UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

GUIDELINES ADDRESSING THE DISCOVERY OF ELECTRONICALLY STORED INFORMATION

PREFACE

The purpose of these Guidelines is to address concerns that have been raised by attorneys practicing in the United States District Court for the District of Colorado with respect to discovery of electronically stored information ("ESI"). The phrase "electronic discovery" or "e-discovery" encompasses the process of identifying, preserving, collecting, reviewing, and producing ESI in connection with pending or reasonably anticipated litigation.

E-discovery is universal. "From the largest corporations to the smallest families, people are using computers to cut costs, improve production, enhance communication, store countless data and improve capabilities in every aspect of human and technological development." *Bills v. Kennecott Corp.*, 105 F.R.D. 459, 462 (D. Utah 1985). "[B]ecause we live in a society which emphasizes both computer technology and litigation, the mix of computers and lawsuits is ever increasing." *Id*.

The prevalence of ESI and its associated impact on the civil litigation process have become all too apparent. "The discovery of [ESI] has become vital in most civil litigation – virtually all business information and much private information can be found only in ESI. At the same time, the costs of gathering, reviewing, and producing ESI have reached staggering proportions." Hon. James C. Francis IV, *Foreword* to Anne Kershaw and Joe Howie, Judges' Guide to Cost Effective E-Discovery, at i (2010).

In response to the complexities presented by electronic discovery, the United States District Court for the District of Colorado convened an Electronic Discovery Committee in 2012 to survey attorneys practicing in the District to determine whether guidelines or local rules would be beneficial.

Judge William J. Martínez chaired the Committee, which included Magistrate Judge Craig B. Shaffer and a number of highly experienced attorneys representing a cross-section of practices, including governmental counsel, corporate in-house counsel, large firm and solo practitioners, and plaintiff and defense attorneys, each with expertise litigating matters involving electronic discovery. In the fall of 2012, the Committee worked with the Corona Institute to develop, conduct, and analyze a comprehensive survey of practitioners in the District concerning their experiences with ESI. Nearly 2,000 responses were received.

The survey results confirmed that electronic discovery is a concern for lawyers practicing in our District, as it is in many other jurisdictions. An overwhelming majority of respondents, 90.8%, requested that the court assist practitioners in our District with e-discovery by adopting some form of procedures or rules for ESI-intensive cases. Specifically, 43.8% of respondents

requested guidelines to assist counsel, 34.6% requested a model order that would mandate procedures or required topics of conferral, and 12.4% requested binding local rules.

Accordingly, the Committee appointed a Sub-Committee to draft proposed Guidelines for consideration and review by the full Committee. The Sub-Committee, chaired by Joy Woller, worked diligently over the course of a year to analyze the survey results and orders, rules, and other pilot projects from around the country concerning e-discovery. The resulting Guidelines reflect exhaustive analysis and rigorous debate and compromise, undertaken in the spirit of providing constructive and even-handed guidance for attorneys in all types of practices.

For assistance in understanding and implementing these Guidelines, counsel and unrepresented parties are encouraged to consult the reference materials identified throughout and at the end of these Guidelines. References to counsel below also include and apply to unrepresented parties.

Electronic Discovery Guidelines Committee Roster

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GUIDELINE 1

PARTIES AND THEIR COUNSEL SHARE RESPONSIBILITY FOR SECURING THE JUST, SPEEDY, AND INEXPENSIVE DETERMINATION OF EVERY ACTION AND PROCEEDING.

Commentary 1.1: Scope of E-Discovery Guidelines and Obligations of Counsel.

These Guidelines are intended to facilitate compliance with the Federal Rules of Civil Procedure and, more specifically, to assist the court, counsel, and parties in securing the objectives underlying Fed. R. Civ. P. 1. In the case of any conflict between these Guidelines and either the Federal Rules of Civil Procedure or the Local Rules of the United States District Court for the District of Colorado, the Federal and Local Rules shall control. Counsel should be familiar with these Guidelines and the attached Meet-and-Confer Checklist for the Rule 26(f) Meet-and-Confer process regarding ESI. Finally, counsel and parties must adhere to the Practice Standards pertaining to discovery in general, and to e-discovery in particular, adopted by the judicial officer(s) presiding over the action.

Commentary 1.2: Counsel Should Be Aware of the Benefits and Risks Associated with Relevant Technologies in the Civil Litigation Context.

