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Pitfalls of Complex Search Protocols in ESI Agreements

LitSmart E-Discovery Blog

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ESI Agreements cover the full gambit of e-discovery issues, from preservation expectations to production specifications. Sometimes, these agreements include an overview of the process by which the parties will identify the universe of potentially responsive documents by using specific date ranges, identifying priority custodians and developing proposed search terms. Adding another layer of complexity, this discussion is often had in a vacuum before the parties even know how much data their clients have. Coming up with criteria that identifies the relevant documents, but is not overly broad, in this vacuum can be difficult. However, the process is important because the date range, custodians and terms will inevitably dictate how much data is collected, processed and reviewed, which can significantly affect any litigation budget.

Related People



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