



Privilege Log 101

E-Discovery Day

Presented by:

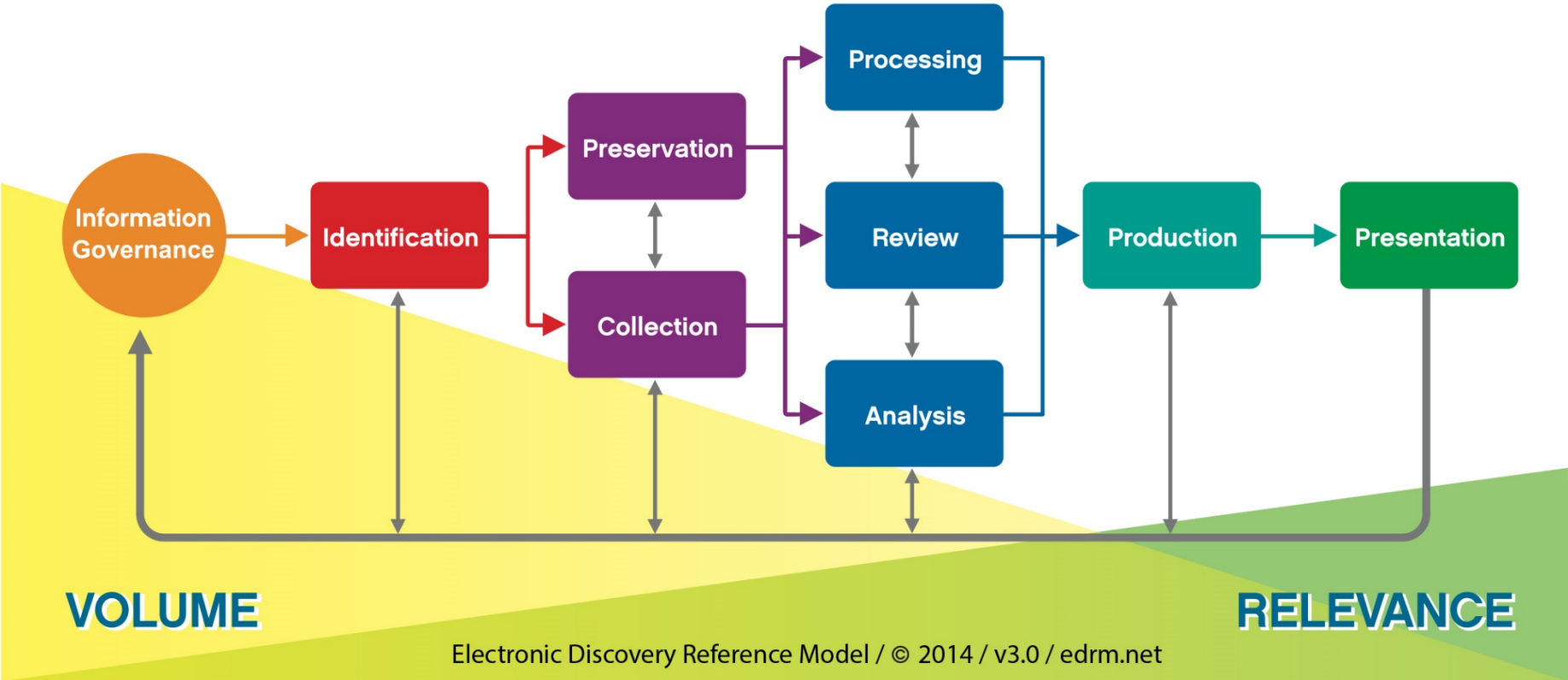
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Indiana University School of
Informatics and Computing

About the Presenter

- M.B.A., Finance, Kelley School of Business, Indiana University.
- J.D., McKinney School of Law, Indiana University; Adjunct Professor, Center for IP Law and Innovation.
- Admitted: Indiana, 1994; Supreme Court of the United States, 2012.
- Developed and teaches a full-semester online course in Electronic Discovery every Fall semester.
- Developed and teaches a full-semester online course in Information Governance in Fall semester.
- Developed and teaches courses on cybersecurity, entrepreneurship, litigation support, competitive intelligence, etc.
- Developed 5-course online certificate in legal informatics.

