



December 9, 2009

## "E-Discovery Highlights from Fulbright & Jaworski's 6th Annual Litigation Trends Survey Report"

The report is extensive, but I have extracted the key points regarding e-discovery below with my comments, which will hopefully give you useful information even if you don't have time to read the full report. The report itself may be downloaded at <http://www.fulbright.com/litigationtrends29>

- 77% of the more than 400 corporate respondents thought that the use of full pre-trial disclosure should be reconsidered to make the process more affordable and efficient in the U.S. (that was a no-brainer)
- 26% reported that they were now using law firms with specialized e-discovery practices (this should be a wake up call for law firms that don't have such practices)
- 24% are outsourcing some e-discovery functions through preferred provider relationships or master service agreements (curiously, no one has ever asked us to do either, in spite of the fact that we deal with many large firms)
- 48% are in-sourcing some e-discovery activities (and this is both wise and dangerous savings may be substantial, but the law firm has a vested interest in the results and can they get employees of the same caliber as the private vendors? I tend to think that EDD processing and coding may safely be brought in-house, but I seriously doubt that this is practical for computer forensics and I have doubts with respect to law firms harvesting, searching and analyzing active ESI)
- 42% are doing some blocking of social networking sites (this will almost certainly go up given the time-sucking factor of these sites)
- 4% of respondents have been required to produce social networking ESI as part of e-discovery (note: that percentage is 18% in the U.K. and I predict the U.S. percentage will soar).
- 9% are using "off-shore" document reviewers (this is up from 4% the previous year - I am still seeing a lot of reluctance to go off-shore).

There you have it - a concise snapshot of e-discovery portion of the report with my comments.

### **ABOUT SENSEI ENTERPRISES, INC.**

Sensei Enterprises, Inc. is a nationally known boutique computer forensics firm based in Fairfax, Virginia. Sensei combines legal expertise with high-level technical certifications to serve the technology needs of the legal and corporate communities. Our forensic technologists are all veteran testifying experts, and our pricing estimator helps clients budget for e-discovery costs.

Sensei's principals are the co-authors of *The Electronic Evidence Handbook* (2006, ABA) as well as *The 2009 Solo and Small Firm Legal Technology Guide* (2009, ABA) and speak and present on electronic evidence and law practice management topics throughout the U.S. and Canada. To learn more, please visit <http://www.senseient.com> or call Michael Maschke, Sensei's Director of Computer Forensics, at 703-359-0700.

---

© 2009 SENSEI ENTERPRISES, INC. 3975 UNIVERSITY DRIVE, SUITE 225, FAIRFAX, VIRGINIA, 22030

[Forward email](#)

✉ **SafeUnsubscribe®**

This email was sent to [cwagner@senseient.com](mailto:cwagner@senseient.com) by [sensei@senseient.com](mailto:sensei@senseient.com).  
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Email Marketing by

