



**GENEVA GROUP INTERNATIONAL (“GGI”)
INTERNATIONAL DISPUTE RESOLUTION PRACTICE GROUP
Practice Group Meeting
May 10, 2013**

A meeting of the GGI International Dispute Resolution Practice Group (“IDRGP”) was held at 4:00 p.m. on Friday, May 10, 2013 at the GGI North American Regional Conference in San Francisco, California, U.S.A. The meeting was chaired by Michael J. Quinan (Richmond, Virginia), Vice-Chairman of the IDRPG for North America. Luis Montes (San Jose, Costa Rica), Vice-Chairman of the IDRPG for Latin America attended, as did Donald Christopher (Orlando, Florida), Randall Leff (Beverly Hills, California), Jean Lemoine (Montreal, Canada), David De Lorenzi (Newark, New Jersey), Michael Lintern-Smith (Hong Kong), Matthias von Oppen (Munich, Germany) and Michael Reiss von Filski (Zurich, Switzerland).

The meeting was devoted to a discussion of electronic discovery (eDiscovery). The discussion was energetic. Specific issues addressed included:

- Context of eDiscovery
 - o Litigation Costs
 - o Billable Hours
 - o Fairness/Level Playing Field

- Stages of eDiscovery
 - o Identification
 - o Preservation
 - o Collection
 - o Processing
 - o Review
 - Responsiveness
 - Relevancy
 - Privilege
 - Confidentiality
 - o Production

- Types of Electronically Stored Information
 - o Raw data
 - o Documents
 - o Metadata
 - Authors; revisers; dates or revisions



- Drafts and prior versions
 - E-mail
 - Text messages
 - Voice mail
 - Calendars and task lists (e.g., Microsoft Outlook)
 - Social Media
 - Company v. Individual
 - Informal discovery through social media
- Storage Sites
 - File servers
 - Back Up servers
 - PCs
 - Mobile devices
 - The Cloud
- Litigation Hold Letters
 - Initial letters
 - Follow Up
 - Monitoring responsibilities
 - Control Group: management and key players
- ESI Format
 - Native format
 - Image or “paper” format
 - Proprietary programs needed to translate or process data
- eDiscovery Plans
 - Need for formal plan
 - Need for communication and coordination
 - Professional staff
 - Clerical staff
 - Technical staff
 - Consultants
 - Need to document performance under plan
 - Leadership responsibility and “succession” plans
 - Outside eDiscovery vendors



- Litigation experience
 - Digital forensics expertise
 - Capacity
- Predictive Coding
 - Computerized searching
 - Search terms
 - Scanning non-electronic documents
 - Spoliation
 - Degree of intent required
 - Sanctions
 - Monetary
 - Non-monetary
 - Waiver of privileges and defenses
 - Adverse inference instructions
 - Ethics violations
 - Perjury charges
 - Confidential Information
 - Privacy issues
 - Protective Orders
 - Inadvertent Production
 - Privilege waiver
 - Claw back agreements
 - Use at Trial
 - Relevancy
 - Authentication
 - Hearsay
 - Unfair prejudice

There being no further business, the meeting was adjourned.

Respectfully submitted,

Michael J. Quinan,



GGI IDRPG Vice-Chairman for North America