Online/Live Course
November 28 – December 19 2011
4 Weeks

Litigation Support 101A: The Fundamentals
Course Syllabus

What You Will Learn (Basic Outline)

I. Ethics

    a. Confidentiality

    b. Privilege

    c. Unauthorized practice of law

II. Issues that impact how you perform your job and service your clients
    a. Electronic Discovery Reference Module
    b. The Sedona Principles
    c. Federal Rules
        i. FRCP Rule Changes
        ii. 26 (f) – Meet & Confer
        iii. 16(b)- scheduling order
        iv. 26(a)- initial disclosure
        v. 26(f)- quick peek risks
        vi. 26(f) – preservation
        vii. 34(b) - forms of production
        viii. 26(b)(5) and FRE 502 - clawback
        ix. 37(f) - safe harbor
        x. Websites of court rules and procedures
            1. How to find them, read them, and understand what the rules require at different parts of the process. Assisting legal staff to remain in compliance with local rules.
    d. Cross border litigation
        i. Jurisdiction rules
        ii. eDiscovery in Canada
        iii. Differences in litigation (vocabulary)
    e. Litigation Support Best Practices and Protocols (maybe some key points for creating your own?)

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      i. Understanding firm policies and procedures

      ii. Working with IT Staff

      iii. Archiving

    f. Chain of Custody

III. The Litigation Lifecycle

  a. **<u>Summons & Complaint</u>**

    i. Case Team Meetings

      1. Meet & Confer

      2. Litigation Hold

      3. Preservation Letter

      4. Early Case Assessment

    ii. Planning & Discussion Period

      1. Define the scope of the project

        a. Develop questionnaire for clients and witnesses for data collection

        b. Working with internal IT teams

      2. Determine project budgetary and human resource requirements

      3. Design a project control process between vendor and lit support and assure that tech support is part of plan

      4. Conduct Quality Reviews that detail all QC procedures and document all decisions made (such as search terms, data filtering)

      5. Reevaluate and adjust project plan as needed. All projects will change

      6. Create strong documentation procedures so all decisions can be revisited (especially if requested by the judge)

    iii. Introduction of Technology

      1. Vendor services

        a. How to create RFP's

        b. Learning how to properly evaluate vendors - Onshore v Offshore Issues

        c. Learn how to negotiate the terms of the vendor contracts for services and understand all the language

        d. Avoiding Conflicts of Interest

        e. Interviewing and checking vendor references

        f. Monitoring vendors

      2. Evaluating technology needs

        a. In-House software

        b. Hosted Platforms

        c. Case management software

        d. Deposition transcript software

  b. **<u>Discovery Begins</u>**

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      i. Software Deployment
1. Discussion of different in-house and vendor software
2. Database design
3. Education and training of review team
4. Project plan for review team

c. **Document Acquisition**
      i. Paper/Scanning
1. Coding
2. OCR
      ii. Electronic discovery
1. Collection/Forensic Imaging
2. Processing/Data Filtering
      a. Defensibility of search design and technology
3. Spoliation
4. Chain of Custody procedures
5. Foreign language documents
      a. Recognizing their growing role in litigation through globalization
         i. Alternative ways to handle

d. **Review**
      i. Workflow
      ii. Progress and statistical reporting procedures
      iii. Redactions and Annotations
      iv. Privilege – Privilege Log

e. **Production**
      i. Production Specs
1. Documents covered by Protective Order
2. Privilege Document considerations
      ii. Conversion to images
      iii. Blowbacks
      iv. Production database

f. **Witness Preparation**
      i. Witness kits
1. Manual
2. Automated

g. **Deposition**
      i. Deposition transcript software
1. Transcript specs
2. Video Depositions
3. Real-Time Reporting
4. Deposition exhibits
5. Repositories

       h. **Discovery Ends – Pre-trial Activity**
- i. Pretrial Motions
- ii. Mock trial
- iii. Trial consultants
- iv. Animation/graphics
- v. Trial Exhibits and Database

       i. **Trial**
- i. Trial Presentation Software
- ii. War room set up
- iii. Courtroom set up
- iv. Post Trial or Major Motion Presentation Options – hyperlinked Electronic Briefs

       j. Post – Trial
- i. Appeals Process

Post trial – Close of case

       k. Preparation of a post case analysis of success and failures to firm up or replace problem vendors and put service agreements in place. Revision of plan for next time.

       l. Document retention policy – Where and when to archive the data.

Who Should Attend

Attorneys, paralegals, litigation support professionals, case managers, eDiscovery professionals and other legal professionals desiring to learn new skills or enhance present skills.   Working knowledge of EDRM Model is helpful.

Class Business

Registration.   As soon as we receive your pre-registration, you'll receive a confirmation receipt via email from The OLP.

Cancellations and substitutions: Cancellations received up to five working days before the course will be refundable, minus a $100 registration service charge. After that, cancellations are subject to the entire online course fee, which you may apply toward a future course. Please note that if you do not cancel, nor attend, you are still responsible for payment. Substitutions may be made at any time.

Books & Materials: You will be given the website of a book or books that will be recommended for the course. We have worked very hard to get you the lowest possible discount. **You will also be expected to have a webcam** available during the online course. You will be able to see and talk to the instructor and the instructor can see you if you choose. There will be training instructions on how to use this easy software program. You must have high speed Internet and VOIP.

  a

   Text books used: Other texts may be announced shortly.

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Schedule: The course meets two times per week for two hours each starting November 28 2011 ending December 19 at 4:00 – 6:00 PM PST; 6:00 – 8:00 CT; 7:00 PM – 9:00 PM EST. Please check the website to verify. A recorded version of each class will be made available the day after each class If you miss a class, you are expected to make up the class via the recording.

All classes are subject to change in schedule and instructors.

Tests and Grades: The class is pass or fail.   You will be given homework and there will be periodic quizzes that through the software program.   A pass or fail grade will be issued at the end of the course.

Tape recording. These programs-both what you see and what you hear-are fully copyrighted. No audio recording or videotaping, please.

Agenda: Prior to the start of your course, you will be given an agenda that will tell you what will be taught and when throughout the entire 4 weeks.

Certificate: Upon completion of the course, you will be given a certificate of completion. This course has not as yet been approved for CLE (pending).

For more information or questions, please contact us at: info@theolp.org   760-610-5462.