



E-DISCOVERY TRENDS

E-Discovery Findings from the 2005–2009 Fulbright & Jaworski Litigation Trends Surveys

SUMMARY

Since 2005, independent pollsters commissioned by Fulbright & Jaworski L.L.P. have confidentially queried corporate respondents on e-discovery and information management (“EDIM”) trends as part of Fulbright’s annual Litigation Trends Surveys. Until now, survey results pertaining to EDIM issues were only reported on a year-by-year basis.

This document collects the detailed EDIM findings from those five annual surveys for ease of access and analysis. For each year since 2005, this summary compiles the following: (i) excerpts from that year’s “white paper” report discussing the e-discovery findings, which is followed by (ii) the raw data underlying that discussion. Finally, this document reproduces at the end all verbatim comments received from respondents in 2008 and 2009 concerning a timely topic of particular interest to U.S. respondents – reconsideration of the U.S. philosophy of full civil pretrial discovery.

This introduction briefly highlights the more prominent trends revealed by the data.

E-discovery’s Emergence as a Litigation Burden

E-discovery quickly emerged in 2005 as the most troublesome new litigation challenge. About one of every five respondents in 2005 cited electronic discovery as the greatest litigation-related burden that had emerged in recent years—well above all others. Health care, finance and insurance were the sectors most frequently citing e-discovery as most challenging. (*See pp. 11-12*)

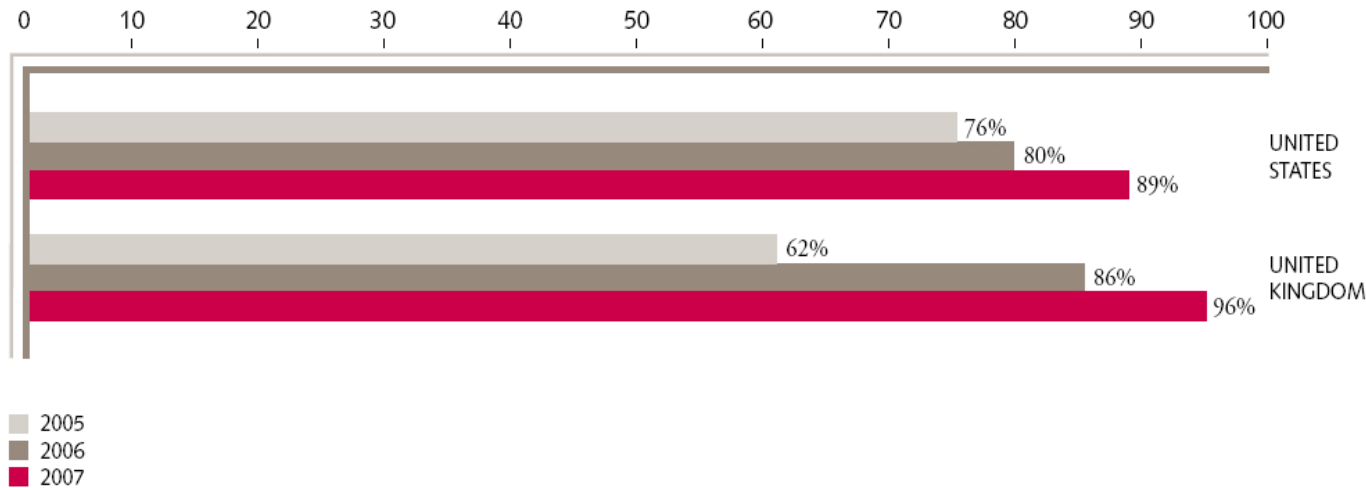
E-discovery Preparation

In 2006, 7% of the total respondent sample felt “not at all” prepared to handle e-discovery challenges; among smaller company respondents, the figure was double that. Those feeling “poorly prepared” were 20% of the total sample and 29% of both the smaller company and mid-size company groups. Even among the larger companies, 14% felt “poorly prepared.” While nearly three-quarters of the total sample reported they were “somewhat prepared” to “well prepared,” none reported being “completely prepared.” (*pp. 14, 21-23*)

Litigation Hold Policies

Although some companies were slow to tune up their litigation hold and information management policies in the early years post-*Zubulake*, in the years following 2006 companies made quick progress in both areas. The following chart shows how quickly companies came up to speed in the U.S. and U.K.

Litigation Hold Policy in Place



Three-quarters of all the companies surveyed in 2005 and 2006 had litigation hold policies in place (*pp. 8-9 & pp. 50-51, respectively*). Smaller companies (annual revenues under \$100 million) were much less likely to have litigation hold policies with just 64% answering “yes” to the question in both 2005 and 56% in 2006 (*pp. 8-9 & pp. 52-53*). In comparison, more than 80% of the largest companies surveyed (those with \$1 billion or more in annual revenues) in 2005 and 2006 had litigation hold policies (*pp. 8-9 & pp. 50-51*). (*See p. 19 for two-year comparisons by major industry sectors.*)

