

Index

ACCOUNTING RECORDS

Design of effective records management program, sample records retention schedule, **App. 6B**

ACCURACY

Data production, **12:40**

ACCURACY & ACCOUNTABILITY

Ethical, Professional & Legal Limitations, **26:17**

ACTIVE DATA SOURCES

Pretrial practice management, **13:20**

ADMISSIBILITY OF EVIDENCE

Technology project planning & structures, **4:14**

Trial Practice Management, this index

AGGREGATION

Data processing, true visibility, **12:13**

ALTERNATIVE DISPUTE RESOLUTION

Arbitration, this index

Future matters, **32:6**

AMERICAN ARBITRATION ASSOCIATION

Generally, **20:7**

ARBITRATION

Generally, **20:1-20:26**

American Arbitration Association, **20:7**

Chartered Institute of Arbitrators, **20:15**

College of Commercial Arbitrators, **20:16**

Cost-shifting, **20:24**

Cyber warfare and cybersecurity, **30:24**

Federal Arbitration Act, **20:5**

ARBITRATION—Cont'd

Federal rules' impact on eDiscovery in arbitration, **20:17**

Financial Industry Regulatory Authority, Inc., **20:9**

Hold notices, **20:20**

International Bar Association, **20:12**

International Centre for Dispute Resolution, **20:8**

International Chamber Of Commerce, **20:11**

International Institute for Conflict Prevention and Resolution, **20:14**

Judicial Arbitration and Mediation Services, Inc., **20:10**

Limitation on amount of data to be produced, **20:23**

London Court of International Arbitration, **20:13**

Other guidance for eDiscovery in arbitration, **20:18**

Plan for eDiscovery, **20:19**

Practical guidance for eDiscovery in arbitration, generally, **20:19-20:25**

Protective orders and claw-backs, **20:22**

Restrictions on discovery in arbitrations, generally, **20:2-20:16**

Revised Uniform Arbitration Act, **20:6**

Sanctions, **20:25**

Spoliation, **20:21**

State rules' impact on eDiscovery in arbitration, **20:17**

Statutes, rules and guidelines, generally, **20:4-20:16**

Uniform Arbitration Act, **20:6**

Written agreements, **20:3**

ARTIFICIAL INTELLIGENCE (AI) SYSTEMS

Generally, **4:15**

**ARTIFICIAL INTELLIGENCE (AI)
SYSTEMS—Cont'd**

AI Tools, What is, **23:6-23:10**
Generative Artificial Intelligence
 (this index)

ASSESSMENTS

Litigation readiness, **9:6**

**ASSOCIATION OF CORPORATE
COUNSEL VALUE
CHALLENGE**

Outside eDiscovery counsel and
 eDiscovery provider, **3:10**

ATTORNEY-CLIENT PRIVILEGE

Generally, **2:12, 5:1-5:13, 22:14**
 Accidental disclosure outside of liti-
 gation, waiver, **15:12**
 Auditors, voluntary disclosure of
 privileged material to, **15:6**
 Common interest privilege, **5:10**
 Conclusion, **15:18**
 Control group test, **5:3**
 Disclosure of privileged material
 voluntary disclosure of privileged
 material, below
 waiver, below
 Exceptions, **5:9**
 Federal Rule of Evidence 502, **5:12**
 Federal Rules of Civil Procedure
 26(b)(5) and (f), **5:11**
 Former employees, communications
 with, **5:6**
 Inadvertent disclosure in litigation,
 waiver, **15:10**
 Insurance brokers, **15:7**
 International corporations, waiver,
 15:13
 International law, **5:13**
 Limitation of scope of voluntary
 waiver, **15:10**
 Mergers and acquisitions, **15:14**
 Prosecutors, voluntary disclosure of
 privileged material to, **15:5**
 Regulators, voluntary disclosure of
 privileged material to, **15:5**
 Selective waiver, **5:8**
 Subject matter test, **5:4**

**ATTORNEY-CLIENT PRIVILEGE
—Cont'd**

Upjohn Company v. United States,
 5:5
 Voluntary disclosure of privileged
 material
 generally, **15:3-15:7**
 auditors, disclosure to, **15:6**
 corporate family member, **15:4**
 limitation of scope of voluntary
 waiver, **15:10**
 PR consultants, **15:8**
 prosecutors and regulators,
 disclosure to, **15:5**
 scope of voluntary waiver, **15:9,**
 15:10
 Waiver
 generally, **15:1-15:17**
 accidental disclosure outside of
 litigation, **15:12**
 inadvertent disclosure in litigation,
 15:11
 international corporations, **15:13**
 voluntary disclosure of privileged
 material, above
 Work product doctrine, **2:12, 5:7**

AUDITORS

Attorney-client privilege, voluntary
 disclosure of privileged mate-
 rial, **15:6**

**AUTHENTICATION OF
EVIDENCE**

Trial practice management, **16:6**

AUTHENTICITY ISSUES

Design of effective records manage-
 ment program, **6:21**

**AUTOMATIC DISCLOSURE
REQUIREMENTS**

Ethics, this index

AUTOMATION

Predictive coding, quality control,
 7:23

BACK-UP MEDIA/INFORMATION

Internal investigations, **8:10**

INDEX

BANKRUPTCY

Ethics, preservation of relevant documents of bankrupt company, **27:29**

BATES-NUMBERING

Data processing, **12:21**

BATES PRODUCTION

Data production, **12:41**

BEST PRACTICES

Design of effective records management program, **6:6-6:15**

BIAS

AI operation, Functional Limitations, **26:11**

BIG DATA

Budgeting and cost control, **24:5**
Predictive coding, **7:18**

BILLING

Ethics, outsourced work, **27:34**
Outside eDiscovery counsel and eDiscovery provider, **3:7**

BOOLEAN SEARCHES

Predictive coding, **7:10**

BRING YOUR OWN DEVICE (BYOD)

Generally, **29:1-29:21**
Advance of mobile technology, **29:2**
Advantages, **29:3**
Competence, **29:13**
COPE vs BYOD, **29:2**
Cross-border discovery, **29:11**
Disadvantages, **29:4**
Engagement and vigilance, **29:18**
Integration of mobile devices into existing policies and protocols, **29:15**
Location of stored data and how to access it, **29:17**
Possession, custody or control, **29:6**
Practical considerations, **29:19**
Privacy
generally, **29:8-29:10**
managing expectations, **29:9**
statutes, **29:10**

BRING YOUR OWN DEVICE (BYOD)—Cont'd

Relevant information likely to exist, **29:7**
Switches, know which switches to flip, **29:16**