Electronic Discovery Reference Model



Electronic Discovery Reference Model / © 2014 / v3.0 / edrm.net

Electronic Discovery Reference Model (EDRM) and Privilege

- Privilege as part of Review step and prior to Production (hopefully).
- Note that as the volume of electronically stored information (ESI) is reduced, the relevance of that ESI increases.
- Note that Information Governance is the first step in the EDRM.
- Points to the need for working with clients to set up robust and comprehensive information governance programs.
 - A practice builder for law firms.
 - Will make the e-discovery process go more smoothly and reduce the risk of inadvertent production of privileged/confidential/proprietary materials.
 - Especially critical given the shortened timeframes for an e-discovery process under the 2015 amendment to the Federal Rules of Civil Procedure (FRCP).

Why Protect Privileged Information?

- Ethical duties under the Indiana Rules of Professional Conduct:
 - Rule 1.1 Competence. On July 31, 2017, the Indiana Supreme Court issued an order amending Comment [6] to Rule 1.1.
 - Effective January 1, 2018, Comment [6] to Rule 1.1 will state “To Maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with the technology relevant to the lawyer’s practice....”
 - Rule 1.6 Confidentiality and related Rules
 - Other Rules as applicable

Types of Privilege

- Attorney-client privilege.
- Attorney work-product.
- Trade secrets/proprietary information/software code.
- Other confidentiality doctrines, such as physician-patient, between spouses, minister/priest-parishioner.
- Other confidential information, including personally identifiable information (PII), such as social security numbers, driver's license information and personal health information (PHI).
- See specific legislation that requires this information to be redacted.
- Note the approved and effective methods for redaction.

Protecting Privilege

- According to Matthews, “[i]n order to assert privilege and avoid confidential communications from becoming public or part of a court case, an attorney is required to document all of these types of communications and keep a privilege log.” (David R. Matthews, *Electronically Stored Information: The Complete Guide to Management, Understanding, Acquisition, Storage, Search, and Retrieval*, 2nd ed. CRC Press, 2016, at 197).
- “Further, the attorneys are required to note in all such correspondence that the information contained therein is privileged.” (*Id.*)
- Matthews continues, “[t]hat privilege can be lost, however, if data are inadvertently produced through the error or oversight of an attorney or their staff.” (*Id.* at 198)

Protecting Privilege

- The attorney work-product doctrine “is basically the practice of ensuring that any of the work done by an attorney or his consultants or agents is protected from discovery in a court case.” (*Id.* at 199)
- As stated by Matthews, “[t]his can be hugely important for an attorney or anyone working for an attorney to understand because, again, the protection can be lost by mismanagement of the information.” (*Id.*)
- The author gives the example of a forensics examiner who as has been hired by the attorney.
- Mathews goes on to advise that “[a] big caveat for anyone working in this capacity is to understand that unless you are working as the attorney’s agent, this work product will not apply.” (*Id.*)

Protecting Privilege

- Matthews continues:
 - “Whether information is considered confidential, sensitive, or public only matters if someone is maintaining some type of classification of that data.” (*Id.* at 200)
 - Unless and until data are classified and that classification is documented, there is no way to give it the proper protection. (*Id.*)
- This is one powerful reason why all organizations should have robust and comprehensive information governance programs in place.

Protecting Privilege

- As indicated by Goldman, “[p]rivilege is not automatically invoked. The person claiming the privilege – usually the client – as the burden of establishing its existence by making a claim of privilege.” (Thomas F. Goldman, *Technology in the Law Office*, 4th ed. Pearson, 2016, at 345)
- Goldman continues, “[t]o claim a document as privileged requires the submission of a privilege log identifying the item and the reason for the privilege.” (*Id.*)
- The author discusses the wisdom of negotiating a claw-back or non-waiver agreement that allows a party to recover privileged or confidential material that is inadvertently disclosed to avoid waiving privilege or confidentiality as part of the Rule 16 discovery planning. (*Id.* at 347)

Privilege Review

- According to Goldman,
 - Privilege review is the process of reviewing a client’s documents to identify those that contain privileged or confidential information, or attorney work product. Protection against disclosure is provided in the federal rules, such as the Rule 26 protection for privileged matter and work product. (*Id.* at 432)
- Goldman continues, “[i]t is generally agreed that privilege review is the most costly phase of the discovery process.” (*Id.*)
- According to Goldman, “[a] privilege log is a list of documents claimed by the submitting party to contain material subject to a privilege or work product exclusion.” (*Id.* at 436)

Sample Privilege Log from *Technology in the Law Office*, 4th ed.

