

(1). Management Principles

Getting responsive documents out the door to the other side, in simplest terms, involves several interrelated processes: collection, review, privilege review and production. That sounds simple enough, but in real life, those processes are often taking place concurrently – it is not uncommon for boxes to be coming in from a client while other boxes are being reviewed while other boxes are in privilege review while still others are being prepared to be produced or have already been produced. Making sure that everything that comes in the door gets properly handled and back out the door (if responsive and not privileged) is no mean feat.

To make sure that process goes smoothly, Outside Counsel should separately track each box, CD, hard drive, etc. received at each step in the process. This will ensure that each document received completes the review process and is produced, if appropriate. That tracking should include sufficient information to identify the source of the document (which should be identified during the collection process, see Chap. 3.B.2.b.), the volume of documents from that source, and the date the documents from that source were produced. If questions arise later in the litigation, this information can be used to readily determine whether specific files were searched, collected or produced. Lastly, the tracking should include the size of the boxes or files collected, the names of the reviewing attorneys and the dates that each step of the process was completed with respect to that box or file. This will help Outside Counsel manage the flow of materials through the review process and ensure that resources are being used efficiently.

(2). Management Techniques & Materials

Discovery Tracking Log (Defensive)

To create and maintain the necessary record of the collection, review and production process, the Core Team member supervising the process should prepare a **Discovery Tracking Log (Defensive)**.

Plaintiff v. Defendant **DISCOVERY TRACKING LOG (DEFENSIVE)**

| Custodian | Serial No. Range of Box | Page Count | Resp. Atty | Date Assigned | Date Complete | Date CD Created | Date CD Produced | Page Count | Bates Range |
|-----------|-------------------------------|---------------|------------|------------------|------------------|--------------------|---------------------|---------------|----------------|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| ... | | | | | | | | | |

Much of the initial information needed to create the Document Production Tracking Log can be obtained from the information that the collecting attorneys recorded on the **Document Collection Sheets** and that the vendor, if one is used, then referred to when it identified each batch of documents it processed for review by Outside