BROWER EXPLOITS

Cyber warfare and cybersecurity, **30:12**

BUDGETING AND COST CONTROL

Generally, **24:1-24:16**
Big data, the cloud, and information governance, **24:5**
Budget considerations
generally, **24:9-24:13**
collection, processing, data hosting storage costs, **24:12**
document review and production, **24:13**
identification and preservation, **24:11**
Calculation of early data assessment and technology-assisted review costs, **24:16**
Collection costs, budget considerations, **24:12**
Data hosting storage costs, budget considerations, **24:12**
Document review and production, budget considerations, **24:13**
Evolving technologies and methodology, **24:7**
External factors, impact on cost
generally, **24:4-24:7**
big data, the cloud, and information governance, **24:5**
evolving technologies and methodology, **24:7**
Federal Rules of Civil Procedure, amendments of 2015, **24:4**
global data privacy implications, **24:8**
legacy, proprietary and third-party systems, **24:6**
Federal Rules of Civil Procedure, amendments of 2015, **24:4**

**BUDGETING AND COST
CONTROL—Cont'd**

- Global data privacy implications, **24:8**
- Identification, budget considerations, **24:11**
- Legacy systems, **24:6**
- Legal process outsourcing, use of, **24:15**
- Legal project management for eDiscovery, **24:2**
- Litigation readiness playbook, development of, **24:14**
- Outside eDiscovery counsel and eDiscovery provider, **3:7**
- Preservation, budget considerations, **24:11**
- Processing costs, budget considerations, **24:12**
- Project management matrix and project management workflow, **24:3**
- Proprietary systems, **24:6**
- Third-party systems, **24:6**

BYOD

- Bring Your Own Device (BYOD), this index

BYPASSING CONTROLS

- Cyber warfare and cybersecurity, **30:7**

CANDOR

- Ethical, professional & Legal Limitations, **26:16**

CAREMARK CASE

- Corporate Governance, this index

CHAIN OF CUSTODY

- Data collection, **12:10**
- Internal investigations, **8:13**
- Strategic litigation challenges in handling data, **App. 12A**
- Technology basics, **4:14**

CHAINS AND THREADS

- Data processing, **12:17**
- E-mail, data review, **12:31**

**CHARTERED INSTITUTE OF
ARBITRATORS**

- Generally, **20:15**

**CLAW-BACK AND CLAW-BACK
AGREEMENTS**

- Arbitration, **20:22**
- Ethics, accidental production of electronic information, **27:20**
- Inadvertent transmission of documents, endorsement of claw-back and quick peek agreements, **14:2**

CLOUD COMPUTING

- Design of effective records management program, **6:23**
- Internal investigations, **8:12**

COLLABORATION

- Outside eDiscovery counsel and eDiscovery provider, **3:9**

**COLLEGE OF COMMERCIAL
ARBITRATORS**

- Generally, **20:16**

**COMMERCIAL GENERAL
LIABILITY INSURANCE**

- Crisis management, coverage for losses from cyber breach, **17:7**

COMMON INTEREST PRIVILEGE

- Attorney-client privilege, **5:10**

COMPETENCE

- Bring your own device (BYOD), **29:13**
- Ethics, **27:3**

COMPUTER INSPECTIONS

- Pretrial practice management, motions to compel and protective orders, **13:29**

CONCEPT SEARCHING

- Data review, **12:32**

CONFIDENTIAL INFORMATION

- Attorney-Client Privilege, this index
- Electronic evidence, generally, **2:14**
- Ethical issues, **27:25, 27:32**

INDEX

CONFIDENTIALITY

Ethical, professional & Legal Limitations, **26:15**

CONFLICTS OF INTEREST

Ethics, outsourcing eDiscovery reviews, **27:33**

CONSENT OF CLIENT

Ethics, outsourcing eDiscovery reviews, **27:35**

CONTROL GROUP TEST

Attorney-client privilege, **5:3**

COOPERATION

Generally, **1:3, 1:9**

CORPORATE GOVERNANCE

Generally, **2:15, 19:1-19:9**

Caremark case

generally, **19:4-19:7**

collection and production, **19:7**

legal compliance, **19:5-19:7**

preservation obligations, **19:6**

standard, **19:4**

Collection and production, Caremark case, **19:7**

Directors' responsibilities, **19:2 et seq.**

Evolving landscape, **19:8**

Fiduciaries of corporation, responsibilities of directors as, **19:2**

Legal compliance, Caremark case, **19:5-19:7**

Preservation obligations, Caremark case, **19:6**

Supervisors of corporation, responsibilities of directors as, **19:3, 19:4**

COSTS AND EXPENSES

Budgeting and Cost Control, this index

Federal litigation, expenses regarding ESI as costs in, **2:7**

Shifting of costs. Cost-Shifting Strategies, this index

COST-SHIFTING STRATEGIES

Generally, **25:1-25:7**

COST-SHIFTING STRATEGIES

—Cont'd

Additional bases for cost shifting, **25:5**

Arbitration, **20:24**

Good cause, **25:3**

Metadiscovery, **25:4**

New avenue of cost shifting, **25:7**

Reasonable accessibility, **25:2**

State court standards, **25:6**

COUNSEL

Attorney-Client Privilege, this index

COURTROOM

Electronic information in courtroom, **1:5**

COVID

Discovery orders and deadlines in time of COVID, **16:4**

COVID-19 PANDEMIC

Future of eDiscovery, **32:10**

CRISIS MANAGEMENT

Generally, **17:1-17:9**

Generally, **17:3**

Assembly of crisis management team, **17:4**

Commercial general liability policy, coverage for losses from cyber breach, **17:7**

Crisis management, **17:5**

Cyber insurance policy as filling gaps and protecting organization from first-party losses and third-party losses arising from cyber breach, **17:8**

Cyber security considerations, generally, **17:1-17:9**

Directors and officers policy, protection from claims arising from cyber breach, **17:9**

Electronic data considerations, generally, **17:1-17:9**

Insurance, **17:7-17:9**

Risk management, **17:6-17:9**

Understanding computer systems, security and vulnerability, **17:2**

CROSS-BORDER DISCOVERY

Bring your own device (BYOD),
29:11

CUSTODIAL INTERVIEWS

Pretrial practice management, **App.
13B, 13:10**

CUSTODIANS

Data collection, **12:8**
Litigation readiness, **9:13**

**CYBER WARFARE AND
CYBERSECURITY**

Generally, **30:1-30:25**
Arbitration and mediation, **30:24-
30:25**
Brower exploits, **30:12**
Bypassing controls, **30:7**
Denial of service, **30:9**
Group phishing, **30:10**
International law, **30:19-30:21**
Privilege abuse and insider threats,
30:6
Prohibition on hack-backs, **30:22**
Records management program, **6:24**
Self-defense, **30:22**
Social engineering, **30:5**
Spear phishing, **30:11**
Spyware, **30:16**
Steps for securing companies against
attacks, **30:23**
Survey of hostilities, **30:4-30:18**
Trojan horses, **30:14**
Unpatched vulnerabilities, **30:8**
Vendor/supply chain, **30:17**
Viruses and worms, **30:13**
Zero-day exploits, **30:15**