Exhibit 11.15 Privilege Log

<i>Public Records Request</i>		<i>Privilege Log</i>		<i>July 18, 2008</i>
<i>Date</i>	<i>Author</i>	<i>Recipient</i>	<i>Document Description</i>	<i>Privilege</i>
02/01/08	C. Fredeen. PDC Eng.	F. Bailey, GOV	6:59 am *E-mail re Request for Reappointment for Craig Fredeen to AELS Board	Deliberative Process/Executive
01/24/08	D. Ogg	F. Bailey, GOV	9:21 am *E-mail re Education	Deliberative Process/Executive
02/01/08	D. Ogg	F. Bailey, GOV	8:32 am *E-mail re Education	Deliberative Process/Executive
02/01/08	S. Leighow, GOV	F. Bailey, GOV	8:46 am *E-mail re Appointment of member to the state Board of Game	Deliberative Process/Executive
02/01/08	S. Parnell, GOV	S. Palin, GOV	7:41 am *E-mail re Andrew Halcro	Deliberative Process/Executive
02/01/08	S. Parnell, GOV	F. Bailey, GOV K. Perry, GOV T. Palin	8:22 am *E-mail re Andrew Halcro	Deliberative Process/Executive
02/01/08	S. Palin, GOV	F. Bailey, GOV K. Perry, GOV T. Palin	8:28 am *E-mail re Andrew Halcro	Deliberative Process/Executive
02/01/08	S. Palin, GOV	F. Bailey, GOV K. Perry, GOV T. Palin	8:30 am *E-mail re Andrew Halcro	Deliberative Process/Executive
02/01/08	I. Frye, GOV	S. Palin, GOV F. Bailey, GOV K. Perry, GOV T. Palin	8:42 am *E-mail re Andrew Halcro	Deliberative Process/Executive
02/01/08	S. Palin, GOV	I. Frye, GOV K. Perry, GOV F. Bailey, GOV T. Palin	10:10 am *E-mail re Andrew Halcro	Deliberative Process/Executive
02/01/08	I. Frye, GOV	S. Palin, GOV F. Bailey, GOV K. Perry, GOV T. Palin	10:23 am *E-mail re Andrew Halcro	Deliberative Process/Executive

Privilege Review

- According to Phillips and colleagues, a “second pass” review should be conducted for material that is considered to fall under attorney-client or work-product privileges.” Amelia Phillips, Rodney Godfrey, Christopher Steuart & Christine Brown, *E-Discovery: An Introduction to Digital Evidence*. Cengage, 2014, at 130)
- The authors “many problems can be avoided by documenting reasonable review processes and conducting sampling and quality assurance on results; in addition, a thorough understanding of the review tools and technology can help prevent common pitfalls.” (*Id.* at 130-131)
- They assert that “[u]sing personnel with vendor certification in review tools to conduct the review process can improve the producing party’s due diligence position if problems occur.” (*Id.*)

Privilege Review

- In describing the production phase of an e-discovery process, Phillips and colleagues state that “[a]fter all review and quality assurance steps have been completed, documents are produced to the requesting party in the agreed upon format.” (*Id.* at 131)
- They state that “[a] description of documents subject to redaction or withholding because of privilege or protection should be entered in a privilege log, and this log should be produced along with the remaining discovery.” (*Id.*)
- “In other words, the objective of a privilege log is to disclose information to the opposition so that it’s clear what has been specified as privileged and why.”

Privilege Log

- According to Phillips and colleagues, the following information should be included in the privilege log for each document:
 - Type of document
 - Author's name or other originator information
 - Names of recipients
 - Date
 - Title or description
 - Subject matter
 - The privilege being claimed (attorney work-product, attorney-client communication, protected, and so forth) (*Id.* at 132)

2015 Amendments – Federal Rules of Civil Procedure (FRCP)

- Proportionality in discovery is now part of the Rules.
- Amendment to Rule 26(b)(1) – Scope in General.
- Now it is the “obligation of the parties to consider these [proportionality] factors in making discovery requests, responses or objections.”
- According to the Committee Note to Rule 26, a party will not be able to simply make a “boilerplate objection that [discovery] is not proportional. The parties and court [will] have a collective responsibility to consider the proportionality of all discovery and consider it in resolving discovery disputes.”
- From Geraldine Soat Brown, *The Top Five Things to Know About the New Federal Discovery Rules*. The Circuit Rider, November 2015, pp. 10-12.