The constantly changing nature of information management and technology places increased responsibility on counsel to stay abreast of the benefits and risks associated with those technologies in the civil litigation context. Although counsel are not expected to be technological experts, they must be familiar with the Federal Rules of Civil Procedure, Federal Rule of Evidence 502, and the case law interpreting those Rules, particularly as they apply to or govern the discovery of ESI.[1]

Commentary 1.3: Cooperation.

These Guidelines are premised on the belief that an attorney's zealous representation of a client is not compromised by conducting discovery in a cooperative manner. Constructive, mutually beneficial engagement with opposing counsel has the potential to reduce the costs of litigation and avoid delay, thereby facilitating the just, speedy, and inexpensive determination of cases. Cooperation in reasonably limiting ESI discovery requests, and in reasonably responding to those requests, may reduce litigation costs and delay. These Guidelines also acknowledge the particular importance of cooperative exchanges of information, including ESI, at all stages of the litigation process.

[1] *See* The Report of the Civil Rules Advisory Committee on the 2006 Amendments to the Federal Rules of Civil Procedure, available at: uscourts.gov/uscourts/RulesAndPolicies/rules/Reports/CV5-2005.pdf

Commentary 1.4: Standards of Reasonableness and Proportionality.

While a party's e-discovery responsibilities are not measured by a standard of perfection, the Federal Rules of Civil Procedure do require parties and their counsel to act in good faith and to undertake reasonable efforts to identify and to produce relevant and responsive, non-privileged ESI in the client's possession, custody, or control. This "reasonableness" standard is a defining characteristic of these Guidelines. The Federal Rules of Civil Procedure also seek to guard against redundant and disproportionate discovery. While proportionality factors must be weighed and tailored to the particular circumstances of each case and may require adjustment as the pretrial process progresses, counsel and parties are expected to cooperate in developing and then proposing a discovery plan that incorporates the proportionality principles in Fed. R. Civ. P. 26(b)(2)(C)(iii) and Fed. R. Civ. P. 26(g)(1)(B)(iii). To further the application of the proportionality standard, requests for production of ESI, and related responses and objections, should be reasonably targeted and as specific as practicable.

GUIDELINE 2

E-DISCOVERY REQUIRES COUNSEL AND THEIR CLIENTS TO BE PROACTIVE AND TO ADDRESS ESI IN A TIMELY AND THOUGHTFUL MANNER.

Commentary 2.1: Understand How Your Client Generates, Maintains, and Retains or Disposes of ESI.

Counsel should be knowledgeable about relevant ESI in their client's possession, custody, or control, including how such information is generated, maintained, retained, and disposed. Where litigation is reasonably anticipated or pending, counsel and parties should undertake reasonable efforts to determine whether discoverable information is likely to exist in backup, archival, or legacy data, and should be prepared to identify those sources or types of ESI that are not reasonably accessible because of undue burden or expense, pursuant to Fed. R. Civ. P. 26(b)(2)(B).

Commentary 2.2: A Party Must Take Reasonable Steps to Meet Its Preservation Obligations.

Generally, an individual or organization must take reasonable steps to identify and to preserve relevant data in its possession, custody, or control once litigation is pending or is reasonably anticipated. In determining the scope of a party's preservation obligation, factors to consider include, but are not limited to:

(a) the claims, defenses, and relevant facts in dispute;

(b) relevant time frames, geographic locations, and individuals;

(c) the types of data that may be relevant to the claims and defenses and the current repositories and custodians of that data;

(d) whether legacy, archived, or offline data sources are reasonably likely to contain relevant, non-duplicative information;

(e) whether there are third-party sources that have relevant information that falls within the preservation obligation and, if so, what actions should be taken to preserve that data;

(f) whether any automatic or routine document retention or destruction policies should be suspended or modified; and

(g) the circumstances and information known or reasonably available to counsel and the parties at the time the preservation efforts at issue are or were undertaken.

Parties and counsel should recognize that the scope of their preservation obligations may change as the case proceeds and the disputed issues, claims, and defenses come into sharper focus. Ultimately, a party's preservation efforts are measured by a standard of reasonableness.

Commentary 2.3: All Parties Should Address Preservation Issues in a Timely and Reasonable Manner.