DATA ANALYSIS

Data intelligence and analysis, **23:11-
23:15**
Data review, Generative AI, **26:7**

DATA AUTHENTICATION

Strategic litigation challenges in
handling data, **App. 12A**

**DATABASES/PROPRIETARY
SYSTEMS**

Strategic litigation challenges in
handling data, **12:49**

DATA COLLECTION

Generally, **12:2-12:12**
Budget considerations, collection
costs, **24:12**
Chain of custody, **12:10**
Collection of data, **12:5**
Common questions, **12:11**
Corporate governance, Caremark
case, **19:7**
Custodians, collection by, **12:8**
Data magnitude, **12:9**
Efficiency in data collection, **12:6**
Factors to consider when choosing
between eDiscovery and foren-
sic collection of data, **12:4**
In-house collection of data, **12:7**
Predictive Coding, this index
Pretrial practice management, **13:18,
13:19**
Privacy and cyber-security, **6:24**
Scope of collection effort, **12:12**
Types of data and costs of collection,
12:3

DATA FILE EXTENSIONS

Data review, **12:37**

DATA HOSTING

Pretrial practice management, **13:21**
Storage costs, budget considerations,
24:12

DATA MAP

Technology Basics, this index

DATA PROCESSING

Generally, **12:13-12:26**
Aggregation for true visibility, **12:13**
Bates-numbering capabilities, **12:21**
Chains and threads, difference
between, **12:17**
Duplicate identification methods,
12:18
Duplicates, sophisticated identifica-
tion of, **12:15**
E-mail culling, **12:16**
E-mail preparation, **12:22**
Entity extraction and data mining,
12:19
Language challenges, **12:26**

INDEX

DATA PROCESSING—Cont'd

- Litigation support packages, limitations on, **12:23**
- Metadata, **12:14**
- Taking out the garbage, **12:24**
- Thorough data processing, **12:20**
- Time zone challenges, **12:25**

DATA PRODUCTION

- Generally, **12:40-12:47**
- Complexities of data production, **12:43**
- Corporate governance, Caremark case, **19:7**
- Do-it-yourself production, problems with, **12:45**
- Gap-free bates production, **12:41**
- Multiple production options, **12:44**
- Native file productions, **12:47**
- Production of right documents, **12:46**
- Readability and fonts, **12:42**
- Speed, flexibility and accuracy, **12:40**

DATA REMEDIATION

- Information governance, **28:6, 28:7**

DATA REVIEW

- Generally, **12:27-12:39**
- Combination of electronic and hard copy, **12:30**
- Concept searching and predictive coding, **12:32**
- Dark side of unprotected desk-side data review, **12:38**
- Data analysis, **26:7**
- Data file extensions, **12:37**
- Efficiency in review, **12:33**
- E-mail chains and threads, **12:31**
- Fast and thorough methods, **12:27**
- Indexing, **12:35**
- Pretrial practice management, **13:21**
- Privilege and relevance, review for, **12:34**
- Reduction of search and review time, **12:29**
- Safeguard data, **12:28**
- Search terms, **12:36**
- Time crunch, **12:38**

DEFENSIBILITY

- Defensible strategy, **23:20**
- artificial intelligence, **23:21**
- Validation, **23:19**

DELETED DATA/DATA FRAGMENTS

- Internal investigations, **8:11**

DENIAL OF SERVICE

- Cyber warfare and cybersecurity, **30:9**

DEPOSITIONS

- Pretrial practice management, **13:25**

DESIGN OF EFFECTIVE RECORDS MANAGEMENT PROGRAM

- Generally, **6:1-6:26**
- Accounting records, sample records retention schedule, **App. 6B**
- Authenticity issues, **6:21**
- Best practices, **6:6-6:15**
- Cloud computing, **6:23**
- Communication valuation, **6:25**
- Data privacy and cyber-security, **6:24**
- Draft documents, **6:20**
- Email retention, **6:17**
- Finance records, sample records retention schedule, **App. 6B**
- Goals of program, **6:3**
- Health and Safety, sample records retention schedule, **App. 6D**
- Health and Safety records retention schedule, Sample, **App. 6D**
- Health records, Sample records retention schedule, **App. 6D**
- Issues to consider in the implementation, **6:19-6:26**
- Legal records, sample records retention schedule, **App. 6C**
- Lifecycle of records, understanding of, **6:5**
- Litigation response plan, **6:16**
- Reasons to implement program, **6:4**
- Records management, defined, **6:2**
- Record storage options, **6:18**
- Sample records management policy, **App. 6A**

**DESIGN OF EFFECTIVE
RECORDS MANAGEMENT
PROGRAM—Cont’d**

Sample records retention schedule
accounting and finance records,
App. 6B
health and safety, **App. 6D**
legal records, **App. 6C**
Social media, **6:26**

DESTRUCTION OF DOCUMENTS

Ethics, this index

DIGITAL LANDFILL

Predictive coding, **7:3**

DIRECTORS

Corporate governance, **19:2 et seq.**

**DIRECTORS AND OFFICERS
INSURANCE**

Crisis management, protection from
claims arising from cyber
breach, **17:9**

DISCLOSURE

Attorney-Client Privilege, this index

DISCOVERY SANCTIONS

Trial practice management, **16:3**

**DOCUMENT RETENTION
POLICIES AND
PRESERVATION PLANS**

Ethics, this index

**DOCUMENT REVIEW AND
PRODUCTION**

Budget considerations, **24:13**

DO-IT-YOURSELF PRODUCTION

Data production, **12:45**

DRAFT DOCUMENTS

Briefs, **26:6**
Contracts, **26:6**
Correspondence, **26:6**
Design of effective records manage-
ment program, **6:20**
Memoranda, **26:6**

**DUAL PURPOSE
COMMUNICATIONS**

Attorney Client Privilege, **15:17**

DUPLICATES

Data processing, sophisticated
identification, **12:15**

EDRM

Overview of effect on data privacy
and protection, **22:5-22:9**

EFFICIENCY

Data collection, **12:6**
Data review, **12:33**

**ELECTRONIC DISCOVERY
COMPLIANCE PROGRAMS**

Generally, **18:1-18:6**

Creation of office of technology
counsel, **18:3, 18:4, App. 18C**

Four-phase work plan for rolling out
office of technology counsel,
App. 18D

Job description of chief technology
council, **App. 18A**

Office of technology counsel, gener-
ally, **18:1-18:6**

Organizational chart for office of
technology council, **App. 18B**

Resources for technology counsel,
18:6

Responsibilities of office of technol-
ogy counsel, **18:2**

Sarbanes-Oxley Act, penalties for
failure to comply, **18:5**

**ELECTRONIC EVIDENCE,
GENERALLY**

Generally, **2:1-2:16**

Attorney-client and work product
privileges, **2:12**

Business and records management
processes, **2:11**

Corporate governance, **2:15**

Expenses regarding ESI as costs in
federal litigation, **2:7**

Federal Rules of Civil Procedure,
App. 2B, 2:5

Federal Rules of Evidence Rule 502,
2:6

In-house counsel, impacts on, **2:10**

International implications, **2:13**

Predictive coding, **2:9**

INDEX

ELECTRONIC EVIDENCE, GENERALLY—Cont'd

- Privacy and other confidentiality obligations, **2:14**
- Rule 34, amendment of 1970, **2:2**
- Sedona Conference, **2:4**
- Sedona principles, **App. 2A**
- Spoliation of ESI, sanctions for, **2:8**
- Zubulake decision, **2:3**