2015 Amendments – Federal Rules of Civil Procedure (FRCP)

- Improvements made to Rule 34(b)(2) regarding responses to document requests.
- A party objecting to a document request is required to state the objection with specificity (effective December 1, 2015).
- As indicated by Brown, “[r]equiring a party to state whether it is withholding any document based on its objection is another welcome change. Many disputes start because a responding party objected to a request and then said ‘Without waiving that objection, we agree to produce [certain documents].’” (*Id.* At 11)
- Revised Rule 34(b)(2)(C) requires the responding party to state whether any documents are withheld on the basis of an objection.
- Per Brown, “[u]nder the revised Rule, the requesting party will not have to guess whether there are unproduced documents.” (*Id.*)

2015 Amendments – Federal Rules of Civil Procedure (FRCP)

- Rule 37(e) has been completely rewritten to standardize sanctions for failure to preserve ESI.
- Based on concerns that the different standards being used by various courts resulted in spending excessive time and funds on preserving ESI to avoid sanctions.
- The revised will follow the less severe approach that had been used by the Seventh Circuit.
- Brown cautions that the revised rule will apply only to ESI. (*Id.* at 12).
- She also notes that the circuit courts may continue to follow their own standards regarding preservation of other types of evidence. (*Id.*)

2015 Amendments – Federal Rules of Civil Procedure (FRCP)

- Document request can be served 22 days after the complaint and summons are served, before any party has answered. (Revised Rule 26(d)(2))
- Intent is to speed up litigation. Note that amendments to other rules also shorten the timeframes for various activities in an e-discovery process.
- Rule 26 now expressly authorizes an option of shifting expenses as part of a protective order.
- Rule 26(c)(1)(B) now includes express authority to condition discovery through an order “specifying terms, including time and place or the allocation of expenses, for the disclosure of discovery.” (*Id.* at 12)

2015 Amendments – Federal Rules of Civil Procedure (FRCP)

- In conclusion, Brown states that “[l]awyers should review the entire package of amendments and use them so that federal civil litigation approaches the goal of Rule 1: the just, speedy, and inexpensive determination of every action and proceeding.” (*Id.*)
- Note the importance of some of the amendments to privilege and the creation of a privilege log:
 - Proportionality in responses and objections.
 - Specificity in objections to requests.
 - “Boilerplate objections” no longer allowed.
 - Shortened timeframes throughout the initial states of e-discovery.
 - Cost shifting authorized.
 - No need to “over-preserve” to avoid sanctions.

2015 Amendments – Federal Rules of Civil Procedure (FRCP)

- Other commentators have suggested that the 2015 amendments encourage the negotiation of claw-back agreements as part of the Rule 26 “meet and confer” conference as a safety net against waiving privilege. They also cite avoiding waiver under FRE 502.
- Also note Federal Rules of Evidence 502(b).
 - “According to FRE 502(b) the production of privileged information does not act as a waiver of the attorney-client privilege if the producing party proves the following: (1) The disclosure is advertent; (2) The privilege holder took reasonable steps to (a) prevent the disclosure and (b) rectify the error.” (Mike Hamilton, *Utilize FRE 502 to Protect Privileged Information from Waiver*. Exterro’s E-Discovery Breakdown, Sept. 27, 2012, <https://www.exterro.com/blog/utilize-fre-502-to-protect-privileged-information-from-waiver/>, accessed 11/17/17).

FRE 502(b)

- As stated by Hamilton, in most cases the court will consider five elements in assessing (1) and (2):
 - The reasonableness of precautions taken in view of the extent of document production
 - The number of inadvertent disclosures
 - The magnitude of the disclosure
 - Any measures taken to mitigate the damage of the disclosures
 - The overriding interests of justice
- He then analyzes the court's application of the five factors in *Inhalation Plastics, Inc. v. Medex Cardio-Pulmonary, Inc.* (S.D. Ohio Aug. 28, 2012).
- (See also Goldman, *supra*, at 348-349 and 434-435)

FRE 502(b) and 502(d)

- As he concludes,
 - A basis for the privilege claim must be stated within the notice “sufficiently detailed so as to enable the receiving party and the court to understand the basis for the claim and to determine whether waiver has occurred.” (*Id.* at 3)
 - In *Inhalation Plastics*, even though the defendant immediately notified the plaintiff of the inadvertent disclosure, the defendant did not provide a privilege log or any basis for the privilege, instead only offering “conclusory statements,” which the court deemed as inadequate. (*Id.*)
 - He advises lawyers to consider an FRE 502(d) agreement as a way to avoid waiver. (*Id.* at 4)


FRE 502(b) and 502(d)

- Hamilton continues,
 - To employ a 502(d) agreement, parties must agree to terms that limit and offer protection from the inadvertent waiver of privileged information and then submit those terms to the court.
 - The ideal time to come to this agreement is during the FRCP 26(f) meet and confers.
 - Next time, before your next meet and confer make sure to review FRE 502(d).
 - This very much underutilized rule not only minimizes risk of accidentally disclosing confidential, privileged information, but can also help reduce overall e-discovery costs on the back end.