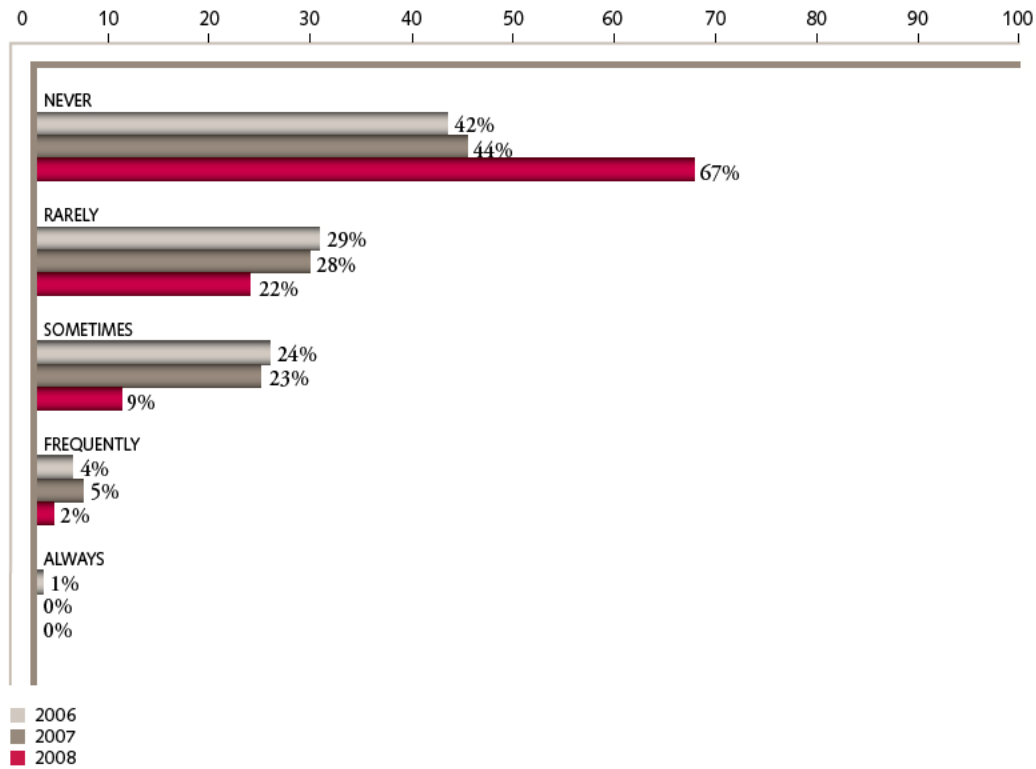
By 2007, 90% of all the companies in the survey had litigation hold policies, including 80% of the smaller companies. Among the largest companies, the figure was 98%.

E-discovery Disputes in Court

Respondents reported that over time they were less likely to have had an e-discovery dispute become the subject of a hearing. In 2006, 58% of respondents reported some incidence—from “rarely” to “always”—of an e-discovery matter becoming the subject of a motion, hearing or ruling from a tribunal. For the largest companies, however, the figure was 75%. (*See pp. 24-26*)

In 2007, the figure for the total sample declined slightly to 56%, while the large company sample rose slightly to 78% (*pp. 72-73*). But by 2008, the corresponding figures were down dramatically—to just one third of the total sample and 40% of the largest companies. Although we didn’t survey respondents on the reasons for this decline, commentators have suggested it resulted from respondents’ increased readiness, deeper understanding, and successful use of a well-informed meet-and-confer process. (*pp. 122-123*)

E-discovery-Related Issues: Subject of a Motion, Hearing or Tribunal Ruling (All Respondents)



Cost of Privilege Review

In 2007, we surveyed extensively on e-discovery issues, including the costs of preproduction privilege review. More than half of the respondents said privilege review costs accounted for more than 5% of their litigation spending the previous 12 months, and a full 26% said that such review consumed between 20% and 50% of their litigation spend. When asked for the largest amount spent for single matter or group of related matters, one in five estimated between \$100,000 and \$1 million. However, two

percent had spent between \$1 million and \$2 million, and another two percent had spent from \$3 million to \$5 million. (See pp. 70 and 107-07 for additional figures, relevant tables on pp. 114-16)

Privilege and Inadvertent ESI Production

In 2007, 17% of all U.S. respondents reported losing the privilege as a result of inadvertently producing privileged ESI. (pp. 102-03)

New Federal E-discovery Rules

In 2007, 27% of respondents thought the December 2006 e-discovery rule changes had made the situation more difficult to deal with in federal litigation. Mid-sized (31%) and larger companies (35%) were even stronger in that conviction. Industries including insurance, manufacturing, technology/communications and energy were also well above the total respondent average in feeling the rules changes had made things more difficult.