E-MAIL

- Data processing, **12:16, 12:22**
- Data review, chains and threads, **12:31**
- Design of effective records management program, **6:17**
- Pretrial practice management, **13:12**

EMPLOYMENT LAW

- Internal investigations, **8:15**

ETHICAL LIMITATIONS

- Generative AI, **26:14**
- Improper use, Generative AI, **26:14**

ETHICS

- Generally, **27:1-27:40**
- Accidentally withheld documents, **27:13**
- Accidental production of electronic information
 - generally, **14:7, 27:19-27:23**
 - claw back agreements, **27:20, 27:21**
 - metadata, electronic documents containing, **27:22, 27:23**
 - quick peek and claw back agreements, **27:21**
- Automatic disclosure requirements
 - generally, **27:9-27:11**
 - meet and confer, topics discussed at, **27:10**
 - time and content of data to be disclosed, **27:11**
- Bankrupt company, preservation of relevant documents of, **27:29**
- Billing for outsourced work, **27:34**
- Checklists
 - generally, **27:38-28:40**
 - after commencement of litigation, **27:40**

ETHICS—Cont'd

- Checklists—Cont'd
 - prior to litigation, **27:39**
- Claw back agreements, accidental production of electronic information, **27:20, 27:21**
- Client confidences and secrets, preservation while outsourcing eDiscovery reviews, **27:32**
- Confidential information, client improperly obtaining, **27:25**
- Conflicts of interest, outsourcing eDiscovery reviews, **27:33**
- Consent of client, outsourcing eDiscovery reviews, **27:35**
- Contents of retention policy, **27:7**
- Destruction of documents. Wrongful withholding or destruction of documents. below, **27:12-27:17**
- Document retention policies and preservation plans
 - generally, **27:5-27:8**
 - contents of retention policy, **27:7**
 - time for implementation plan, **27:8**
 - when is duty triggered, **27:6**
- Management of ESI, **27:4**
- Metadata, accidental production of electronic documents containing, **27:22, 27:23**
- Outsourcing eDiscovery reviews
 - generally, **27:30-28:35**
 - billing for outsourced work, **27:34**
 - client confidences and secrets, preservation of, **27:32**
 - conflicts of interest, avoidance of, **27:33**
 - consent of client, **27:35**
 - supervision of nonlawyers, **27:31**
- Ownership of personal records of employees on company computers, **27:28**
- Personal records of employees on company computers
 - generally, **27:26-27:28**
 - consequences of not adopting clear policy, **27:27**
 - ownership of personal records, **27:28**

ETHICS—Cont’d

- Purposely withheld documents, **27:14, 27:15**
- Quick peek and claw back agreements, accidental production of electronic information, **27:21**
- Reconstruction of wrongfully withheld documents, **27:15**
- Safe harbor rule, wrongful withholding or destruction of documents, **27:18**
- Spoilation doctrine and sanctions, wrongful withholding or destruction of documents, **27:17**
- Supervision of nonlawyers, outsourcing eDiscovery reviews, **27:31**
- Technical competence, **27:3**
- Time for implementation plan, **27:8**
- Triggering duty of document preservation, **27:6**
- Web bugs, use of, **27:24**
- Web bugs used to gather information, **27:36**
- Wrongful withholding or destruction of documents
 - generally, **27:12-27:17**
 - accidentally withheld documents, **27:13**
 - purposely withheld documents, **27:14, 27:15**
 - reconstruction of documents, **27:15**
 - safe harbor rule, **27:18**
 - spoliation doctrine and sanctions, **27:17**

EUROPEAN COMMISSION

- Investigations, legal professional privilege, **21:9**

EVIDENCE

- Admissibility of Evidence, this index
- Legal Holds and Preservation of Evidence, this index
- Spoilation and Sanctions, this index

EXHIBITS

- Trial Technology, this index

EXTERNAL FACTORS

- Budgeting and Cost Control, this index

FEDERAL ARBITRATION ACT

- Generally, **20:5**

FEDERAL RULES OF CIVIL PROCEDURE

- Generally, **App. 2B, 2:5**
- Amendments of 2015, **1:2**
- Arbitration, federal and state rules’ impact on eDiscovery in, **20:17**
- Attorney-client privilege, **5:11**
- Budgeting and cost control, **24:4**
- Inadvertent transmission of documents, **14:4**
- International Aspects, this index
- Meet and Confer Obligations, this index
- Pretrial practice management, **App. 13A**

FEDERAL RULES OF EVIDENCE

- Generally, **2:6, 22:14**
- Attorney-client privilege, **5:12**
- Inadvertent transmission of documents, **14:2, 14:3, 14:5**

FIDUCIARIES

- Corporate governance, responsibilities of directors, **19:2**

FINANCE RECORDS

- Design of effective records management program, sample records retention schedule, **App. 6B**

FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.

