

# Practical e-Discovery

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# EDD Costs

# 2003 EDD Market Study

Vendor	Hourly Rates	Per Page Conversion & Data Extraction	Per Drive
A	\$100-\$250	\$0.12-\$0.20	
B		<\$0.25	
C	\$250-\$400		
D	\$125-\$825		\$1,500-\$2,000
E		\$.10-\$0.30	

# Sample Vendor Charges

Task	Units	# of Units	Labor Hours	Machine Hours	Hourly Cost	Total Costs
Catalog backup tape contents	Tape	1	1	2-4	\$150	\$150
Restore backup data to hard drive	Tape	1	1	4	\$150	\$150
Capture evidentiary hard drive image	Drive	1	2	2-10	\$500	\$1,000
Restore & analyze hard drive contents	Drive	1	8		\$350	\$2,800
Search text	Drive, tape, removable media	1	4		\$350	\$1,400
Copy data to DVD, CD or drive	Drive, tape, removable media	1	4		\$125	\$500
Load files to litigation support system	Files	10,000	2		\$250	\$500

## Example – My Hard Drive

Pages 9,000,000

Capture evidentiary hard drive image \$1,000

Restore & analyze hard drive contents \$2,800

Search text \$1,400

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Total \$5,200

\$/page \$0.0006

# Who Pays?

Requesting Party

Responding Party

broad

**Specificity of Requests**

targeted

no

**Likelihood of a Successful Search**

yes

yes

**Available From Other Sources**

no

emergency / oversight

**Purposes of Retention**

for current use

none

**Benefits to Responding Party**

business / litigation