Some respondents thought the rules changes made e-discovery questions easier to handle. One-third of the smaller company respondents thought the situation is “somewhat easier” to “much easier” now. Only about half as many of the respondents from mid-sized and larger companies shared that view. (See pp. 108-09)

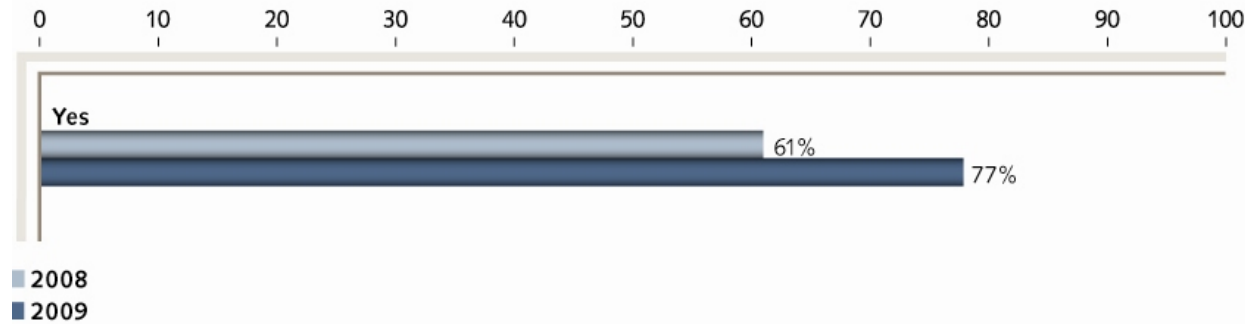
Few Cost Savings From Fed. Evid. R. 502

When asked if Evidence Rule 502 had resulted in “any” savings to their companies, 93% of our 277 U.S. respondents in 2009 said it had not. (See pp. 185-86) None said the rule had produced significant savings, 5% said moderate savings and 2% said insignificant savings. The largest respondents (over \$1 billion in revenue) experienced slightly higher savings: significant savings were experienced by 2%, moderate savings by 10%, insignificant savings by 2%, and no savings, 85%. (The rule was signed in to law in September 2008, and our survey was conducted from May to July 2009.)

Reconsidering American Pre-Trial Disclosure

Substantial majorities in 2008 and 2009 favored reconsidering the American philosophy of full pretrial disclosure (p. 124-25). The percentage in 2008 was 64% (pp. 141-142), and in 2009 it was 77% (p. 154). The materials in this compilation include respondents’ verbatim comments concerning why they favored such reconsideration. (See pp. 191-202)

Reconsideration of Full Pre-Trial Disclosure in the U.S. (U.S. Respondents)



* * *

Background on Fulbright & Jaworski's Litigation Trends Surveys

Fulbright & Jaworski L.L.P. has conducted a Litigation Trends Survey annually since 2004. (E-discovery questions were not included in the first survey.) Each year we collect and tabulate the responses of general counsel or senior litigation counsel from more than 300 corporations, consistently making our survey the largest and most statistically significant of its kind.

The full 2009 report can be downloaded at www.litigationtrends.com and prior years' reports can be found at www.fulbright.com/2007litigationTrends06. We welcome suggestions for our upcoming surveys, and comments of any nature. Please send them to Bob Owen (New York) or Layne Kruse (Houston).

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -



2005 LITIGATION TRENDS SURVEY

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

LITIGATION HOLD POLICIES

INFORMATION MANAGEMENT EMERGES AS STRATEGIC CONCERN

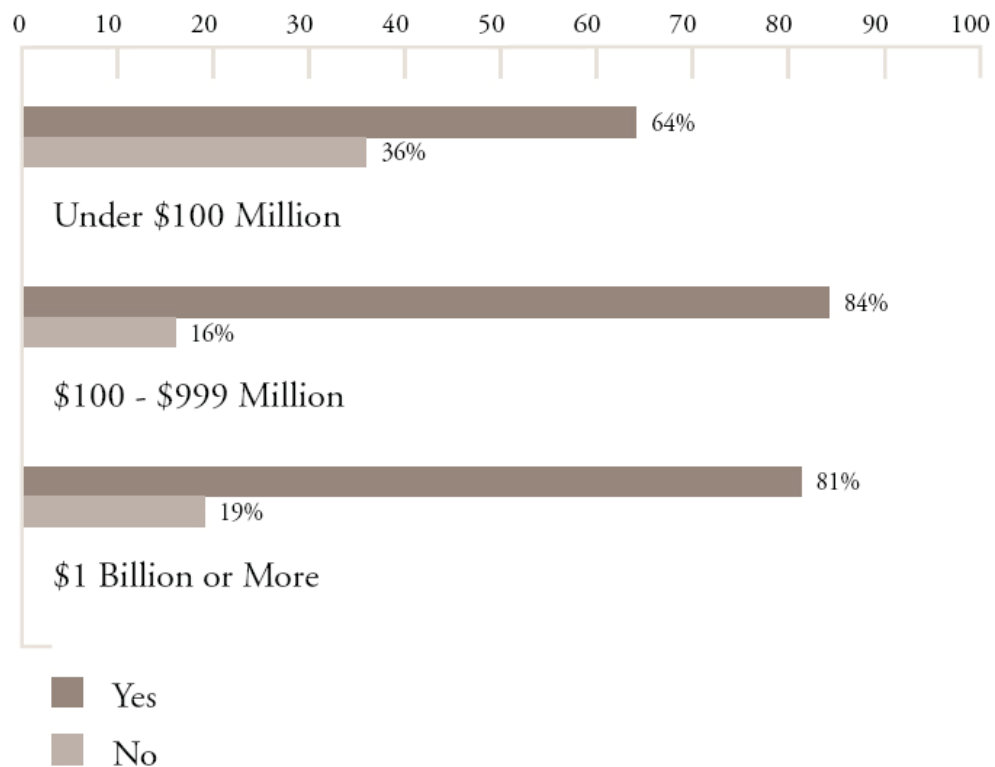
The explosion of electronic data has converged with the long established principle of pre-trial, full disclosure to create liabilities and potential discovery costs that are unprecedented. The survey findings showed that 74% of the companies surveyed have litigation hold policies, and 82% have written records retention policies.