Over-preservation of ESI has the potential to unreasonably increase the time and expense of litigation. Counsel are encouraged to confer with opposing counsel on the scope of preservation at the earliest possible time and in as much detail as possible. Preservation requests to an opposing party should be reasonably related to the actual or anticipated claims and defenses, and should provide the recipient with sufficient information to allow informed decisions about the scope of the preservation obligation (e.g., the relevant time period and identification of potential custodians of ESI and sources of ESI that are likely to contain relevant information). The presence or absence of a preservation request, however, does not alter a party's common law, statutory, regulatory, or other duty to preserve relevant information.

Commentary 2.4: Counsel Should Take Reasonable Steps to Prepare for the Fed. R. Civ. P. 26(f) Conference.

Rule 26(f) of the Federal Rules of Civil Procedure contemplates that parties and their counsel will participate in good faith in developing and submitting a discovery plan that is consistent with the claims and defenses in the action and the objectives underlying Fed. R. Civ. P. 1. In preparing for the Fed. R. Civ. P. 26(f) conference, counsel should understand, to the extent possible, the facts of the case and the objectives of discovery.

Commentary 2.5: Counsel Are Encouraged to Confer Regarding ESI at the Earliest Possible Stages of Litigation.

The Fed. R. Civ. P. 26(f) conference may be more efficient and productive if counsel confer in advance and have similar expectations as to the parameters of discovery and the extent to which ESI may impact the pretrial process. For example, counsel may be aware of certain types or sources of data in the opposing party's possession that will be relevant to the claims and defenses in the case. Neither side is disadvantaged by providing opposing counsel with that information in advance of the Fed. R. Civ. P. 26(f) conference. As another example, the Fed. R.

Civ. P. 26(f) conference typically takes place weeks, if not months, after the start of the litigation and long after a party's duty to preserve ESI was triggered. A litigation hold that was implemented in advance of litigation may be over- or under-inclusive in light of the factual allegations and claims actually asserted in the Complaint. Counsel should not wait until the Fed. R. Civ. P. 26(f) conference to confer regarding the scope of preservation in light of the particular needs of the case. As a further example, counsel may not want to wait to confer until the Fed. R. Civ. P. 26(f) conference regarding a preservation request received from an opposing party that the receiving party believes would entail unreasonable preservation steps. As described further in Commentary 2.2, good faith conferral and reasonable requests are expected.

GUIDELINE 3

COUNSEL AND PARTIES SHOULD APPROACH THE FED. R. CIV. P. 26(f) CONFERENCE AS A CRITICAL STEP IN THE E-DISCOVERY PROCESS.

Commentary 3.1: If Counsel Act Reasonably and in Good Faith, the Meet-and-Confer Process Should Result In a Scheduling Order That Reduces the Costs of E-Discovery and the Potential For Time-Consuming Disputes.

Although Fed. R. Civ. P. 26(f) identifies several topics for discussion, the overarching objective is to produce a scheduling order that reflects the claims and defenses actually at issue and discovery that is proportionate and reasonably tailored to the specific circumstances of the parties and the case. Counsel should recognize that, in cases involving complex facts or substantial amounts of ESI, multiple meet-and-confer sessions may be necessary before a discovery plan is submitted to the court, and that continuing dialogue may be helpful throughout the pretrial process as the parties become more familiar with the particular ESI challenges of their clients or the case.

Commentary 3.2: Counsel Should Make Reasonable Efforts to Reach Agreement on the Scope of Preservation Obligations.

Counsel should discuss the scope, sources, and types of ESI that have been and will be preserved in light of the claims and defenses in the case and other proportionality factors. Just as importantly, counsel should make reasonable efforts to reach agreement on those types and sources of ESI that are not subject to a preservation obligation or may be withdrawn from a litigation hold. The goal of these discussions should not be to extract some tactical advantage, but rather to clarify the scope of preservation and thereby minimize the potential for expensive and distracting motion practice. Any agreements regarding preservation should be incorporated in a proposed scheduling order, and any preservation disputes should be addressed at the Fed. R. Civ. P. 16 scheduling conference.

Commentary 3.3: Counsel Should Identify Likely Sources of Relevant ESI.

