The Sedona Conference Commentary
on Achieving Quality in the E-Discovery Process
(2013 Edition)

The legal profession has passed a crossroad. There is no longer a choice between continuing to conduct discovery as it had been practiced in the paper world—before the advent of computers, the Internet, and the exponential growth of electronically stored information (ESI)—or embracing new ways of thinking in today's digital world. Cost-conscious clients and over-burdened judges now demand that parties and their counsel undertake new approaches to solving litigation problems. The central aim of the present Commentary is to raise awareness about a variety of processes, tools, techniques, methods, and metrics that fall broadly under the umbrella term "quality measures," and that may be of assistance in taming the ESI beast during the various phases of the eDiscovery process. These include greater use of project management, advanced technologies, sampling, and other means to streamline eDiscovery efforts and to verify the accuracy of what constitutes the "output" of such efforts. These collective measures, drawn from a wide variety of scientific and management disciplines, are intended only as an entry-point for further discussion, rather than an all-inclusive checklist or cookie-cutter solution to all eDiscovery issues.

Principle 1. In cases involving ESI of significant scope and complexity, the attorney in charge should utilize project management tools and exercise sufficient leadership to ensure that his or her legal team follows a reasonable process to identify potentially responsive material.

Principle 2. Parties should employ reasonable forms or measures of quality at appropriate points in the e-discovery process, consistent with the needs of the case and practitioners' legal and ethical responsibilities.

Principle 3. A thoughtful and well planned e-discovery "process" should enhance the overall quality of the production in the form of: (a) reducing the time from request to response; (b) reducing cost and burden; and (c) improving the accuracy and completeness of responses to requests.

Principle 4. Cooperation and greater transparency among parties can be key ingredients to improving quality in e-discovery. Parties should confer early in discovery, including, where appropriate, exchanging information on any quality measures that may be applied.

The full text of
The Sedona Conference Commentary on Achieving Quality in the E-Discovery Process
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