Recent Cases Involving Privilege Logs

- *Irth Solutions, LLC v. Windstream Communications LLC* (S.D. Ohio Aug. 2, 2017). (Exterro; K&L Gates; Kroll Ontrack)
- *CP Salmon Corp. v. Pritzker*, ---F. Supp. 3d.---, No. 3:16-cv-00031-TMB, 2017 WL 744022 (D. Alaska Feb. 24, 2017). (K&L Gates)
- *Fairholme Funds, Inc. v. United States*, No. 13-456C, 2017 WL 4768385 (Fed. Cl. Oct. 23, 2017). (K&L Gates)
- *Harleysville Ins. Co. v. Holding Funeral Home, Inc.*, No. 1:15cv00057 (W.D. Va. Feb. 9, 2017). (K&L Gates; Kroll Ontrack)
- *Selective Ins. Co. of the Se. v. RLI Ins. Co.*, 5:12CV2126, 2017WL 1206036 (N.D. Ohio Mar. 31, 2017). (K&L Gates)
- *Morgan Hill Concerned Parents Ass'n v. Cal. Dep't of Educ.*, 2017 U.S. Dist. LEXIS 14983 (E.D. Cal. Feb. 1, 2017). (Kroll Ontrack)
- *Fischer v. Forrest* (S.D.N.Y. Feb. 28, 2017). (Exterro)

Creating a Privilege Log in CaseMap

- Creating a Privilege Log allows you to quickly print a report listing the document you have marked as privileged under attorney-client, attorney work-product or any privilege type you determine.
- You may also print a report listing those documents that are marked as not privileged.
- The Privilege Log Wizard is a pre-built report option on the Reports menu and is also available in DocPreviewer.
-  The wizard guides you through selecting the privilege types and document fields to include in the log, as well as choosing the order the documents display in the log.

Creating a Privilege Log in CaseMap

- You can use the default settings or customize the content of the report to suit your needs.
- Setting changes are automatically saved for the next time you run the report.
- When you are finished, the log is printed as a table in Microsoft® Word.
- If you have a subscription to DocPreviewer, the pre-built Privilege Log is also accessible in the Manage Documents pane.

