

# Judge Seventh Circuit Electronic Discovery Pilot Program

This is a survey about the Seventh Circuit's Electronic Discovery Pilot Program ("Pilot Program"). You are invited to participate because you are a judge presiding over one or more Pilot Program cases applying the Seventh Circuit's Principles Relating to Discovery of Electronically Stored Information ("Principles"). By answering this survey, you can provide valuable feedback on those procedures. Please complete the survey by Monday, March 1, 2010.

In this survey, we have taken care not to collect any information that could personally identify you or your Pilot Program cases. In addition, your individual answers will be kept strictly confidential. The results of the survey will be presented only in summary form (e.g., group averages). Participation is voluntary, but we encourage you to assist us in the Pilot Program. It is estimated that this survey will take less than 10 minutes to complete.

Your Pilot Program cases were identified to you in the email containing the survey link. To protect your identity, we will not ask you to specify those cases in the survey. However, please consider those cases when evaluating the efficacy of the Principles.

By clicking "Next Page", you agree to participate in the survey.

*In this survey, any discovery seeking information in electronic format will be referred to as "e-discovery". Electronically stored information will be referred to as "ESI".*

1) NOT INCLUDING your Pilot Program cases, how many of your cases in the last five years involved e-discovery issues?

- m 0 cases
- m 1-2 cases
- m 3-5 cases
- m 6-10 cases
- m 11-20 cases
- m More than 20 cases

2) The Seventh Circuit's Principles for e-discovery were developed by a committee and are being tested in selected Pilot Program cases, including yours.

Please rate your familiarity with the substance of the Principles.

- m 0 Not At All Familiar
- m 1
- m 2
- m 3
- m 4
- m 5 Very Familiar

3) Your Pilot Program case type(s): (Please check all that apply to your pilot program cases.)

- Bankruptcy
- Civil Rights
- Contract
- Federal Tax
- Forfeiture/Penalty
- Employment/Labor/Employee Benefits
- Prisoner Petition
- Property Rights (copyright, patent, trademark)
- Real Property
- Social Security
- Torts (personal injury)
- Torts (personal property)
- Other (please specify)

If you selected other, please specify

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*This survey is an evaluation of the Pilot Program Principles generally. If you had multiple Pilot Program cases, please consider them collectively rather than focus on any particular case.*

4) Based on your observations at the initial status (FRCP 16(b)) conferences, please rate the extent to which the parties in your Pilot Program cases had conferred in advance on e-discovery issues (e.g., preservation, data accessibility, search methods, production formats, etc.).

- N/A
- 0 No Discussion
- 1
- 2
- 3
- 4
- 5 Comprehensive Discussion

5) Did the proportionality standards set forth in FRCP 26(b)(2)(C) play a significant role in the development of discovery plans for your Pilot Program cases?

- Yes
- No
- Not Applicable

6) Based on filed materials and in-court interactions, please assess how application of the Principles to your Pilot Program cases has affected (or likely will affect) the following:

	Greatly Increased	Increased	No Effect	Decreased	Greatly Decreased
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Levels of cooperation exhibited by counsel to efficiently resolve the case	m	m	m	m	m
Likelihood of an agreement on procedures for handling inadvertent disclosure of privileged information or work product under FRE 502	m	m	m	m	m
Extent to which counsel meaningfully attempt to resolve discovery disputes before seeking court intervention	m	m	m	m	m
Promptness with which unresolved discovery disputes are brought to the court's attention	m	m	m	m	m
The parties' ability to obtain relevant documents	m	m	m	m	m
Number of allegations of spoliation or other sanctionable misconduct regarding the preservation or collection of ESI	m	m	m	m	m

7) Based on filed materials and in-court interactions, please assess how application of the Principles to your Pilot Program cases has affected (or is likely to affect) the following:

	Greatly	Increased	No Effect	Decreased	Greatly
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	Increased				Decreased
Length of the discovery period	m	m	m	m	m
Length of the litigation	m	m	m	m	m
Number of discovery disputes brought before the court	m	m	m	m	m
Number of requests for discovery of another party's efforts to preserve or collect ESI	m	m	m	m	m
Counsel's ability to zealously represent the litigants	m	m	m	m	m

**8) Based on filed materials and in-court interactions, please assess how application of the Principles to your Pilot Program cases has affected (or likely will affect) the following:**

	Greatly Increased	Increased	No Effect	Decreased	Greatly Decreased
Counsel's demonstrated level of attention to the technologies affecting the discovery process	m	m	m	m	m
Your level of attention to the technologies affecting the discovery process	m	m	m	m	m
Counsel's demonstrated familiarity with their clients electronic data and data systems	m	m	m	m	m
Your understanding	m	m	m	m	m

of the parties' electronic data and data systems for the appropriate resolution of disputes					
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9) Please indicate your level of agreement with the following statement, as it relates to your Pilot Program cases.

	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable
The involvement of e-discovery liaison(s) has contributed to a more efficient discovery process.	m	m	m	m	m

10) Do the Principles work better in some cases than in others?

- m Yes
- m No
- m Not Applicable

11) Please use the space below to explain why you believe the Principles had varying rates of success in different cases. What factors influenced their efficacy from case to case?

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12) Which aspects of the Pilot Program Principles are the most useful?

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13) How could the Pilot Program Principles be improved?

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Thank you for completing the survey.