At the Fed. R. Civ. P. 26(f) conference, counsel should be prepared to identify likely sources of relevant ESI and provide basic information about their client's system architecture and protocols. In order to facilitate discovery and save costs for both sides, counsel should consider:

(a) the types of data in the parties' possession, custody, or control that may be relevant to the issues in dispute and whether discoverable ESI exists in non-traditional forms (e.g., text messages, social media, cloud-based ESI, etc.) or alternatively, whether a party expects to request such ESI;

(b) the estimated volume of relevant ESI in the parties' possession;

(c) current locations and custodians of relevant data;

(d) whether ESI stored in a database may be relevant and whether that data can be produced by querying the database and producing discoverable information in a report or an exportable electronic file; and

(e) whether "embedded data" and "metadata" will be requested or should be produced (e.g., are the metadata relevant to the case or otherwise helpful to make review more efficient and less costly).

The Meet-and-Confer Checklist provides further detail and subjects for discussion.

Commentary 3.4: Counsel Should Discuss Alternative Methods for Collecting, Filtering and Reviewing ESI.

The goal of all counsel should be to collect, review, and produce relevant and responsive non-privileged materials from a larger universe of ESI using reliable methodologies that provide a quality result at costs that are reasonable and proportionate to the litigation. A search methodology need not be perfect, or even the best available, but it should be reasonable under the circumstances. A reasonable methodology may include steps to reduce the volume of data by removing ESI that is duplicative, cumulative, or not reasonably likely to contain information within the scope of discovery. Among other things, counsel should consider:

(a) reaching agreement on the volume of discovery that will be collected and processed;

(b) reaching agreement on methods to de-duplicate the data collected prior to review;

(c) whether early case assessment tools and procedures can be used to focus the search or to assist in further refining a search protocol;

(d) reaching agreement on a reasonable set of search terms, if key word searching is the selected methodology;

(e) to what extent or under what circumstances the requesting party may propose additional search terms or seek to expand the scope of the review and production;

(f) the usefulness and applicability of technology-assisted review (e.g. predictive coding);

(g) what quality assurance procedures can be implemented to verify the accuracy of the chosen search parameters; and

(h) enlisting the assistance of a neutral or requesting the appointment of a master to assist the parties in developing a reasonable search methodology.

Cooperation and transparency at the beginning of the litigation may minimize motion practice and disputes about e-discovery.

Commentary 3.5: Counsel Should Discuss the Form or Forms In Which ESI Will Be Produced.

As a general proposition, ESI should be produced in the form or forms in which it is ordinarily maintained or in a reasonably usable form or forms. *See* Fed. R. Civ. P. 34(b)(2)(E)(ii). Form of production may depend on the type of ESI requested, whether a party timely requested a particular form of production, and whether the producing party objected to the requested form of production. Counsel should recognize, however, that different forms of production may be appropriate for different data sources and should be aware of the limitations inherent in each form of production (e.g., the inability to permanently affix or "burn in" Bates numbers to some native format files). To the extent a party is seeking metadata, counsel should discuss what metadata fields the producing party generally should be expected to provide (e.g., date, time, senders, receivers, etc.), and whether certain types or fields of metadata will be presumptively beyond the scope of discovery. Some production formats that counsel may consider include:

(a) native file format;

(b) single or multi-page static images (TIFF or PDF) images with Bates labels;

(c) static images, as referenced in Commentary 3.5(b) above, with an accompanying load file containing extracted metadata fields (e.g., Author, To, From, and CC);

(d) initial-page static images together with links to native files for spreadsheets;

(e) scanned images with optical character reader (OCR) files; and

(f) a format specific to the review application to be used by the reviewing party.

These examples are illustrative only. Reaching agreement on forms of production may reduce the costs for production and the potential for court-ordered re-production later in the discovery process.

Commentary 3.6: Counsel Should Be Prepared to Discuss Sources of ESI That Are "Not Reasonably Accessible" Under Fed. R. Civ. P. 26(b)(2)(B).

In general, the volume of and ability to search ESI means that most parties' discovery needs will be satisfied from reasonably accessible data. Counsel should attempt to determine whether responsive ESI is not reasonably accessible, i.e., information that is accessible only by incurring undue burdens or costs. Whether data are not reasonably accessible due to undue burden or cost will depend on the facts of the case and may include:

(a) "deleted," "slack," "fragmented," or "unallocated" data on hard drives;

(b) random access memory (RAM) or other ephemeral data;

(c) online access data such as temporary Internet files, history, cache, cookies, etc.;

(d) data in metadata fields that are frequently updated automatically, such as last-opened dates;

(e) backup data that are substantially duplicative of data that are more accessible elsewhere; and

(f) other forms of ESI, the preservation of which requires extraordinary affirmative measures and/or disproportionate cost to preserve.