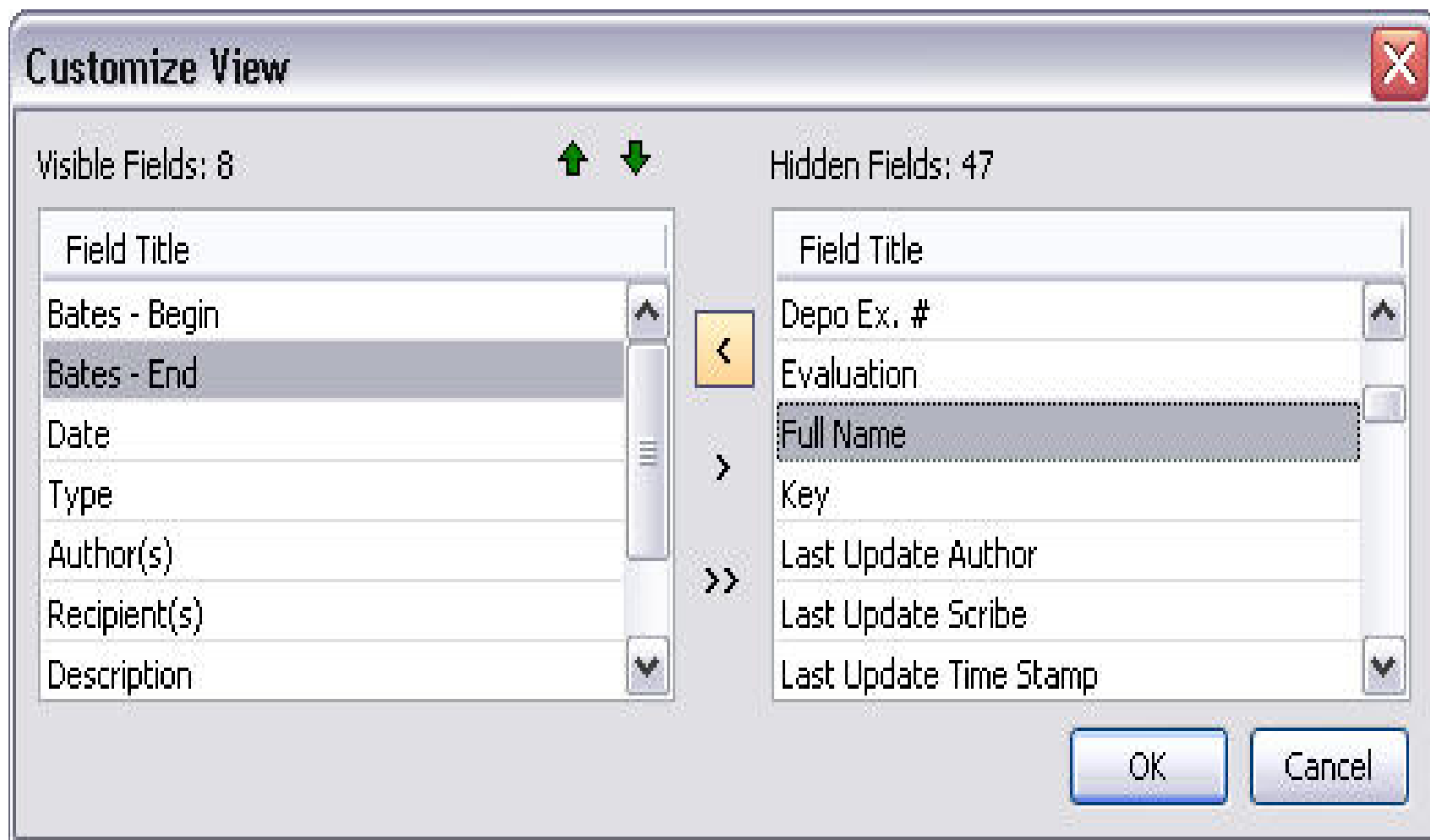
CaseMap Privilege Log

Case: Plaintiff vs. Defendant Atty
Created: 8/17/09 4:35:25 PM

Bates - Begin	Bates - End	Full Name	Date	Type	Author(s)	Recipient(s)	Description	Privilege
		CCL Employee Manual	12/??/1999				From Intake Interview	Atty Work Product
		Termination letter to Hawkins from LangW	02/11/05				From Intake Interview	Atty Work Product
		Letter from HawkinsP to LangW regarding being dismissed in sales meeting.	09/19/05				From Intake Interview	Atty Work Product
		Email from EmanuelJ to HawkinsP asking if I could come in for interview.	02/19/06 4:30 p.m.				From Intake Interview	Atty Work Product
		Email from HawkinsP to LangW accepting job at ABI.	12/27/02				From Intake Interview	Atty-Client
		Copy of my 2003 CCL Performance Review	02/??/04				From Intake Interview	Atty-Client
		Email from EmanuelJ to LawsonG asking if he would be interested in interviewing HawkinsP.	02/19/06 12:30 p.m.				From Intake Interview	Atty-Client
		Letter from EmanuelJ thanking HawkinsP for applying for job and letting me know they've decided to interview other	03/01/06				From Intake Interview	Atty-Client

To Print a Privilege Log in CaseMap

- On the **Reports** menu, click **Privilege Log Wizard**.
- When the wizard launches, click **Next**.
- In the **Privilege Types** box, select the check box for the privilege types you want to include in the log: **Atty Work Product**, **Atty-Client**, or **Atty-Client and Atty Work Product**.
- Click **Next** to continue.
- In the **Document Fields** dialog box, notice the default fields that are automatically included for use in the report.
- Click the **Customize** button to select additional fields and/or hide any pre-selected fields for the log, then click **OK**.



To Print a Privilege Log in CaseMap

- Click the Show Field or Hide Field buttons to add or remove fields in the Visible Fields listing.
- Use the Move Up and Move Down buttons to organize the viewing order for the report.
- Click **Next** to continue.
- In the **Sort Order** dialog box, click the **Modify** button to adjust the field sort order.

Modify Sort Order ✕

Sort By Ascending
 Descending

Then By Ascending
 Descending

Then By Ascending
 Descending

To Print a Privilege Log in CaseMap

- In the **Sort By** listing, select the primary sort field for the log order and then select its **Ascending/Descending** order.
- In the **Then By** listing, select the secondary sort field and its **Ascending/Descending** order.
- You have the option to add a third field sort option, if needed.
- Click **OK** to save the settings.
- Click **Next** to continue.
- Click **Finish** to print the report in Microsoft Word.
- Notice that all fields selected in the wizard print in the log and in the sort order you determined.
- You can now save the report as a Word file or PDF file, and save it in the network folder where you store reports.