substantial costs

**Total Costs**

low costs

requesting party

**Who Can Control Costs Best**

responding party

requesting party

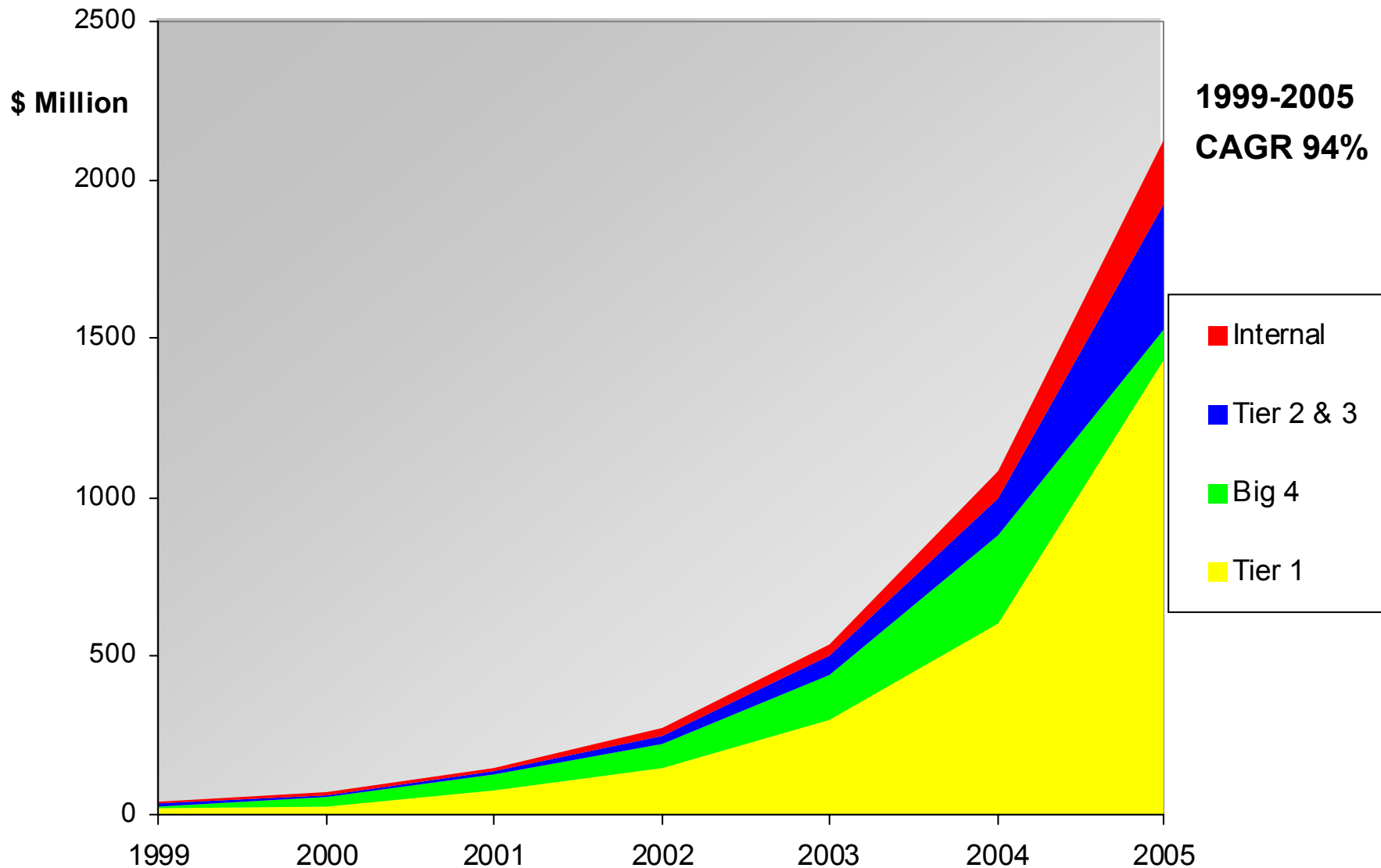
**Who Can Most Easily Pay**

responding party

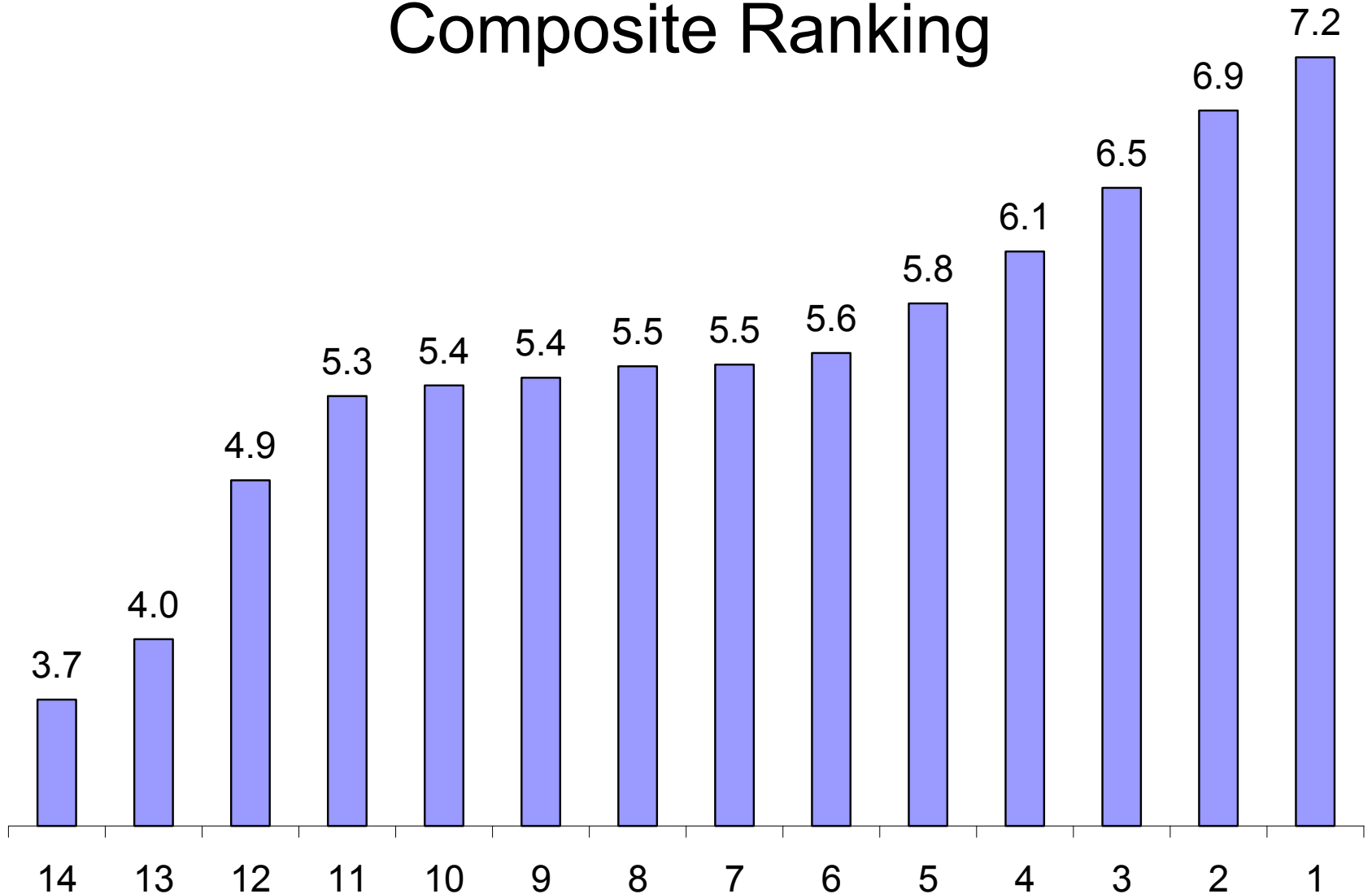
Rowe Entertainment, 205 F.R.D. 421 (SDNY 2002), aff'd 53 Fed. R. Serv. 3d (Callaghan) 296 (SDNY 2002)

# Survey

# Total Addressable Market



# Market Leaders: Composite Ranking



# Do-It-Yourself Tips

# Do-It-Yourself Tips

- ◆ Learn your stuff
  - ◆ Pick a tool set and learn it well
  - ◆ Experiment – dry runs
  - ◆ Experiment – the real thing

# Do-It-Yourself Tips

- ◆ Know your limits
  - ◆ What you can do – and what you cannot
  - ◆ When you should not try to do it yourself

# Do-It-Yourself Tips

- ◆ Know where to find help
  - ◆ Listservs
  - ◆ Software providers
  - ◆ Colleagues
  - ◆ Consultants
  - ◆ Vendors
  - ◆ Conferences
  - ◆ Clients

# Do-It-Yourself Tips

- ◆ Pointers for trial
  - ◆ If you want to use it at trial, produce it in discovery
    - ◆ Corollary: Produce the format you intend to use
  - ◆ Develop trial presentation strategy early
    - ◆ Foundation testimony?
    - ◆ Electronic display – or paper?
    - ◆ Live manipulation of data?

# Do-It-Yourself Tips

- ◆ Final reminders
  - ◆ Always keep a pristine copy of the data
  - ◆ Always know your data
  - ◆ Always know your limits