- Arbitration, **20:9**

FLEXIBILITY

- Data production, **12:40**

FONTS

- Data production, **12:42**

FORCING FUNCTION

- Litigation readiness, **9:2**

FORMER EMPLOYEES

- Attorney-client privilege, communications with former employees, **5:6**

INDEX

F-SCORES

Predictive coding, **7:19**

FUTURE MATTERS

Generally, **32:1-32:10**

Acceleration of complexity of laws,
32:2

Alternative dispute resolution, **32:6**

Convergence of legal and technological needs for enhanced education, **32:4**

COVID-19 pandemic, **32:10**

Government surveillance, **32:7**

Legal operations, rise of, **32:8**

Rapid development of technology solutions, **32:3**

Settled case law and intertwining rules, **32:5**

Ten years and beyond, **32:9**

GENERATIVE ARTIFICIAL INTELLIGENCE

Generally, **7:28, 26:1-26:25**

AI operation, Functional Limitations,
26:9

Capturing nuances, Functional limitations, **26:12**

Definition, **26:2**

Dependency on supervision, **26:13**

Excitement and caution, **26:24**

Generative AI work, **26:3**

Opportunities and challenges, **26:1**

Promising role in law, **26:4**

Risk assessment, **26:8**

GLOBAL DATA PRIVACY

Budgeting and cost control, **24:8**

Planning, **App. 24C**

GLOBAL DATA PRIVACY AND DATA PROTECTION

Impacts on ediscovery, **22:1 et seq.**

GOOD CAUSE

Cost-shifting strategies, **25:3**

GOVERNANCE

Corporate Governance, this index

GOVERNMENT SURVEILLANCE

Generally, **32:7**

GRAPHICS

Trial technology, **31:15**

GRAPHICS LIBRARY

Trial technology, **31:16**

GROUP PHISHING

Cyber warfare and cybersecurity,
30:10

HEARSAY EVIDENCE

Trial practice management, **16:7**

HISTORICAL DATA SOURCES

Pretrial practice management, **13:20**

HOLDS AND HOLD NOTICES

Legal Holds and Preservation of Evidence, this index

HUMAN RESOURCES RECORDS

Sample records retention schedule,
App. 6E

IDENTIFICATION

Budget considerations, **24:11**

INACCESSIBLE DATA

Pretrial practice management,
motions to compel and protective orders, **13:28**

INADVERTENT TRANSMISSION OF DOCUMENTS

Generally, **14:1-14:7**

Attorney-client privilege, waiver,
15:11

Court interpretations of rules, **14:5**

Endorsement of claw-back and quick peek agreements, **14:2**

Ethics, this index

Federal Rule of Evidence 502, **14:2, 14:3, 14:5**

Federal Rules of Civil Procedure
Rules 16 and 26, **14:4**

INADVERTENT WITHHOLDING OF DOCUMENTS

Ethics, **27:13**

INDEXING

Data review, **12:35**

INFORMATION GOVERNANCE

- Generally, **28:1-28:7**
- Budgeting and cost control, **24:5**
- Data remediation, **28:6, 28:7**
- Definition, **28:2**
- Getting started, **28:5**
- Types of projects, **28:4**

IN-HOUSE COUNSEL

- Electronic evidence, generally, **2:10**

INSURANCE

- Crisis management, **17:7-17:9**

INTERNAL INVESTIGATIONS

- Generally, **8:1-8:22**
- Analysis of electronically stored information
 - generally, **8:18-8:21**
 - content analysis, **8:19**
 - forensic analysis, **8:20**
 - network intrusion events, **8:21**
- Back-up media/information, **8:10**
- Chain of custody, **8:13**
- Cloud computing, **8:12**
- Content analysis of electronically stored information, **8:19**
- Data universe available for investigation
 - generally, **8:5-8:11**
 - back-up media/information, **8:10**
 - deleted data/data fragments, **8:11**
 - social media, **8:7**
 - structured data/ERP systems, **8:8**
 - system and log information, **8:9**
 - user created content, **8:6**
- Deleted data/data fragments, **8:11**
- Employment law, **8:15**
- Forensic analysis of electronically stored information, **8:20**
- International matters, **8:17**
- Limits on investigative authority
 - generally, **8:14-8:17**
 - employment law, **8:15**
 - international matters, **8:17**
 - privacy, **8:16**
- Network intrusion events, analysis of electronically stored information, **8:21**

INTERNAL INVESTIGATIONS

—Cont'd

- Outsourcing, **8:12**
- Preservation of information, **8:13**
- Privacy, **8:16**
- Sample board resolution authorizing retention of outside counsel to conduct internal investigation, **App. 8A**
- Social media, **8:7**
- Staffing of investigation, **8:3, 8:4**
- Structured data/ERP systems, **8:8**
- Structuring of investigation, **8:3**
- System and log information, **8:9**
- User created content, **8:6**

INTERNATIONAL ASPECTS

- Generally, **21:1-21:9**
- Attorney-client privilege, **5:13, 15:10**
- Electronic evidence, generally, **2:13**
- European Commission investigations, legal professional privilege, **21:9**
- Federal Rule of Civil Procedure 26(b), international jurisdiction limitations on scope of discovery under, **21:5**
- Federal Rule of Civil Procedure 16 management of ESI discovery, **21:4**
- Federal Rule of Civil Procedure 37 sanctions avoidance, **21:7**
- Federal Rules of Civil Procedure 34 and 45, control and information in possession of another entity, **21:6**
- Foreign compulsion comprising blocking statutes, data protection, confidentiality laws and foreign executive privilege and state interests, **21:8**
- Internal investigations, **8:17**
- Pretrial practice management, **13:30**
- U.S. court control of international discovery practice, **21:2**
- U.S. discovery sanctions against foreign defendants not consenting to personal jurisdiction, **21:3**

INTERNATIONAL BAR ASSOCIATION

- Arbitration, **20:12**

INDEX

INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION

Arbitration, **20:8**

INTERNATIONAL CHAMBER OF COMMERCE

Arbitration, **20:11**

INTERNATIONAL INSTITUTE FOR CONFLICT PREVENTION AND RESOLUTION

Arbitration, **20:14**

INTERNATIONAL LAW

Cyber warfare and cybersecurity,
30:18-30:20

INTERROGATORIES

Pretrial practice management, **13:24**

INVESTIGATIONS

Internal Investigations, this index

ISSUE MAPPING

Litigation readiness, **9:10**

JUDICIAL ACCEPTANCE

Machine learning, **7:34**

JUDICIAL ARBITRATION AND MEDIATION SERVICES, INC.

Generally, **20:10**

JURISDICTION

Federal Rule of Civil Procedure
26(b), international jurisdiction
limitations on scope of
discovery under, **21:5**

K-FOLD CROSS-VALIDATION

Predictive coding, **7:24**

KNOWLEDGE GAPS

AI operation, Functional Limitations,
26:10

KNOWLEDGE OF CLIENT

Generally, **1:4**

LAWYERS

Attorney-Client Privilege, this index

LEGACY DATA CLEANUP

Predictive coding, **7:26**

LEGACY SYSTEMS

Budgeting and cost control, **24:6**

LEGAL HOLDS AND PRESERVATION OF EVIDENCE

Generally, **10:1-10:11, 22:11**

Acknowledgement of notice, **10:8**

Adverse inference instruction as
sanction, **10:18**

Arbitration, **20:20**

Attorneys' fees as sanction, **10:17**

Automated legal holds, **10:14**

Compliance with document retention
policy, **10:6**

Court's inherent power to award san-
ctions, **10:25**

Discoverability of legal hold notices,
10:13

Duty to preserve, **10:3**

Evidence preclusion as sanction,
10:17

Failure to preserve, **10:15 et seq.**

Internet of Things, failure to preserve
ESI from, **10:24**

Monitoring compliance with hold
notice, **10:9**

Non-ESI, failure to preserve, **10:26**

Pretrial practice management, **App.
13C, App. 13F, App. 13G,
13:15**

Proportionality, scope of hold notice,
10:7

Reasonableness, scope of hold notice,
10:7

Reminders, **10:10**

Sanctions, failure to preserve, **10:15
et seq.**

Scope of hold notice, **10:7**

Spoliation, failure to preserve, **10:15,
10:16**

Text messages, failure to preserve,
10:23

Third-party hold notices, **10:12**

Trigger, **10:4**

LEGAL LIMITATIONS

Improper use, Generative AI, **26:14**

LEGAL RECORDS

Design of effective records management program, sample records retention schedule, **App. 6C**