FILE HOME REPORTS CASE TOOLS VIEW

Clipboard: Cut, Copy, Paste, New Document, New Record, More

Tools: Issue Linking, Review Linked Files, Research

Text Formatting: B, I, U, A

Symbols: Symbol, Sort & Filter, Find

Search	Recipient(s)	Description	Source of Doc	Linked Issues	Privilege	Review Status	Reviewed By	Linked File
	William Lang	Email Philip Hawkins wrote William Lang following their first meeting.	Hawkins Outlook Sent Folder	Wrongful Termination	Not Privileged	Reviewed	ParalegalDave	C:\Program... \P001232.pdf - (Acrobat)
	William Lang	Philip Hawkins complains about demotion and alleges William Lang	Hawkins Files	Hawkins Specific	Not Privileged	Reviewed	ParalegalDave	C:\Program... \P001233.pdf - (Acrobat)
	William Lang	Philip Hawkins complains to William Lang about sales processes.	Hawkins Files	Transfer	Not Privileged	In Review	ParalegalDave	C:\Program... \P001234.pdf - (Acrobat)
	Philip Hawkins	Letter Philip Hawkins was sent following Reduction in Force.	Thomas Files	Wrongful Termination, Pattern & Practice	Not Privileged	Reviewed	ParalegalDave	C:\Program... \P001235.pdf - (Acrobat)
	Carol Sanders	Redacted. Letter from William Lang to his employment counsel re RIF	Lang Files	Damages	Atty-Client	In Review	AttorneyChris	
	Anstar Biotech, Industries Staff		Lang Files	Wrongful Termination, Transfer			AttorneyChris	C:\P... \HTMLDoc.htm - (Windows Files)
	George Regan		Henkle Files	Wrongful Termination, Transfer				
	George Regan	Frank Varvaro alerts accounting firm to possible fake invoices arranged	Hawkins Outlook Sent Folder	Wrongful Termination, Hawkins Specific				
		Draft agreement prepared in conjunction with Philip Hawkins	Hawkins Files	Wrongful Termination, Retaliation	Not Privileged	Reviewed	ParalegalDave	C:\Program ... \PDFDoc.pdf - (Acrobat)
	Philip Hawkins, Karen Thomas	Philip Hawkins receives highest ranking.	Thomas Files	Demotion, Lost Wages	Not Privileged	In Review	ParalegalDave	C:\Prog... \JPGFile.jpg - (Windows Files)
	William Lang		Hawkins Outlook Sent Folder	Age Discrimination				C:\Program... \P001401.pdf - (Acrobat)

Note: On the objects list, you can indicate what documents are privileged, but you would need to use a discovery platform to redact them.

Ipro Eclipse

The screenshot shows the Ipro Eclipse website. At the top, there is a navigation bar with the Ipro logo on the left and menu items: "What We Offer", "Partner Program", "Resources", "About Ipro", and a red "Request a Demo" button. Below the navigation is a dark hero section with three columns of text:

- reviewing logical clusters in the same batch.
- and organizations to achieve better reviews faster.
- litigation platform for any type of organization, of any size.

Below the hero section is a table titled "Key Features" comparing features to the "Eclipse" product. The table has two columns: "Key Features" and "Eclipse".

Key Features	Eclipse
Full analytics capabilities such as email threading, conceptual clustering, categorization, and near-duplicate identification come at no additional cost	✓
Administrators can customize workflows for each level of document review	✓
Maintain visibility and oversight over the entire document review process using powerful reports	✓
Prevent accidental production of privileged documents using Production Shield	✓
Ipro's Enterprise Workers deliver high-speed distributed production and exports	✓
Customizable layouts, including dual monitor support, allow reviewers to work how they feel comfortable	✓
Ipro makes early case assessment, analytical review, and full litigation processing easy with seamless integration between Eclipse and eCapture	✓

At the bottom of the page is a blue footer bar with icons and text for "SALES", "COMMUNITY", "MYIPRO", "SUPPORT", "CONTACT US", and "SUBSCRIBE". Below this bar, the Ipro logo and address "Ipro Tech, LLC, 1700 N. Desert Drive" are visible on the left, and "Connect with Ipro:" is on the right.

Include: Search

Case View

Case Details Dashboard

Documents

- + Create Rebuild All
- All Documents
 - Analytics
 - Confidentiality
 - Custodians
 - Document Type
 - File Type
 - Hot Document
 - Privileged
 - Responsive Keyword Terms
 - Responsiveness
- Document Subset
 - Responsive Terms within 2003-2004
 - Steve Pritchett - Email Authors
 - Steve Pritchett - Responsive Terms
 - <Blank>
 - China w/2 bank
 - China w/2 bank/Risk Management
 - Contaminat*
 - Earthquak*
 - Earthquak*/Risk Management
 - Fracking/Hydraulic Fracturing/Cont
 - Fracking/Hydraulic Fracturing/Cont
 - Hydraulic Fracturing/In-situ/Cont
- Batches
- Advanced Search
- Analytics
- Reports
- Case Administration

