

# MEMORANDUM

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To: Panel Attorney District Representatives

From: Sean Broderick, National Litigation Support Administrator

Re: **eDiscovery and Litigation Support Resources for CJA Panel Attorneys**

The National Litigation Support Team ([NLST](#)) is available for CJA panel attorneys and federal defender organization (FDO) staff to serve as a resource for eDiscovery and litigation support aspects of their cases. This memorandum provides CJA panel attorneys with an overview of frequently asked questions about litigation support resources. The most current information regarding litigation support is posted at [www.fd.org/litigation-support](http://www.fd.org/litigation-support). Panel attorneys should also refer to [www.nlsblog.org](http://www.nlsblog.org), which is a blog site which posts information relevant to e-discovery, digital evidence, and litigation support.

**CJA Panel Software Discounts:** There are several litigation support programs available to CJA Panel members at a discounted rate or at no cost. The latest information regarding these programs can be found at <https://www.fd.org/litigation-support/cja-panel-attorney-software-discounts>.

**Virtual one-on-one trainings for CJA panel attorneys:** In addition to presenting at national and local trainings, the NLST offers virtual trainings for CJA panel attorneys on a host of subjects. Frequently, this assistance can be structured to be software specific (e.g., Adobe Acrobat Pro, dtSearch, CaseMap, Trial Director, Cellebrite Reader, Ipro Eclipse Publisher), or counsel can use their own case materials during the training sessions to see how to best implement the technology in their case preparation. The training is conducted one-on-one via video conference technology, so the experience is hands-on (versus lecture). This method is vital when learning new technology. Contact the NLST if you are interested in arranging a virtual training session.

**Coordinating Discovery Attorneys (CDAs):** CDAs are criminal defense attorneys with experience managing large volumes of discovery and developing review strategies to improve attorney efficiency and effectiveness. They work with defense counsel on cases in

which there are many defendants, voluminous discovery, or complicated electronic discovery issues. CDAs address the timing of discovery productions, the format in which materials will be produced, the early identification of discovery production issues and ways to maintain the evidentiary integrity of discovery. Further information regarding how the CDA program works, can be found at <https://www.fd.org/litigation-support/coordinating-discovery-attorneys>. **If the court, a panel attorney or FDO is interested in utilizing the services of a CDA, one of the CJA attorneys in the case should first contact Sean Broderick, National Litigation Support Administrator at [sean\\_broderick@fd.org](mailto:sean_broderick@fd.org).** A memo describing the services of CDAs and the process to get them appointed in a case is attached.

**Direct Assistance for CJA Panel:** The NLST can provide direct assistance regarding discovery management (not discovery analysis) with cases with large volumes of e-discovery, based on the following criteria: the CJA panel attorneys have limited resources and experience with e-discovery; the case does not fit the criteria to appoint a CDA; the NLST has determined that the litigation support tools it has available can facilitate quality and cost-effective management of the e-discovery in the case; and the NLST have the time and resources to do the work. Examples of the potential type of assistance the NLST can provide in cases can be found at <https://www.fd.org/litigation-support/direct-assistance-cja-panel>. Contact Sean Broderick, National Litigation Support Administrator at [sean\\_broderick@fd.org](mailto:sean_broderick@fd.org) or Kelly Scribner, Assistant National Litigation Support Administrator at [kelly\\_scribner@fd.org](mailto:kelly_scribner@fd.org) if you are interested in receiving assistance from the NLST.

**Hosted eDiscovery Review database:** Casepoint is an online eDiscovery review database that allows multiple defense teams to access the same database using their internet browser. Casepoint is designed to assist attorneys and their staff in organizing, managing, and analyzing large volumes of discovery. Case materials are in one central repository and easily reviewed, tagged, and accessed by all defense teams from wherever they are as long as they have an internet connection. Casepoint LLC team provides the technical assistance required to process the eDiscovery so the legal teams can review the discovery in the database. Some key features of Casepoint include the ability to maintain private notes in a multi-defendant case that cannot be seen by other legal teams on the case, universal bulk tagging, filtering, and annotation which can be shared by all legal teams; review of e-discovery without changing any of the underlying background information; and native and near native viewers. Allocation of hosted space is based on a first come first serve basis and only for cases in which there is a benefit to having discovery hosted in an eDiscovery review database. Contact Kelly Scribner at [kelly\\_scribner@fd.org](mailto:kelly_scribner@fd.org) if you have interest in Casepoint or have further questions.

**Private paralegals available to assist on CJA cases.** Many panel attorneys have expressed interest in obtaining paralegal assistance in their CJA cases. To address that issue, the NLST maintains a national list of individuals willing to provide paralegal assistance on CJA cases. This information can be found at <http://www.cjaresources.com>. The list of private paralegals is organized in two ways. The first is an alphabetical listing by names, and the second is by state. As a reminder for your panel, as part of their CJA appointment they will need to request funding from the court for this assistance. Sample motions for paralegal support can be found on fd.org. As with any service, attorneys are reminded that they will need to perform due diligence and check references for private paralegals on the list. The criteria for inclusion on this list was: 1) they have been authorized by a federal district court in the past to provide paralegal services in CJA cases, and 2) they are interested in providing that assistance again.

**Joint Electronic Technology Working Group (JETWG):** The Director of the Administrative Office of the U.S. Courts (AOUSC) and the Attorney General of the United States created the Department of Justice/AOUSC Joint Working Group on Electronic Technology in the Criminal Justice System in 1998. JETWG is charged with addressing best practices for the efficient and cost-effective management of post-indictment e-discovery between the government and defendants charged in federal criminal cases. There are three documents that JETWG and its various subcommittees have published that can be of assistance for CJA panel attorneys listed below:

1. [Recommendations for ESI Discovery in Federal Criminal Cases \(ESI Protocol\)](#)
2. [Criminal e-Discovery: A Pocket Guide for Judges \(Pocket Guide\)](#)
3. [Guidance for the Provision of ESI to Detainees \(Guidance\)](#)

If you have further questions regarding JETWG, please contact Sean Broderick at [sean\\_broderick@fd.org](mailto:sean_broderick@fd.org).