If the requesting party intends to seek discovery of ESI from sources identified as not reasonably accessible, the parties should discuss the burdens and costs of accessing and retrieving the information, and conditions on obtaining and producing this information, such as scope, time, and allocation of cost.

Commentary 3.7: Counsel Should Discuss How the Timing of Discovery May Facilitate the Objectives of Fed. R. Civ. P. 1.

In complex cases or in cases involving substantial amounts of ESI, the cost of e-discovery can be prohibitive, particularly if that discovery encompasses more than the actual claims and defenses in the case. Counsel can achieve cost savings and efficiencies by phasing discovery so that, to the extent possible, discovery is sought first from sources most likely to contain relevant and discoverable information and at a reasonable cost. Counsel should also consider sampling as a way to control costs and to avoid unnecessary or duplicative discovery. Staged, phased, or sample-based discovery could also be combined with cost-shifting or cost-sharing agreements, particularly in the case of ESI production involving inaccessible sources pursuant to Fed. R. Civ. P. 26(b)(2)(B).

GUIDELINE 4

E-DISCOVERY IS AN ITERATIVE PROCESS THAT REQUIRES ONGOING DISCUSSION AND COOPERATION BETWEEN PARTIES AND COUNSEL THROUGHOUT THE PRETRIAL PROCESS.

Commentary 4.1: Parties May Reduce or Eliminate Motion Practice By Conducting Discovery in a Transparent and Cooperative Manner.

While counsel is expected to be an advocate for his or her client, a cooperative and transparent approach to discovery may achieve significant savings in time and money without any resulting harm to a party's litigation position. Counsel should not discount the strategic advantages that may be gained through disclosure to or agreement with the opposing party. A party who freely discloses information may avoid "discovery about discovery" or may be better positioned to argue that discovery costs should be shifted under Fed. R. Civ. P. 26(b)(2)(B) or 26(c), or that "circumstances make an award of expenses unjust" under Fed. R. Civ. P. 37(a)(5). Transparency, of course, does not require a party to divulge information that is otherwise protected by the attorney-client privilege or the work-product doctrine.

Commentary 4.2: E-Discovery Disputes, Whenever Possible, Should Be Resolved Through Informal Mechanisms, Such as Consultation Between the Parties, Enlisting the Assistance of Qualified Neutrals, or Informal Conferences with the Court.

While a party's e-discovery efforts should be reasonable under the circumstances and not held to a standard of perfection, discovery disputes may arise, particularly in cases involving substantial amounts of ESI. In most instances, informal dispute resolution is preferable to premature motion practice. For example, motions challenging a producing party's preferred search methodology may be premature before an adequate factual record has been developed. Such motions may turn on abstract arguments and "expert" testimony that does not materially advance the litigation or move the case toward a just and inexpensive determination. Even if informal dispute resolution measures are unsuccessful, they may narrow the range of disputes or clarify the record for subsequent motion practice, thereby saving the parties time and expense.

GUIDELINE 5

PRIVILEGE ISSUES SHOULD BE ADDRESSED EARLY IN THE LITIGATION TO AVOID UNNECESSARY DISPUTES AND EXPENSE.

Commentary 5.1: Privilege Logs Should Facilitate Discovery, Not Generate Additional Disputes.

The volume of ESI places increased pressure on counsel and their clients to identify and describe privileged material, and can substantially add to the cost of any privilege review. To control these escalating costs, counsel should attempt to reach agreement early in the litigation on what information will be provided for each document or category of documents included on

the privilege log. Counsel should confer in good faith in an effort to identify types of documents (e.g., e-mail strings, e-mail attachments, duplicates, or near-duplicates, communication between counsel and a client after litigation commences) that need not be logged on a document-by-document basis pursuant to Fed. R. Civ. P. 26(b)(5)(A) or at all, if the parties so agree. The end-result should be a more useful log for a narrowly defined range of documents, thereby minimizing the need for judicial intervention.