Documents

<< DOCUMENTS: All Documents | actions

	BEGDOC	BEGATT	CUSTODIAN	Email From	Email To
<input type="checkbox"/>				Leon Howell; leon.howell@intechassoc.com; intechassoc.com	Bridget Andrews; Lila G Morgan Brewster; bandrews@globex.co lila.garner@intechass mbrewster@globex.co globex.com; intechass
<input type="checkbox"/>				Amos Land; amos.land@virtucon.com; virtucon.com	Bridget Andrews; bandrews@globex.co
<input type="checkbox"/>				Caden Finch; caden.finch@canninglawgroup.com; canninglawgroup.com	Alicia Nunez; Bridget / Escalation; Reginald W alicia.nunez@canningl bandrews@globex.co Escalation@globex.co woodward@globex.co canninglawgroup.com
<input type="checkbox"/>				Shelly Floyd; sfloyd@globex.com; globex.com	Bridget Andrews; Com Sheila McCann; bandrews@globex.co constance.poe@cglaw smccann@globex.com cglawfirm.com
<input type="checkbox"/>				Raymond Herrera; raymond.herrera@canninglawgroup.com; canninglawgroup.com	Bridget Andrews; Mari Abrahams; Rodney Go bandrews@globex.co mabrahams@globex.c rodney.goss@canning globex.com; canningla
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>				Bonnie Casillas; bcasillas@globex.com; globex.com	Debbie Dutton; Jonath Marcella Darnell; Prod debbie.dutton@comp jhurd@globex.com; mdarnell@globex.com ProductReview@glob comptonlondonfirm.c
<input type="checkbox"/>				Maria Moreno; mariamoreno@barlettsharding.com; barlettsharding.com	Bridget Andrews; bandrews@globex.co

RELATIONSHIPS

Tags

- Document Tags
- Responsiveness
 - Required, Exclusion
 - Further Review
 - Not Responsive
 - Responsive
 - Technical Defect
 - Privileged
 - Required, Exclusion, Tag Family
 - No
 - Yes
 - Confidentiality
 - Exclusion, Linked
 - ATTY EYES ONLY
 - CONFIDENTIAL
 - HIGHLY CONFIDENTIAL
 - NOT CONFIDENTIAL
 - Hot Document
 - Yes
 - ISSUES
 - Agreements
 - Employment
 - Lease
 - California
 - New York
 - Texas
 - Compliance
 - Financials
 - Information Governance
 - Employment Dispute
 - Internal Litigation Matters
 - Property Management
 - Pending Construction
 - Regulatory
 - Private Tags

Document Details

Document Details

To: Lila Garner[lila.garner@intechassoc.com]; Bridget Andrews[bandrews@globex.com]; Morgan Brewster[mbrewster@globex.com]
 Cc: Rachael Devesa[rachael.devesa@globex.com]; Herman Proctor[herman.proctor@intechassoc.com]
 From: Leon Howell
 Sent: Thur 10/23/2003 7:05:51 PM
 Importance: Normal
 Subject: RE: Use of the symbol
 MAIL_RECEIVED: Thur 10/23/2003 7:05:52 PM

AL

REDACTED

Trademark tool is a pejorative term for any entity that attempts to register a trademark without intending to use them and who then threatens to sue others who use that mark.

-Leon Howell
 Leon Howell
 Intech Associates

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ATTORNEY CLIENT COMMUNICATION

GLO_00000001 1 of 3

Native Viewer Image Production Extracted Text Transcript

1 of 42540

Other Technology Can Assist with Protecting Privilege

- Predictive coding
- Technology-Assisted Review (TAR)
- Predictive coding system developed by Dhyvia Soundarajan, graduate student, working with Professor Sara Anne Hook, includes option for searching for and designating documents as protected.
- As stated by Phillips and colleagues, “[m]ost review platforms can be configured to generate reports automatically that contain most of this information; however, some elements may be time consuming to track.” (Phillips, *supra*, at 132.)
- The authors give as an example the difficulty of tracking email threads when the topic changes mid-thread or parties in the communication change. (*Id.*)

SMART PREDICTION

SEARCH

BY NAME

BY DATE

BY CASE TYPE

MOST FREQUENT

BY YEAR

MY STATE

REFRESH

DOCUMENTS

NOT PROTECTED/
PROTECTED

Not Protected

Relevancy

File 1

File 2

File 3

File 4

File 5

File 6

File 7

File 8

DOWNLOAD

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