Yet more than a third of the smaller companies in the survey sample have no written litigation hold policy, and one-fourth have no records retention policy, which leaves them vulnerable. Regularly scheduled destruction of records, if not suspended when litigation is expected, can leave a company open to a charge of spoliation (willful or negligent destruction of evidence).

Almost half of the companies with litigation hold policies have revised them in the past year. This indicates a strong awareness of the increasing liabilities from this fast-changing area of the law where new rules and judicial decisions continually impact the records that companies may be expected to produce. Decisions arising from *Zubulake v. UBS Warburg LLC* (S.D.N.Y.), for example, have placed greater responsibilities on both in-house and outside counsel for ensuring that correct procedures are followed to preserve records after a litigation hold is issued.

2005 E-DISCOVERY FINDINGS

Percentage of Companies with Litigation Hold Procedures in Place



Fulbright attorneys serve on two Litigation Hold Special Project Teams of the Sedona Conference, a nonprofit research and education organization working on emerging issues in the areas of antitrust, complex litigation and intellectual property rights. Fulbright is also one of the very few law firms with a formal practice group for records management and litigation hold procedures.

THREE KEY CONCERNS LITIGATION HOLD POLICIES SHOULD ADDRESS:

- ⌘ Ensuring that recipients of litigation hold orders have received them and complied*
- ⌘ When back-up tapes must be preserved*
- ⌘ Company records held by third parties (e.g., research laboratories or outside vendors)*

TABLE 14: WHAT IS THE BIGGEST LITIGATION-RELATED BURDEN ASSOCIATED WITH YOUR JOB AS IN-HOUSE COUNSEL THAT DID NOT EXIST TWO OR THREE YEARS AGO? (OPEN-ENDED)**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Gross Revenue</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
None Mentioned, No New Burdens	37%	36%	48%	45%	37%	24%
Discovery, Electronic Discovery	19	20	10	7	23	22
Increased Regulations, Compliance	10	10	10	17	10	10
Costs, Billing Issues	9	10	6	8	6	10
A Specific Type Of Litigation Matter	9	10	6	5	9	15
Managing Outside Counsel	6	6	10	8	6	7
Volume Of Litigation	4	4	4	5	4	6
Personnel, Staffing Issues	2	3	2	3	4	1
Others	<u>4</u>	<u>4</u>	<u>4</u>	<u>3</u>	<u>1</u>	<u>7</u>
Total*	100%	103%	100%	101%	100%	102%
Average Number Of Burdens Per Respondent	1.00	1.03	1.00	1.01	1.00	1.02

*Totals exceed 100% due to multiple answers by some respondents

BY INDUSTRY

 What is the primary industry in which your company does business?

<u>Response</u>	<u>Manufact- uring</u>	<u>Energy</u>	<u>Health Care</u>	<u>Retail/ Whole- sale</u>	<u>Insurance</u>	<u>Tech/ Com</u>	<u>Finance</u>	<u>Real Estate</u>
Non Mentioned,								
No New Burden	36%	36%	34%	41%	35%	60%	26%	45%
Discovery,								
Electronic Discovery	15	19	28	18	22	13	25	12
Increased Regulations,								
Compliance	7	17	9	8	5	7	16	12
Costs, Billing Increases	13	6	6	8	22	7	2	12
A Specific Type Of								
Litigation matter	17	3	14	11	13	7	10	0
Managing Outside Counsel	6	6	0	11	0	7	16	12
Volume Of Litigation	6	8	6	4	5	0	0	7
Personnel, Staffing								
Issues	2	0	3	4	5	3	2	0
Others	4	8	6	0	0	0	5	0
Total	106%	103%	106%	105%	107%	104%	102%	100%
Average Number Of								
Burdens Per Respondent	1.06	1.03	1.06	1.05	1.07	1.04	1.02	1.00

*Totals exceed 100% due to multiple answers by some respondents



2006 LITIGATION TRENDS SURVEY

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

ELECTRONIC DISCOVERY PREPAREDNESS

LITIGATION READINESS

The ability to handle difficult e-discovery matters is a source of concern for most organizations surveyed. Just 19% of respondents consider their companies to be well-prepared for e-discovery issues while the vast majority (81%) report being not at all prepared to only somewhat prepared.

