



E-DISCOVERY QUIZ

ANSWERS (See quiz on page 13)

1

False. ESI is now an issue for all companies in a variety of circumstances and for myriad purposes ranging from regulatory compliance, M&A, and investigations.

2

False. You should not assume your client and the IT department understand the legal obligations around ESI. It is important that you and your client become educated about ESI, and that your client's IT department understands the various legal obligations.

3

True. Counsel can offer tremendous value to their clients by raising the issues outside and before the context of a particular legal requirement. It is important for companies to create cross-functional response teams with representatives from legal departments, IT departments, outside counsel and a service provider. An open dialogue among these parties will put your client in the best position to respond when the need arises.

4

False (usually). Unless the company had installed security software with the express purpose of tracking data transfer between the laptop and external devices, the most common data that could be uncovered using standard forensic analysis procedures is that which indicates whether or not an external hard drive had been connected.