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Today's boutique law firms handle an increasing share of complex and document-intensive cases. But, as boutique firms want to run "lean and mean," they often lack the committed software infrastructure or personnel overhead that larger law firms support. This checklist addresses several ways attorneys practicing at boutique firms can leverage eDiscovery technology, tools, and techniques to avoid being "out-gunned" by larger firms.

-  **Identify key custodians early.** Identify your custodians holding electronically stored information (ESI) early in the case. Also research the likely custodians of adverse and third parties. Issue holds to all parties with potentially relevant ESI.
-  **Data map your ESI.** Research communications technology used by your custodians, as well as any adverse and third party custodians. Map all data repositories to determine where key ESI is located.
-  **Use ESI orders/protocols and Rule 26 meet-and-confers to your advantage.** A well-drafted ESI order or protocol can simplify eDiscovery issues and help determine that you are getting the evidence you need to prove or defend your claims. Rule 26 Meet and Confers can do the same.
-  **Consider text messages and other non-email communications.** Custodian messaging is shifting beyond email to text messaging, commercial and consumer messaging apps, and social media applications. Important case evidence can now reside in these data repositories. Be sure to adequately identify, collect, process, and add to your review platform.
-  **Get native versions of documents.** Native files often contain key metadata or other evidence. This evidence can be obscured or lost if not reviewed. If important, be sure to request native versions in requests for production, ESI Orders/protocols, and Rule 26 conferences.
-  **Defensibly reduce data after collection.** Use early case/data analysis (ECA or EDA) tools to quickly and cost-effectively remove non-responsive ESI from the review set. These tools include deNISTing, deduping, and keyword and date culling.
-  **Match review protocol to case.** There are multiple staffing and technology options for document review. You should match the review protocol with the case size, complexity, time allowed for review, and internal and external staffing expertise and resources.
-  **Consider cloud-based software.** Document review software can be expensive to license and maintain, with the throughput capacity needed to handle a large scale review and production. Cloud-based eDiscovery and document management software will be a good option for many boutique law firms.
-  **Supplement internal staff as needed.** Some cases may require outside expert resources. This may include eDiscovery Specialists for project management and eDiscovery support, contract review attorneys, and/or freelance paralegals.

-  **Use predictive coding.** Predictive coding, also referred to as technology-assisted review or TAR, allows a senior reviewer to code and test a "seed set" (i.e., a representative sample set of coded documents). That subset informs a machine learning algorithm, which does the rest.
-  **Consider managed review if issue coding is needed.** Some cases require issue coding of documents and a linear review. Managed review providers can staff trained contract review attorneys and project managers to handle what you cannot internally.
-  **Check search capability.** Search capacity is critical and includes speed and accuracy. Speed features include how fast the search index is built after the initial upload/ingestion of ESI and later incremental updates. Is the index update automatic or does it require administrator or vendor action? Does the search index include native extraction, OCR'd images, metadata, and foreign translations for completeness?
-  **Know some key statistical concepts.** For both TAR and search-based review, understand the concepts of precision and recall, and related statistical measures.
-  **Use email threading.** Modern eDiscovery Software allows email to be viewed in related threads for speed of review and coding.
-  **Use near duplication as needed.** NearDup grouping technology groups similar documents based on text. This can assist with catching inconsistent privilege coding of like documents, finding related Hot Docs, matching native and scanned documents, and accelerating responsiveness coding.
-  **Know how to find holes in productions.** It's easy to assume that because a production is large that it's also complete. But custodian data repositories can be missed and this can result in gaps or holes in what is reviewed and produced. Statistical and graphical views of the data can make these holes/gaps apparent.
-  **Develop a strategy for foreign language documents.** Increasingly commercial cases can involve non-English speaking custodians and documents. If this is a factor, consider how non-English documents will be managed. Options include human translation, foreign-language reviewers, and auto-translation technology.
-  **Determine how large productions will be delivered.** Large productions can take a long time to copy and transfer on drives and that time should be built into a production schedule. It's common now for productions to be delivered electronically by secure, encrypted web or FTP links, as well as traditional hard disk drives.
-  **Fact and issues timelining.** Document intensive cases can result in voluminous electronic evidence. This should be organized in dynamic fact and issues timelines to assure that the evidence is available, when needed, for depositions, hearings, dispositive motions and hearings, and trial. The timelines should link to electronic versions of the documents or transcripts supporting the case facts well as traditional hard disk drives.