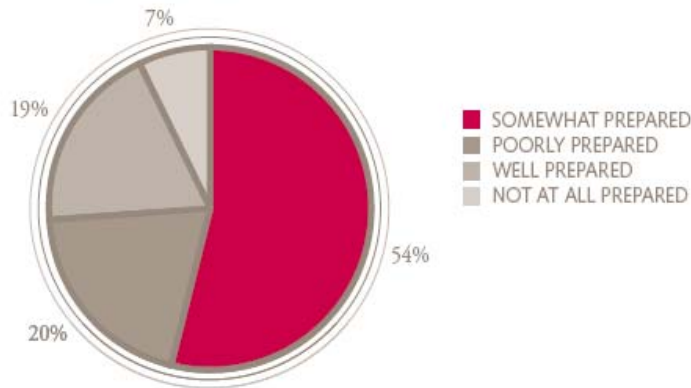
More than a third of the United Kingdom contingent (35%) felt “not at all” or “poorly prepared,” while 23% of the United States respondents fell into this category. Even the largest companies demonstrated little confidence in their preparedness with just 19% feeling well-prepared. No one feels completely prepared.

When asked about the resources they use for e-discovery assistance, the majority start with their in-house, general IT resources (61%) and supplement them with others, most frequently outside e-discovery vendors (31%). Law firms with e-discovery expertise are part of the mix for 25% of the respondents, and 13% also rely to some extent on in-house e-discovery teams.

This practice is more widely used in the United Kingdom and internationally than in the United States.

2006 E-Discovery Findings

E-Discovery Preparedness* (All Respondents)



*Of the total respondents, 0% said they were completely prepared.

***“ Don’t send me a document by mail that is available electronically.
We appreciate counsel who keep costs to a minimum yet do not cut corners as far as getting the job done.”
– Associate General Counsel, Education***

SATISFACTION WITH E-DISCOVERY RESOURCES

The various types of e-discovery resources used produced relatively even levels of satisfaction with the exception of outside e-vendors. Just 44% of respondents were satisfied or very satisfied with their e-vendors, and of those, only five percent were very satisfied.

2006 E-DISCOVERY FINDINGS

Satisfaction with E-Discovery Assistance (Satisfied or Very Satisfied)



MORE USE OF LITIGATION HOLD POLICIES

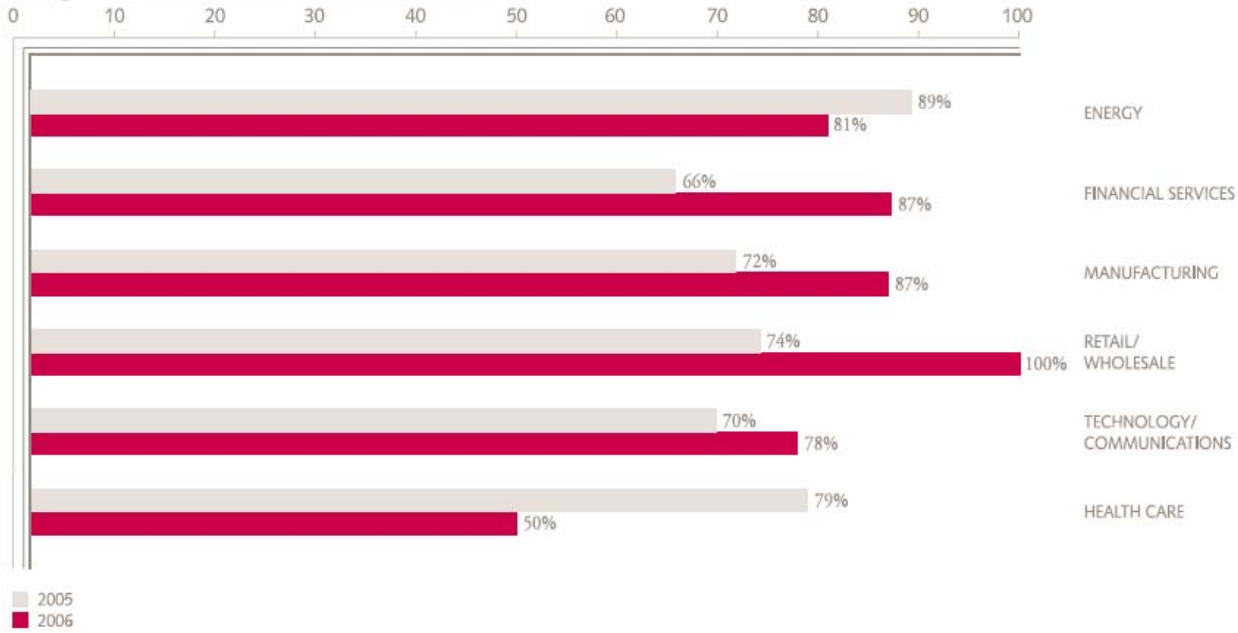
The use of litigation hold policies increased significantly among United Kingdom companies from 62% in the 2005 survey to 86% in 2006. Overall, those with litigation hold procedures for anticipated litigation, a third-party subpoena or regulatory investigations, remained virtually unchanged from last year (75% in 2006, 74% in 2005). International companies are much less likely to have litigation hold policies in place than United States firms (56% vs. 80%).

However, some industries show significant increases in the use of litigation hold policies, following through on the intentions expressed in last year's survey. Retail/wholesale, banking/financial services and manufacturing had the most significant increases.

