Managing and Reviewing Electronic Discovery for CJA Panel Attorneys
Defender Services Office Training Division Webinar
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Presentation Outline

I. **Description of session:**
    The National Litigation Support Team is a resource for both CJA Panel Attorneys and Federal Defender Offices across the country. This webinar will address common problems CJA Panel Attorneys are facing with managing and reviewing electronic discovery and the strategies Panel Attorneys are using to solve them. In addition to discussing litigation support technology, this session will describe the resources available to Panel Attorneys to help alleviate the daunting feeling one can get when they are told that gigabytes of information will soon arrive. Whether the challenge involves volume, format or the need to collaborate with others, the information in this webinar will assist Panel Attorneys in determining strategies and solutions for their next case.

II. **Resource materials**
    A. ABA Criminal Justice Magazine Article on Criminal ESI
    B. NLST Encrypted Discovery File Guidance
    C. NLST Announcement for Box.com for CJA Panel
    D. NLST Announcement for dtSearch for CJA Panel
    E. NLST Announcement for Casepoint for CJA Panel (online document review platform)
    F. CJA Panel Software Discounts
    G. NLST Memo on Rule 16.1
    H. Recommendations for Electronically Stored Information (ESI) Discovery Production in Federal Criminal Cases (ESI Protocol)
    I. AO Announcement of Resources for Managing Large Volumes of Discovery in Federal CJA Cases
    J. NLST Announcement for Services of Coordinating Discovery Attorneys (CDAs)
    K. Federal Judicial Center (FJC) Criminal e-Discovery: A Pocket Guide for Judges

III. **Overview of Presentation Structure**
    A. Encryption
    B. Tools
    C. Strategies
    D. Resources

IV. **Encryption**
    A. USAfx – download on top level folder, not just by individual files

      B.   McAfee

           1.   Create decrypted copies of the files instead of leaving it encrypted in the McAfee system.

           2.   Ask the government how many files were produced so you can compare what that with the number of files you were able to extract from the production to ensure you received everything they intended to produce.

V.   **Tools**

      A.   Box.com

      B.   Adobe Acrobat Pro

      C.   dtSearch

      D.   CaseMap

      E.   Casepoint

VI.   **Strategies**

      A.   Form of Production and Meet and Confer Process

           1.   Form of Production – General Categories

               a)   Native

               b)   Near Native

               c)   Imaged

               d)   Paper

      B.   Considerations

           1.   Ask what is the original form in which they received the materials

           2.   When dealing with scanned paper look for computer generated versions of the files

           3.   When dealing with scanned paper consider asking for multi-page searchable PDFs with document breaks (unitization)

      C.   Common production formats

           1.   Multi-page searchable PDFs with document breaks (a.k.a. unitized)

           2.   Single page TIFFs, extracted text, and load files that tie together the images, text, and metadata (as available).

           3.   Native Files

      D.   Meet and Confer Process

           1.   Include someone who understands the technology in the process

           2.   Common issues to discuss

                a)   Form of production

                b)   Proprietary formats

                c)   Volume estimates

                d)   Discovery index

                e)   In-custody defendants

           3.   Reasonably usable; industry standard

VII.   Resources
     A.   National Litigation Support Team
          1.   https://fd.org/litigation-support
     B.   National Coordinating Discovery Attorneys
          1.   https://fd.org/litigation-support/coordinating-discovery-attorneys
     C.   Federal Judicial Center (FJC) Criminal e-Discovery: A Pocket Guide for Judges
          1.   https://fd.org/litigation-support/Joint-Electronic-Technology-Working-Group/pocket-guide
     D.   National Litigation Support Team Blog
          1.   https://nlsblog.org/

VIII.   Take-home Message
     A.   Use appropriate technology
     B.   Remember information is digital
     C.   Determine your goals and work backwards