LEGAL RESEARCH

Summarizing and synthesizing law, **26:5**

LEGAL WORKFLOWS

Developments, **26:23**
Policy making, **26:24**
Practices, **26:19**
Selecting the tools, **26:20**
Training, **26:21**
Users, Training, **26:22**

LIFECYCLE OF RECORDS

Design of effective records management program, **6:5**

LITIGATION READINESS

Generally, **9:1-9:16**
Assessments of litigation readiness, **9:6**
Custodians, **9:13**
Documentation of issues and arguments in matter, **9:11**
Forcing function, **9:2**
Foundational elements, **9:5-9:7**
Gateway to information governance, **9:3**
Identification as foundation for preservation and collection, **9:15**
Issue mapping, **9:10**
Leading indicators of information governance gaps, **9:4**
Necessity, **9:1**
Next frontier, **9:16**
Outlining of record types, **9:12**
Plans for litigation response, **9:7**
Repositories, **9:13**
Scope of electronically stored information in litigation
generally, **9:8-9:14**
custodians and repositories, **9:13**
documentation of issues and arguments in matter, **9:11**
guiding principle, **9:9**
issue mapping, **9:10**

LITIGATION READINESS—Cont'd

Scope of electronically stored information in litigation—Cont'd
outlining of record types, **9:12**
system of record, **9:14**
System of record, **9:14**

LITIGATION RESPONSE PRACTICE

Technology basics, establishment, **4:12**

LITIGATION SUPPORT PACKAGES

Data processing, **12:23**

LOCAL RULES

Pretrial practice management, **13:7**

LONDON COURT OF INTERNATIONAL ARBITRATION

Generally, **20:13**

MACHINE LEARNING

Application of predictive coding, **7:37**
Artificial intelligence, Generative, **7:28**
Generative AI opportunities, **7:38**
Judicial acceptance, **7:34**
Predictive coding, **7:15, 7:17**
Sampling opportunities, **7:38**
TAR methods, Search filter, **7:36**
Validation and transparency, **7:35**

MANAGER JOB DESCRIPTION

Sample records, **App. 6H**

MARKETING RECORDS

Health and Safety, Sample records retention schedule, **App. 6D**

MEET AND CONFER OBLIGATIONS

Generally, **11:1-11:6**
Checklist, **App. 11A**
Conduct of Federal Rule of Civil Procedure 26(f) conference, **11:5**
Coordination between counsel and client, **11:4**
Evolution of Federal Rule of Civil Procedure 26(f), **11:2**

INDEX

MEET AND CONFER

OBLIGATIONS—Cont'd

- Local rules expanding reach of Federal Rule of Civil Procedure 26(f), **11:3**
- Strategic implications of obligations, **11:6**

MERGERS AND ACQUISITIONS

- Attorney-client privilege, **15:14**
- Privilege & communications, **15:15**

METADATA

- Data processing, **12:14**
- Ethics, accidental production of electronic documents containing, **27:22, 27:23**

METADISCOVERY

- Cost-shifting strategies, **25:4**

MISTAKEN TRANSMISSION OF DOCUMENTS

- Inadvertent Transmission of Documents, this index

MONITORING

- Employee emails, Privilege, **15:16**

MOTIONS TO COMPEL

- Pretrial Practice Management, this index

NATIVE FILE PRODUCTIONS

- Data production, **12:47**

NATURAL LANGUAGE PROCESSING (NLP)

- Predictive coding, **7:15, 7:17**

NECESSITY

- Litigation readiness, **9:1**

NETWORK INTRUSION EVENTS

- Internal investigations, analysis of electronically stored information, **8:21**

OBJECTIONS

- Technology planning & structures, **4:13**

OFFICE OF TECHNOLOGY COUNSEL

- Electronic Discovery Compliance Programs, this index

ORIGINAL WRITING RULE

- Trial practice management, **16:8**

OUTSIDE EDISCOVERY COUNSEL AND EDISCOVERY PROVIDER

- Generally, **3:1-3:10**
- Association of Corporate Counsel Value Challenge, **3:10**
- Billing and budgeting, **3:7**
- Collaboration, **3:9**
- EDiscovery team, **3:5**
- Information security and governance, **3:8**
- Qualifications of counsel, **3:2**
- Qualifications of providers and consultants, **3:3**
- Selection processes, **3:4**
- Service levels, **3:6**

OUTSOURCING

- Document review. Outsourcing litigation document review, this index
- Ethics, this index
- Internal investigations, **8:12**
- Legal process outsourcing, budgeting and cost control, **24:15**

OUTSOURCING LITIGATION DOCUMENT REVIEW

- Generally, **23:1-23:21**
- Advocacy support, **23:16-23:18**
- Market developments overview, **23:1**