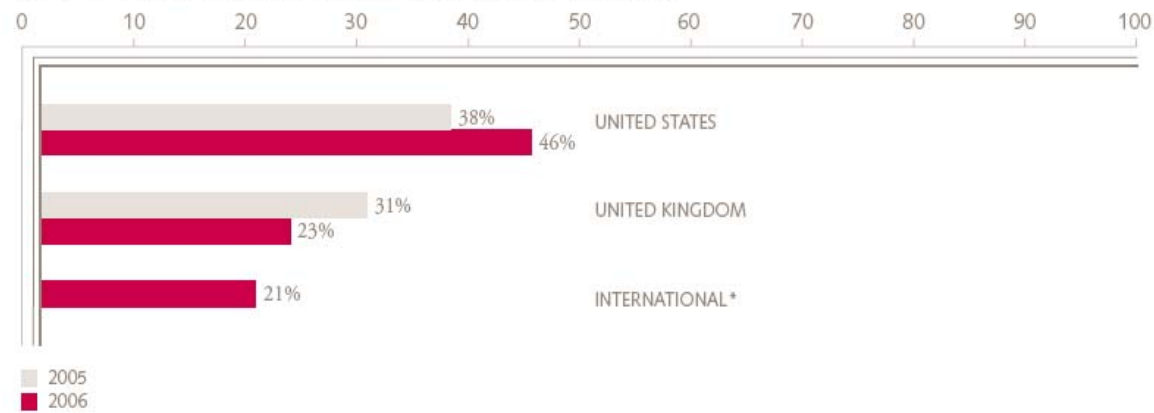
In 2005, 37% of respondents said they had plans to adopt or revise their litigation hold policy in the coming year; in 2006, 42% have plans to do so. Banking/financial services companies show the greatest increase (21% in 2005, 57% in 2006), reflecting the ongoing effects of the Sarbanes-Oxley Act and other regulatory requirements in the United States. The number of respondents in the United Kingdom who plan to adopt/revise litigation hold procedures has dropped from 31% in 2005 to 23% in 2006. This decrease may reflect the fact that regulatory issues are becoming a primary concern for United Kingdom companies and therefore most have already adopted or recently revised such policies.

2006 E-DISCOVERY FINDINGS

Litigation Hold Procedure in Place



Plan to Adopt/Revise Litigation Hold Procedure



*Not surveyed in 2005

2006 E-DISCOVERY FINDINGS

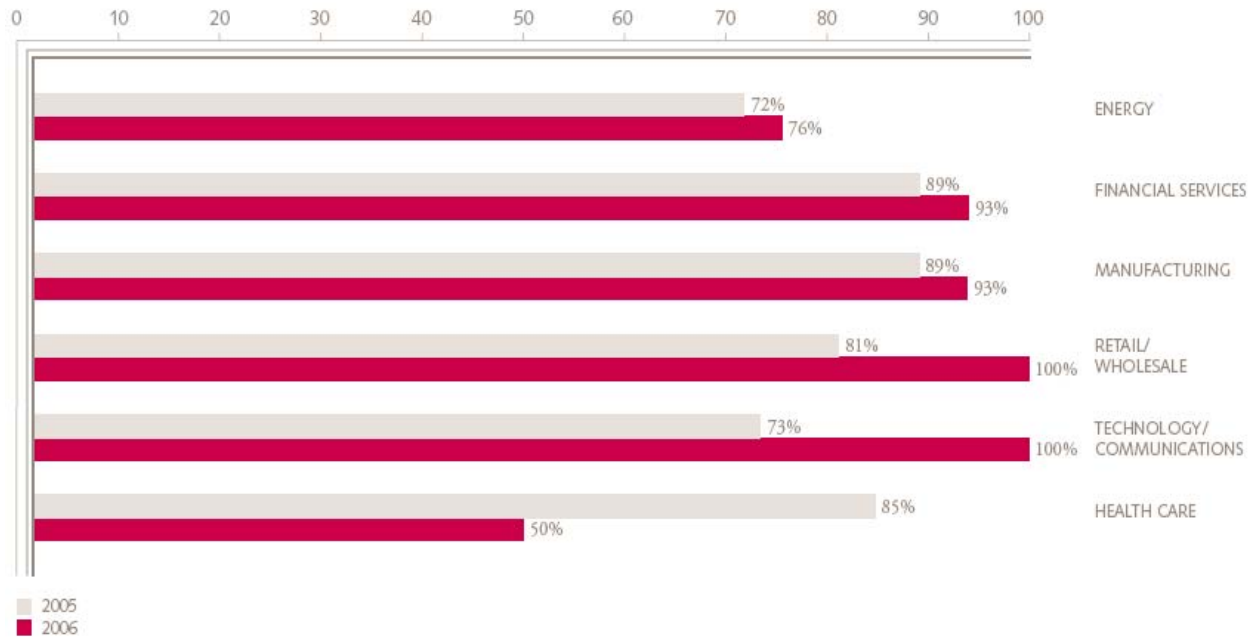
Although companies are implementing policies in response to e-discovery issues, nearly two-thirds of respondents (64%) say their company has not conducted employee training for records retention or litigation holds.

