

# Pre-Trial Discovery:

## ESSENTIALS

FOR LAWYERS SUPPLEMENTING INTERROGATORIES  
OR REQUESTING DOCUMENTS, IN THE DIGITAL AGE

<https://www.litegation.com>

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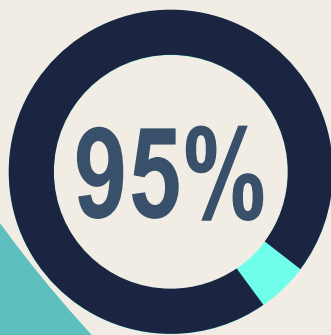
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When conducting pre-trial discovery, through interrogatories or demands for documents, it is always necessary to inquire as to the details surrounding electronically stored information (ESI), as it proportionally relates to the case at bar.

Here are five topics to consider, when drafting/ supplementing interrogatories or requesting documents during discovery.



OF ALL CORPORATE  
DOCUMENTS ARE STORED  
IN ELECTRONIC FORM

# EMAIL ACCOUNTS



Seek to identify the format(s) in which emails are accessed and stored.



Inquire as to email domains and alias accounts used in the responsive-environment.



Determine whether emails are stowed locally (e.g., Exchange email-server), or web-based (e.g., powered by Google mail).



Request a comprehensive list of email accounts that may contain data (including attachments and meta-data), germane to the litigation.

EMAILS SENT/RECEIVED PER DAY =





205.6

BILLION

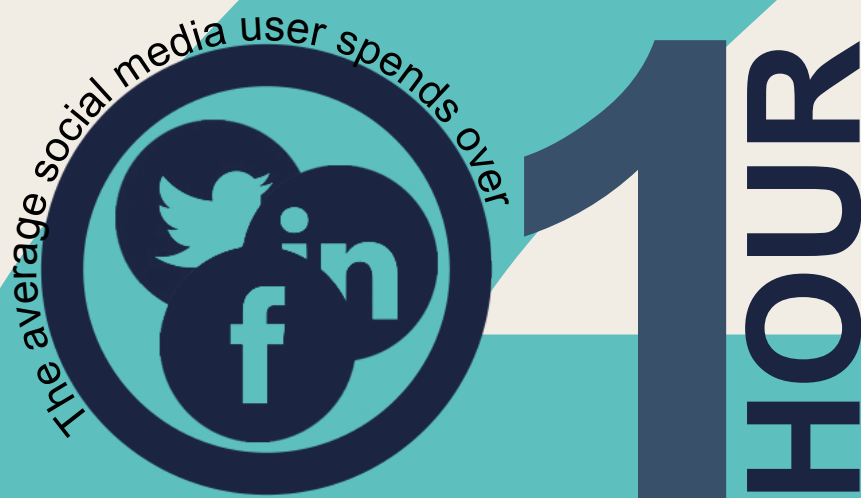
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# SOCIAL MEDIA ACCOUNTS

 Look to discover the mainstream social media account-details of key players in the case.

 Inquire as to the use of such account information supporting affirmative claims and defenses in the litigation.

 Request account credentials, where appropriate, and/or detailed productions of page-specific data, for each account.



ACCESSING SOCIAL MEDIA ACCOUNT(S) PER DAY

# OTHER CLOUD BASED APPLICATIONS



Inquire as to any/all web-based applications used by the person(s) from which data is requested (e.g., Google-shares, Microsoft 365 documents, project management solutions, etc.)



Request details as to what pertinent data may have been managed via such applications.



# 87%

of companies preferred cloud-based solutions in 2014 compared to on-premises solutions

# TEXT / SMS MESSAGING



Seek details regarding the usage of text messaging, and the like.



Determine company policies as to Bring Your Own Device (BYOD), and other personal hardware usage.



Request a comprehensive list of such devices that may contain responsive data – including, serial numbers, makes, models, ownership, access points, and current locations of such device(s).

# LOOSE FILES



Consider all loose, electronically stored information that may be stowed on local and/or cloud-based systems, e.g., Microsoft Office files saved to a desktop.



Inquire as to the devices and applications that may be used to create, modify, produce, etc., loose files, including separate versions and drafts of same.



Request a list of file types that may have been accessed by the target custodians, including, proprietary platform information.



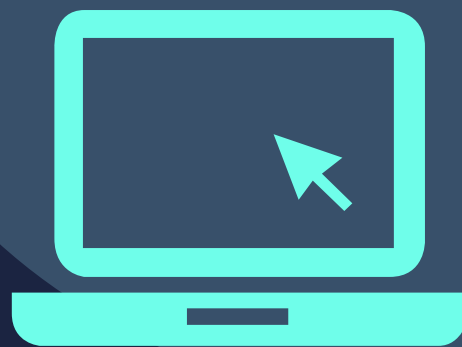
**A 500 GB HARD-DRIVE  
CAN EASILY HOLD MORE  
THAN 30 MILLION PAGES**

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In addition to the aforementioned items, lawyers will want to continue their investigations as to hard-copy documents – Particularly where the documents serve as an extension of, or supplement to, ESI in the case.

Of course, lawyers and their litigation support team will want to engage in more detailed questions, like; data retention policies, protocols established by the parties, relevant device descriptions, user-access and authorities, formats in which data resides, back-up solutions, etc.



For more information in-line with such discovery support, or to learn more about our litigation support solutions, please visit <https://www.litegation.com>



# RESOURCES

<http://www.radicati.com/wp/wp-content/uploads/2015/03/Email-Statistics-Report-2015-2019-Executive-Summary.pdf>

<http://www.expandedramblings.com/index.php/email-statistics/4/>

<http://www.statista.com/statistics/433871/daily-social-media-usafe-worldwide/>

<http://businessoflawblog.com/2014/12/statistics-future-ediscovery/>

<http://www.softwareadvice.com/buyerview/deployment-preference-report-2014/>

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