OWNERSHIP

- Ethical, professional & Legal Limitations, **26:18**

PENALTIES

- Sanctions, this index

PERSONAL RECORDS OF EMPLOYEES ON COMPANY COMPUTERS

- Ethics, this index

PLANNING FOR DISCOVERY

Generally, **1:3**

PRECISION

Predictive coding, **7:19**

PREDICTIVE CODING

Generally, **2:9, 7:1-7:29**

Application of predictive coding to actual eDiscovery circumstances, **7:28**

Automation of quality control, **7:23**

Big data influences on predictive analytics, **7:18**

Boolean search and creating queries, **7:10**

Data collection. Record retention policies and data collection, below

Data review, **12:32**

Digital landfill, concept of, **7:3**

eDiscovery, **7:27-7:28**

Fields, searching of, **7:11**

F-Scores, **7:19**

Judicial acceptance, eDiscovery, **7:29**

K-fold cross-validation, **7:24**

Legacy data cleanup, **7:26**

Leveraging power of artificial intelligence, **7:2**

Machine learning, **7:15, 7:17**

Measuring quality of process generally, **7:19-7:24**

automation of quality control, **7:23**

F-Scores, **7:19**

K-fold cross-validation, **7:24**

precision and recall, **7:19**

simple random sampling, **7:21**

statistical sampling, **7:20**

stratified sampling, **7:22**

Natural language processing (NLP), **7:15, 7:17**

Precision and recall, **7:19**

Predictive analytics, **7:13**

Record retention policies and data collection

generally, **7:4-7:8**

further implementation considerations, **7:7**

PREDICTIVE CODING—Cont'd

Record retention policies and data collection—Cont'd

historical perspectives in data collection, **7:8**

methods of retention, **7:4**

streamlining retention policies to allow classification, **7:6**

traditional and modern retention policies, **7:5**

Regular expressions, **7:14**

Semantic search, **7:12**

Simple random sampling, **7:21**

Statistical sampling, **7:20**

Stratified sampling, **7:22**

Streamlining retention policies to allow classification, **7:6**

Traditional and modern retention policies, **7:5**

Types of tools used for classification, generally, **7:9-7:18**

University data disposition policy, **7:30**

Use cases, **7:26-7:27**

Verification of presence of high risk/high value information, **7:30**

PREDICTIVE CODING AND AUGMENTED OR ARTIFICIAL INTELLIGENCE

Pretrial practice management, **13:17**

PRESENTATION

Trial technology, **31:1 et seq.**

PRESERVATION OF INFORMATION

Budget considerations, **24:11**

Corporate governance, Caremark case, **19:6**

Internal investigations, **8:13**

Legal Holds and Preservation of Evidence, this index

PRETRIAL PRACTICE MANAGEMENT

Generally, **13:1-13:30**

Computer inspections, motions to compel and protective orders, **13:29**

INDEX

PRETRIAL PRACTICE

MANAGEMENT—Cont'd

Custodial interviews, **App. 13B, 13:10**
Data collection and hosting plan, establishment of, **13:18**
Data collection as preservation, **13:19**
Data hosting and review, **13:21**
Discovery mechanisms
 generally, **13:22-12:26**
 definitions and instructions, **13:23**
 Rule 30: depositions, **13:25**
 Rule 33: interrogatories, **13:24**
 Rule 34(a)(1): requests for production, **13:26**
Document retention policies, **13:8**
Electronically stored information, **13:3**
E-mail and personal computers, **13:12**
Establishment of data collection and hosting plan, **13:18**
Establishment of preservation plan
 generally, **13:9-13:13**
 custodial interviews, **App. 13B, 13:10**
 e-mail and personal computers, **13:12**
 IT interviews, **13:11**
 separated employees, **13:13**
Federal Rules of Civil Procedure, amendment of 2006, **App. 13A**
Historical data sources vs. active data sources, **13:20**
Inaccessible data, motions to compel and protective orders, **13:28**
International considerations, **13:30**
IT interviews, **13:11**
Litigation hold letters, **App. 13F, App. 13G**
Litigation holds, **App. 13C, 13:15**
Local rules, **13:7**
Motions to compel and protective orders
 generally, **13:27-13:29**
 computer inspections, **13:29**
 inaccessible data, **13:28**
Practical issues, **13:2**

PRETRIAL PRACTICE

MANAGEMENT—Cont'd

Predictive coding and augmented or artificial intelligence, **13:17**
Preservation vs. collection/production, **13:4**
Protective orders. Motions to compel and protective orders, above
RFP for electronic discovery hosting vendor, **App. 13E**
Rule 30: depositions, **13:25**
Rule 33: interrogatories, **13:24**
Rule 34(a)(1): requests for production, **13:26**
Sanctions, analytical framework for, **13:5**
Separated employees, **13:13**
Strategies for compliance, generally, **13:6-13:21**
Sunshine letters, **App. 13D, 13:16**
Third-party vendors, **13:14**

PRIVACY

Bring Your Own Device (BYOD), this index
Electronic evidence, generally, **2:14**
Global data privacy and cost implications, **24:8**
Internal investigations, **8:16**
Records management program, **6:24**
Specific EDiscovery Challenges, this index

PRIVILEGE

Attorney-Client Privilege, this index
Cyber warfare and cybersecurity, **30:6**
Data review, **12:34**

PRO-ACTIVE APPROACH

Generally, **1:8**

PROCESSING COSTS

Budget considerations, **24:12**

PROFESSIONAL LIMITATIONS

Improper use, Generative AI, **26:14**

PROHIBITION ON HACK-BACKS

Cyber warfare and cybersecurity, **30:22**

PROJECT MANAGEMENT

Budgeting and cost control, **24:3**
Trial technology, **31:7**

PROPORTIONALITY

Hold notice, scope of, **10:7**

PROPRIETARY SYSTEMS

Budgeting and cost control, **24:6**

PROSECUTORS

Attorney-client privilege, voluntary disclosure of privileged material, **15:5**

PROTECTIVE ORDERS

Arbitration, **20:22**
Pretrial Practice Management, this index

PURPOSELY WITHHELD DOCUMENTS

Ethics, **27:14, 27:15**

QUICK PEEK AGREEMENTS

Ethics, accidental production of electronic information, **27:21**
Inadvertent transmission of documents, endorsement of claw-back and quick peek agreements, **14:2, 14:5**

READABILITY

Data production, **12:42**

REASONABLENESS

Hold notice, scope of, **10:7**

RECALL

Predictive coding, **7:19**

RECONSTRUCTION

Ethics, wrongfully withheld documents, **27:15**

RECORD LOCATION MANAGER (RLM)

Technology project planning & structures, **4:10**

RECORD RETENTION

Predictive Coding, this index

REGULAR EXPRESSIONS

Predictive coding, **7:14**

REGULATORS

Attorney-client privilege, voluntary disclosure of privileged material, **15:5**

REMOTE WORKING

Ethics, **27:37**

REPOSITORIES

Litigation readiness, **9:13**

REQUESTS FOR PRODUCTION

Pretrial practice management, **13:26**

REVISED UNIFORM ARBITRATION ACT

Generally, **20:6**

RISK ASSESSMENT

Generative AI opportunities, **26:8**

RISK MANAGEMENT

Crisis management, **17:6-17:9**

SAFE HARBOR RULE

Ethics, wrongful withholding or destruction of documents, **27:18**

SALES RECORDS

Marketing, Sample records retention schedule, **App. 6F**

SAMPLE ORGANIZATION CHART

Sample Records, **App. 6G**

SAMPLE RECORDS

Manager Job Description, **App. 6H**

SAMPLING OPPORTUNITIES

Machine learning, **7:38**

SANCTIONS

Arbitration, **20:25**
International aspects, Federal Rule of Civil Procedure 37 sanctions avoidance, **21:7**
Preservation of evidence, failure regarding, **10:15 et seq.**
Pretrial practice management, **13:5**
Spoliation and Sanctions, this index

INDEX

SARBANES-OXLEY ACT

Electronic discovery compliance programs, penalties for failure to comply, **18:5**

