely production.

10 Meet and Confer

"Meaningful" meet and confer – this module successfully transfers the knowledge for you to enter these discussions locked and loaded with information gleaned from your client with regards to exploring discovery issues such as volume, custodians, and data sources. This new eCompetence provides a knowledge base to identify how the data will be exchanged, address discovery challenges, and prepare a discovery plan. The information gathered arms the team to make recommendations, reduce costs, and convey supporting facts to the court.