Commentary 5.2: Counsel Should Attempt to Agree on a Procedure to Address the Inadvertent Production of Privileged Materials and Work Product.

Counsel should attempt to agree on procedures governing the inadvertent disclosure of privileged or trial preparation materials. For example, the parties may enter into a "claw back" agreement providing that if privileged or protected materials are disclosed, the privilege or protection is not waived and the disclosed materials will be returned to the responding party. Alternately, the parties may agree to provide a "quick peek" whereby the responding party provides certain requested materials for initial examination without waiving any privilege or work product protection. Given the potential to compromise privileged or confidential information, counsel should obtain the client's fully informed consent before accepting a quick-peek agreement.

Commentary 5.3: The Parties Should Consider the Protections Afforded By Fed. R. Evid. 502.

Rule 502(b) of the Federal Rules of Evidence requires only that a party undertake "reasonable steps" to avoid disclosure of privileged information or work product. The parties should balance the cost to review voluminous ESI for privilege against the potentially harmful consequences of inadvertent disclosure. Counsel can reduce these costs and risks by agreeing to an appropriate privilege review process and memorializing that agreement in the proposed Scheduling Order pursuant to Fed. R. Evid. 502(d). Counsel also should consider agreeing (and memorializing in a court order) that:

(a) certain categories of materials are presumed not to be privileged and can be produced without a privilege review, subject to a non-waiver agreement;

(b) certain materials are presumed to be privileged and need not be included on a privilege log unless the requesting party shows good cause;

(c) some types of materials will be reviewed individually for privilege, while other categories may be reviewed through a sampling process; or

(d) privilege reviews may be conducted in stages, with some documents being produced and logged first, while other materials are produced or included on the privilege log at a later time or only if necessary.

ATTACHMENTS

- Meet-and-Confer Checklist

REFERENCE MATERIALS

The following reference materials are provided to assist counsel and parties in understanding and implementing these Guidelines and for persons who wish to learn more about e-discovery. The court does not adopt or take a substantive position as to these publications.

- Outlines and checklists:
    - The Sedona Conference® "Jumpstart Outline": Questions to Ask Your Client (Mar. 2011).
- Glossaries:
    - Craig Ball, Geek Speak – A Lawyer's Guide to the Language of Data Storage and Networking, http://www.craigball.com/GeekSpeak.pdf (2009);
    - Barbara J. Rothstein, Ronald J. Hedges, and Elizabeth C. Wiggins, Managing Discovery of Electronic Information: A Pocket Guide for Judges (2d ed.), Federal Judicial Center (2012), http://www.fjc.gov/public/pdf.nsf/lookup/eldscpkt2d_eb.pdf/$file/eldscpkt2d_eb.pdf (last visited Sep. 1, 2014); and
    - The Sedona Conference® Glossary: E-Discovery & Digital Information Management (4th ed.) (Apr. 2014).
- Further publications and commentary by The Sedona Conference®:
    - The Sedona Conference® Best Practices Commentary on the Use of Search and Information Retrieval Methods in E-Discovery (Dec. 2013);
    - The Sedona Conference® Cooperation Proclamation, (Jul. 2008);
    - The Sedona Conference® Cooperation Proclamation Guidance for Litigators & In-House Counsel (Mar. 2011); and
    - The Sedona Conference® Cooperation Proclamation: Resources for the Judiciary (Oct. 2012).

    The Sedona Conference publications cited in these Guidelines are available at: https://thesedonaconference.org/publications#ediscovery (last visited Sep. 1, 2014).
- Additional reference material:

- Craig Ball, Beyond Data about Data: The Litigator's Guide to Metadata (2011) http://www.craigball.com/metadataguide2011.pdf (last visited Sep. 1, 2014);

- The Electronic Discovery Reference Model (v3.0)(2014), available at http://www.edrm.net/resources/guides/edrm-framework-guides (last visited Sep. 1, 2014); and

- Anne Kershaw and Joe Howie, Judges' Guide to Cost-Effective E-Discovery with foreword by Hon. James C. Francis IV (2010) http://www.discoverypilot.com/sites/default/files/JUDGES%20GUIDE-fnl_PDF3v2.pdf.

The Committee would like to give recognition to the United States District Court for the Northern District of California and the Seventh Circuit Electronic Discovery Pilot Program Committee for their work in the area of e-discovery, which provided a foundation for the work done by this Committee.