RECORDS RETENTION POLICIES

The use of written records retention policies in both the United States and United Kingdom remained relatively stable from last year at nearly 80%. The international figures, included for the first time this year, are somewhat lower at 70%. Again, there were notable increases in some industries (technology/communications and retail/wholesale), but health care showed a dramatic drop from 2005 to 2006 in both records retention and litigation hold policies. As might be expected, more than 80% of the companies of \$1 billion or more in revenues have litigation hold and records retention policies, while smaller and mid-sized companies are less likely to have them.

2006 E-DISCOVERY FINDINGS

Written Records Retention Policy in Place (By Industry)



The majority of the respondents were not aware if the outside law firms they utilize have specialized electronic discovery practice groups.

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

**TABLE 1: BACKGROUND INFORMATION: WHAT IS YOUR TITLE?
BY INDUSTRY**

	What is the primary industry in which your company does business?														
	Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non- Profit	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants	422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
Associate General Counsel	13%	15%	20%	8%	12%	18%	17%	14%	0%	0%	18%	3%	9%	0%	15%
Deputy General Counsel	3%	4%	20%	2%	13%	7%	5%	13%	0%	0%	4%	2%	5%	0%	25%
General Counsel	38%	8%	0%	0%	4%	0%	6%	8%	0%	0%	0%	0%	3%	10%	0%
Vice President and General Counsel	19%	9%	0%	0%	18%	0%	9%	36%	0%	0%	0%	0%	9%	9%	0%
Other	20%	4%	16%	3%	19%	3%	3%	10%	1%	1%	4%	6%	8%	3%	19%
Senior VP and General Counsel	7%	8%	21%	15%	9%	23%	6%	31%	17%	50%	18%	28%	13%	30%	17%
		1%	15%	2%	6%	6%	1%	19%	1%	4%	2%	10%	5%	4%	20%
		2%	6%	3%	10%	5%	7%	7%	2%	1%	0%	6%	12%	1%	34%
		4%	7%	7%	14%	14%	7%	4%	4%	0%	4%	21%	4%	0%	11%

**TABLE 54: ELECTRONIC DISCOVERY / DOCUMENT PRODUCTION:
HOW PREPARED IS YOUR COMPANY TO HANDLE A DIFFICULT E-DISCOVERY MATTER IN CONNECTION
WITH A CONTESTED CIVIL MATTER OR REGULATORY INVESTIGATION?**

BY INDUSTRY

		What is the primary industry in which your company does business?														
		Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non- Profit	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants		422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
Not at All Prepared		7%	14%	9%	0%	6%	13%	0%	7%	0%	0%	0%	0%	0%	0%	8%
			10%	20%	0%	10%	10%	0%	10%	0%	0%	0%	0%	0%	0%	30%
Poorly Prepared		20%	43%	17%	29%	19%	25%	25%	20%	25%	0%	0%	0%	11%	0%	24%
			10%	13%	7%	10%	7%	7%	10%	3%	0%	0%	0%	3%	0%	30%
Somewhat Prepared		54%	29%	52%	71%	44%	50%	50%	60%	75%	0%	50%	75%	44%	100%	53%
			3%	15%	6%	9%	5%	5%	11%	4%	0%	1%	4%	5%	3%	25%
Well Prepared		19%	14%	22%	0%	31%	13%	25%	13%	0%	0%	50%	25%	44%	0%	16%
			4%	18%	0%	18%	4%	7%	7%	0%	0%	4%	4%	14%	0%	21%
Completely Prepared		0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
			0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Mean		2.9	2.4	2.9	2.7	3.0	2.6	3.0	2.8	2.8	0.0	3.5	3.3	3.3	3.0	2.8

2006 E-DISCOVERY FINDINGS

BY REGION

	U.S. Region							
	Total	Texas	Midwest	East Coast / New England	South	Atlantic	California	West
Number of Participants	422	84	66	76	13	11	42	18
Not at All Prepared	7%	8%	0%	3%	0%	0%	0%	14%
Poorly Prepared	20%	30%	0%	10%	0%	0%	0%	10%
Somewhat Prepared	54%	24%	22%	7%	33%	20%	15%	14%
Well Prepared	19%	30%	13%	7%	3%	3%	7%	3%
Completely Prepared	0%	55%	61%	72%	33%	60%	62%	71%
		27%	14%	27%	1%	4%	10%	6%
		13%	17%	17%	33%	20%	23%	0%
		18%	11%	18%	4%	4%	11%	0%
		0%	0%	0%	0%	0%	0%	0%
		0%	0%	0%	0%	0%	0%	0%
Mean	2.9	2.7	2.9	3.0	3.0	3.0	3.1	2.6

