Initial Discovery Assessment Checklist

In cases involving large volumes of data in a variety of media and/or file formats produced as part of the discovery, the trial team should contact the National Litigation Support team and together try to answer the questions below. The answers will direct the work flow and assist the trial team in further planning their strategy and budget.

1. Is there any way to estimate the total volume of the discovery production even though some of it may come later?
2. Will we be able to access all the data?
3. Is any of the data encrypted?
4. Are there specific types of documents that will be irrelevant to our case? (i.e. pictures, executable files, junk emails, etc.)
5. Are there specific types of documents that will be very important to our case? (i.e. emails authored by a particular person, documents created during a specific time period, specific document types such as bank records, etc.)
6. Are there both paper documents that have been scanned and native electronic files?
7. Should we objectively code the scanned documents so that they can be integrated into the native file data set for purposes of searching and organization?
8. Will there continue to be rolling discovery productions?
9. Do we need to look at the entire production?
10. Will the documents need to be shared among the Federal Defender Office, CJA Panel Attorneys and Retained Counsel?
11. Does the trial team already have an Evidence Review Platform in their office that could handle the amount and variety of discovery involved?
12. What is the timeline for completing the review?