E-Discovery Inventory and Request Checklist

The tasks outlined below are not meant to constitute a "must do" list for e-discovery. Rather, they are reminders to consider when devising or responding to data-inventory obligations and discovery requests. You will notice that this checklist contains a few redundancies, which are included only for completeness and clarity.

Inventory	Request	Networks:
☐	☐	Which networks (domains)
☐	☐	Names (if any) given to servers, their makes, models, and serial numbers
☐	☐	Aggregate amount of data to inventory
☐	☐	Aggregate amount of data to collect
☐	☐	Number and kinds of servers
☐	☐	Database servers
☐	☐	File servers
☐	☐	File share folders
☐	☐	Email servers
☐	☐	Password-protected data
☐	☐	Encrypted data
☐	☐	Relevant time period for data
☐	☐	How data inventoried and collected (e.g., imaging, storage media used)
☐	☐	Geographic and physical locations of servers

Inventory	Request	Individual PCs, workstations, laptops, home computers:
☐	☐	Geographic and physical locations of owned/used devices
☐	☐	Make, model, and serial numbers of owned/used devices
☐	☐	Custodian(s) of computers, devices
☐	☐	Operating system (e.g., Windows NT, Windows XP Pro, Mac OS X, Linux)
☐	☐	Software applications (e.g., Microsoft Office Suite, Adobe Acrobat, Lotus Notes)
☐	☐	Password-protected data
☐	☐	Encrypted data
☐	☐	Relevant time period for data
☐	☐	How are the devices backed up, and how often?
☐	☐	Files with viruses
☐	☐	Listings of directories, including file folders, files, hidden files
☐	☐	Computer forensics needed?
☐	☐	Compressed files (e.g., .zip, .rar)

Inventory	Request	Storage devices:
☐	☐	Hard drives (including SAN and NAS drives), makes, models, serial #s
☐	☐	CD and/or DVD drives
☐	☐	USB "thumb" drives
☐	☐	iPods
☐	☐	floppy disk drives
☐	☐	JAZ drives
☐	☐	PDAs ("Personal Data Assistants," e.g.,Treo, Blackberry, Palm Pilot, handheld "pocket PCs")
☐	☐	Compact flash memory cards (e.g., SF, CD, SD Memorystick)
☐	☐	Backup and archival tapes (e.g., DLS, DAT)
☐	☐	External hard drives

Inventory	Request	Protocols, strategies:
☐	☐	Computer forensics: imaging storage media; undeleting deleted files
☐	☐	Anti-spoliation measures
☐	☐	Litigation hold; Litigation Preparedness Plan; retention policies
☐	☐	Data sampling (e.g., limited number of witnesses, time frames, document types; Robocopy, xxcopy)
☐	☐	De-duplication using MD5 hash values; Access de-duping
☐	☐	Special Master or court-appointed expert

Inventory	Request	Production of data per Rule 26(a) disclosure requirements or in response to discovery requests:
☐	☐	Discovery Plan (FRCP 26(f), 16(b), Form 35)
☐	☐	Search terms and strategies (e.g., Boolean, content searches, dtSearch)
☐	☐	Production file format (e.g., "native" or in PDF, TIFF or HTML; paper)
☐	☐	Production media (e.g., on hard drives, DVDs or CDs; ftp to Web-hosted production folder)
☐	☐	"Clawback" agreement to deal with privileged documents inadvertently produced (FRCP 26(f); Form 35)