SEARCH TERMS

Data review, **12:36**

SEDONA CONFERENCE

Generally, **2:4**

Glossary, **App. A:2**

SELECTIVE WAIVER

Attorney-client privilege, **5:8**

SELF-DEFENSE

Cyber warfare and cybersecurity, **30:22**

SEMANTIC SEARCH

Predictive coding, **7:12**

SEPARATED EMPLOYEES

Pretrial practice management, **13:13**

SERVICE LEVELS

Outside eDiscovery counsel and eDiscovery provider, **3:6**

SIMPLE RANDOM SAMPLING

Predictive coding, **7:21**

SOCIAL ENGINEERING

Cyber warfare and cybersecurity, **30:5**

SOCIAL MEDIA

Design of effective records management program, **6:26**

Internal investigations, **8:7**

Strategic litigation challenges in handling data, **12:48**

SPEAR PHISHING

Cyber warfare and cybersecurity, **30:11**

SPECIFIC EDISCOVERY CHALLENGES

Federal requirements regarding retention of records, **App. 22A**

SPEED

Data production, **12:40**

SPOLIATION AND SANCTIONS

Generally, **2:8**

Arbitration, **20:21**

Ethics, wrongful withholding or destruction of documents, **27:17**

Preservation of evidence, failure regarding, **10:15 et seq.**

SPYWARE

Cyber warfare and cybersecurity, **30:16**

STAFFING

Internal investigations, **8:3, 8:4**

STATE EDISCOVERY RULES

Quick reference chart, **App. 26A**

STATISTICAL SAMPLING

Independent stratified sample validations, **7:25**

Predictive coding, **7:20**

STEPS FOR SECURING COMPANIES AGAINST ATTACKS

Cyber warfare and cybersecurity, **30:23**

STRATEGIC LITIGATION CHALLENGES IN HANDLING DATA

Generally, **12:1-12:49**

Data authentication and chain of custody example form, **App. 12A**

Databases/proprietary systems, special challenges with, **12:49**

Data Collection, this index

Data Processing, this index

Data Review, this index

Social media, special challenges with, **12:48**

STRATIFIED SAMPLING

Predictive coding, **7:22**

STRUCTURED DATA/ERP SYSTEMS

Internal investigations, **8:8**

SUBJECT MATTER TEST

Attorney-client privilege, **5:4**

SUNSHINE LETTERS

Pretrial practice management, **App. 13D, 13:16**

SUPERVISORS

Corporate governance, responsibilities of directors, **19:3, 19:4**

SURVEY OF HOSTILITIES

Cyber warfare and cybersecurity, **30:4-30:18**

SWITCHES

Bring your own device (BYOD), know which switches to flip, **29:16**

SYSTEM AND LOG INFORMATION

Internal investigations, **8:9**

TECHNOLOGY ASSISTED REVIEW

Generally, **23:2-23:5**

TECHNOLOGY BASICS

Data map
creation, **App. 4C**
sample elements, **App. 4B**
Information being generated, **App. 4A**
Trial Technology, this index

TECHNOLOGY PROJECT PLANNING

Generally, **4:1-4:15**
Admissibility of evidence, **4:14**
Advance discovery response planning, **4:11**
Artificial intelligence (AI) systems, **4:15**
Chain of custody, **4:14**
Classification of ESI, **4:4**
Education of response team, **4:8**
Forming of response team, **4:10**
Identification of ESI, **4:3**
Litigation response practice, establishment of, **4:12**
Location of ESI, **4:5**
Objections, preparation for, **4:13**
Organization of ESI, **4:7**
Planning to produce ESI, **4:12**

TECHNOLOGY PROJECT PLANNING—Cont'd

Preparation for timely response, **4:9**
Preparation of objectives, **4:2-4:8**
Record Location Manager (RLM), choice of, **4:10**
Selection of ESI, **4:6**

THIRD-PARTY HOLD NOTICES

Generally, **10:12**

THIRD-PARTY SYSTEMS

Budgeting and cost control, **24:6**

THIRD-PARTY VENDORS

Pretrial practice management, **13:14**

THREADS

Chains and Threads, this index

TIME

Discovery orders and deadlines in time of COVID, **16:4**
Ethics, implementation plan, **27:8**

TIME CRUNCH

Data review, **12:38**

TIME ZONES

Data processing, **12:25**

TRIAL PRACTICE MANAGEMENT

Generally, **16:1-16:9**
Admissibility of evidence at trial
generally, **16:5-16:9**
authentication, **16:6**
hearsay, **16:7**
original writing rule, **16:8**
specific evidence types, **16:9**
Authentication of evidence, **16:6**
Discovery orders and deadlines in time of COVID, **16:4**
Discovery sanctions, **16:3**
Hearsay evidence, **16:7**
Mandatory disclosures, **16:2**
Original writing rule, admissibility of evidence at trial, **16:8**

TRIAL TECHNOLOGY

Graphics, **31:15**

INDEX

TRIAL TECHNOLOGY & GRAPHICS

- Generally, **31:1-31:14**
- Choosing a virtual platform, **31:13**
- Corporate expectations, **31:2**
- Courtroom visit, **31:9**
- Exhibit database, **31:6**
- Exhibit-sharing software vs. trial presentation software, **31:4**
- Exhibit workflow, **31:8**
- Legal technology obligations, **31:3**
- Local vs. cloud-based data, **31:5**
- Neutral equipment rental vendor, **31:11**
- Presentation, **31:1 et seq.**
- Project management, **31:7**
- Trial equipment and software, **31:10**
- Virtual platforms, Court-directed, **31:14**
- Virtual proceedings, **31:12**

TRIGGER

- Legal holds and preservation of evidence, **10:4**

TROJAN HORSES

- Cyber warfare and cybersecurity, **30:14**

UNIFORM ARBITRATION ACT

- Generally, **20:6**

UNIVERSITY DATA DISPOSITION POLICY

- Predictive coding, **7:30**

UNPATCHED VULNERABILITIES

- Cyber warfare and cybersecurity, **30:8**

USER CREATED CONTENT

- Internal investigations, **8:6**

VALIDATION AND TRANSPARENCY

- Machine learning, **7:35**

VIRTUAL PLATFORMS

- Trial technology & graphics, **31:14**

VIRUSES AND WORMS

- Cyber warfare and cybersecurity, **30:13**

WAIVER

- Attorney-Client Privilege, this index

WEB BUGS

- Ethical issues, **27:24**
- Ethics, counsel's use of web bugs to gather information, **27:36**

WORKING REMOTELY

- Ethics, **27:37**

WORK PRODUCT DOCTRINE

- Generally, **2:12, 5:7**

WRITTEN AGREEMENTS

- Arbitration, **20:3**

WRONGFUL WITHHOLDING OF DOCUMENTS

- Ethics, this index

ZERO-DAY EXPLOITS

- Cyber warfare and cybersecurity, **30:15**