

# E-Discovery Process

## 1 – Litigation

- Foreseeable litigation or new lawsuit

## 2 – Litigation Hold

- Adjust information systems' operations to retain relevant ESI

## 3 – Initial Discovery Conference

- Confer with the opposing side about both sides' information systems and relevant ESI, as well as the scope of E-Discovery

## 4 – Initial Disclosures

- Provide ESI that may be used to support one's claims or defenses
- Identify ESI available
- Identify ESI that exists but it is not reasonably accessible

## 5 – E-Discovery Request from Opponent

- Retrieve information in the format requested or in a usable format

## 6 – E-Discovery Testing

- Possible test of a sample of opponent's ESI to challenge assertions that certain ESI is not reasonably accessible

## 7 – E-Discovery Analysis

- Analysis of ESI obtained from opposing side

## 8 – Use electronic evidence in Court

- Authenticate ESI
- Present ESI in Court