Inventory	Request	
☐	☐	Emails with viruses

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<tr><th>Inventory</th><th>Request</th><th>People:</th></tr>
<tr><td>☐</td><td>☐</td><td>Key witnesses, titles, job description</td></tr>
<tr><td>☐</td><td>☐</td><td>Which computers, other devices with ESI owned/used?</td></tr>
<tr><td>☐</td><td>☐</td><td>Geographic and physical locations of owned/used devices</td></tr>
<tr><td>☐</td><td>☐</td><td>Make, model, and serial numbers of owned/used devices</td></tr>
<tr><td>☐</td><td>☐</td><td>Custodian(s) of computers, devices</td></tr>
<tr><td>☐</td><td>☐</td><td>Relevant time period for data</td></tr>
<tr><td>☐</td><td>☐</td><td>How data inventoried and collected (e.g., imaging, storage media used)</td></tr>
<tr><td>☐</td><td>☐</td><td>Who inventories and collects data?</td></tr>
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<tr><th>Inventory</th><th>Request</th><th>IT (Information Technology) Department:</th></tr>
<tr><td>☐</td><td>☐</td><td>Y2K Plan</td></tr>
<tr><td>☐</td><td>☐</td><td>Disaster Recovery Plan</td></tr>
<tr><td>☐</td><td>☐</td><td>Hardware/software inventories (e.g., license compliance; Internet and file activity/usage)</td></tr>
<tr><td>☐</td><td>☐</td><td>Backup software and storage media</td></tr>
<tr><td>☐</td><td>☐</td><td>Backup procedures and protocols</td></tr>
<tr><td>☐</td><td>☐</td><td>Number and educational background of IT personnel; certifications</td></tr>
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<tr><th>Inventory</th><th>Request</th><th>Email:</th></tr>
<tr><td>☐</td><td>☐</td><td>Outlook/Exchange email: Outlook pst, ost and msg files; Exchange .edb database</td></tr>
<tr><td>☐</td><td>☐</td><td>Exchange public folders</td></tr>
<tr><td>☐</td><td>☐</td><td>Inbox, Outbox, Deleted Items, Sent Items, Calendar, Contacts, Notes, Tasks, and other Outlook/Exchange folders</td></tr>
<tr><td>☐</td><td>☐</td><td>"Private" email accounts (e.g., America Online AOL Mail, Yahoo Mail, Microsoft Hotmail, Google gmail, ccMail)</td></tr>
<tr><td>☐</td><td>☐</td><td>Other email systems (e.g., Groupwise, Lotus Notes/Domino, Eudora, Pegasus, Outlook Express)</td></tr>
<tr><td>☐</td><td>☐</td><td>Password-protected emails</td></tr>
<tr><td>☐</td><td>☐</td><td>Encrypted emails</td></tr>
<tr><td>☐</td><td>☐</td><td>Emails with viruses</td></tr>
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<tr><th>Inventory</th><th>Request</th><th>Other ESI source devices:</th></tr>
<tr><td>☐</td><td>☐</td><td>Digital cameras</td></tr>
<tr><td>☐</td><td>☐</td><td>GPS units</td></tr>
<tr><td>☐</td><td>☐</td><td>Cell phones</td></tr>
<tr><td>☐</td><td>☐</td><td>Retired (out-of-service) hardware</td></tr>
<tr><td>☐</td><td>☐</td><td>Surveillance cameras</td></tr>
<tr><td>☐</td><td>☐</td><td>Telephone records</td></tr>
<tr><td>☐</td><td>☐</td><td>Bank records</td></tr>
<tr><td>☐</td><td>☐</td><td>Credit card transactions</td></tr>
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<tr><th>Inventory</th><th>Request</th><th>Other data types:</th></tr>
<tr><td>☐</td><td>☐</td><td>Voice mail</td></tr>
<tr><td>☐</td><td>☐</td><td>Videos (e.g., .avi [Microsoft], .wmv [Microsoft], .mov [QuickTime], .swf [Flash])</td></tr>
<tr><td>☐</td><td>☐</td><td>Sound files (e.g., .wav, .mp3, .au)</td></tr>
<tr><td>☐</td><td>☐</td><td>Photos and graphics files (e.g., .gif, .tif, .bmp, .jpg, .ai, .png)</td></tr>
<tr><td>☐</td><td>☐</td><td>Deleted data</td></tr>
<tr><td>☐</td><td>☐</td><td>Outsourced data</td></tr>
<tr><td>☐</td><td>☐</td><td>File metadata</td></tr>
<tr><td>☐</td><td>☐</td><td>Log and user history files</td></tr>
<tr><td>☐</td><td>☐</td><td>Websites (e.g., My Space, parties' Web pages)</td></tr>
<tr><td>☐</td><td>☐</td><td>"Old" websites preserved by the "WayBack Machine" (www.archive.org)</td></tr>
<tr><td>☐</td><td>☐</td><td>SEC filings (Edgar)</td></tr>
<tr><td>☐</td><td>☐</td><td>Court filings (Pacer)</td></tr>
<tr><td>☐</td><td>☐</td><td>Temporary Internet and OS-generated files (e.g., history, caches, index.dat file)</td></tr>
<tr><td>☐</td><td>☐</td><td>Instant messaging</td></tr>
<tr><td>☐</td><td>☐</td><td>Legacy data (e.g., old Wang tapes)</td></tr>
<tr><td>☐</td><td>☐</td><td>Faxes sent/received electronically</td></tr>
<tr><td>☐</td><td>☐</td><td>Internet storage sites (e.g., Xdrive.com, Google Docs and Spreadsheets)</td></tr>
<tr><td>☐</td><td>☐</td><td>E-commerce data</td></tr>
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