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Country of Residence				Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
	Total	U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
Not at All Prepared	7%	4%	14%	19%	14%	9%	4%
Poorly Prepared	20%	50%	20%	50%	40%	30%	30%
Somewhat Prepared	54%	19%	21%	26%	29%	29%	14%
Well Prepared	19%	77%	10%	23%	27%	33%	40%
Completely Prepared	0%	62%	21%	19%	50%	35%	63%
		94%	4%	6%	18%	15%	66%
		15%	43%	37%	7%	26%	19%
		64%	21%	36%	7%	32%	57%
		0%	0%	0%	0%	0%	0%
		0%	0%	0%	0%	0%	0%
Mean	2.9	2.9	2.9	2.7	2.5	2.8	3.0

TABLE 55: DURING THE PAST YEAR, HOW OFTEN HAVE ISSUES RELATED TO E-DISCOVERY BECOME THE SUBJECT OF A MOTION, HEARING OR RULING FROM A TRIBUNAL?**BY INDUSTRY**

		What is the primary industry in which your company does business?														
		Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non- Profit	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants	422	13	56	13	57	22	18	49	6	6	11	29	32	10	92	
Never	42%	43%	36%	43%	33%	50%	13%	33%	75%	0%	50%	75%	33%	50%	46%	
		5%	13%	5%	8%	7%	2%	8%	5%	0%	2%	5%	5%	2%	28%	
Rarely	29%	43%	32%	29%	47%	25%	38%	27%	25%	0%	0%	0%	0%	50%	30%	
		7%	17%	5%	17%	5%	7%	10%	2%	0%	0%	0%	0%	2%	27%	
Sometimes	24%	14%	32%	29%	20%	13%	50%	33%	0%	0%	50%	25%	11%	0%	24%	
		3%	20%	6%	9%	3%	11%	14%	0%	0%	3%	3%	3%	0%	26%	
Frequently	4%	0%	0%	0%	0%	13%	0%	7%	0%	0%	0%	0%	44%	0%	0%	
		0%	0%	0%	0%	17%	0%	17%	0%	0%	0%	0%	67%	0%	0%	
Always	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	11%	0%	0%	
		0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%	
Mean	1.9	1.7	2.0	1.9	1.9	1.9	2.4	2.1	1.3	0.0	2.0	1.5	3.0	1.5	1.8	

2006 E-DISCOVERY FINDINGS

BY REGION

	U.S. Region							
	Total	Texas	Midwest	East Coast / New England	South	Atlantic	California	West
Number of Participants	422	84	66	76	13	11	42	18
Never	42%	42%	33%	41%	0%	25%	54%	57%
		27%	10%	18%	0%	2%	12%	7%
Rarely	29%	32%	50%	19%	67%	25%	15%	14%
		29%	22%	12%	5%	2%	5%	2%
Sometimes	24%	24%	17%	37%	33%	50%	15%	14%
		26%	9%	29%	3%	6%	6%	3%
Frequently	4%	3%	0%	4%	0%	0%	8%	14%
		17%	0%	17%	0%	0%	17%	17%
Always	1%	0%	0%	0%	0%	0%	8%	0%
		0%	0%	0%	0%	0%	100%	0%
Mean	1.9	1.9	1.8	2.0	2.3	2.3	2.0	1.9

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Total	Country of Residence			Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
		U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
Never	42%	41%	38%	48%	68%	59%	25%
Rarely	29%	80%	8%	20%	32%	33%	33%
Sometimes	24%	29%	31%	28%	21%	24%	33%
Frequently	4%	83%	10%	17%	15%	20%	63%
Always	1%	26%	15%	16%	11%	9%	37%
		89%	6%	11%	9%	9%	83%
		3%	15%	8%	0%	9%	4%
		67%	33%	33%	0%	50%	50%
	1%	1%	0%	0%	0%	0%	1%
		100%	0%	0%	0%	0%	100%
Mean	1.9	1.9	2.1	1.8	1.4	1.7	2.2

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

TABLE 56: IN THOSE INSTANCES DURING THE PAST YEAR WHERE A MATTER REQUIRED TECHNICAL EXPERTISE IN E-DISCOVERY BEYOND THAT POSSESSED BY YOUR IN-HOUSE OR OUTSIDE LAWYERS, TO WHICH OF THE FOLLOWING DID YOUR COMPANY TURN FOR ASSISTANCE (CHECK ALL THAT APPLY)?

BY INDUSTRY

	What is the primary industry in which your company does business?														
	Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non- Profit	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants	422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
E-discovery vendors	31%	67%	33%	33%	33%	38%	29%	43%	0%	0%	50%	100%	38%	0%	19%
In-house general IT resources	61%	100%	61%	67%	56%	75%	86%	71%	33%	0%	50%	0%	63%	100%	45%
In-house specialized e-discovery teams	13%	0%	11%	17%	22%	25%	14%	7%	0%	0%	0%	0%	38%	0%	10%
Law firm(s) having special technical expertise in e-discovery issues	25%	0%	33%	33%	44%	38%	29%	21%	33%	0%	0%	0%	25%	0%	16%
Other (please specify)	21%	0%	6%	33%	11%	13%	14%	21%	33%	0%	0%	0%	38%	0%	32%
		0%	4%	9%	4%	4%	4%	13%	4%	0%	0%	0%	13%	0%	43%

2006 E-DISCOVERY FINDINGS

BY REGION

	Total	U.S. Region						
		Texas	Midwest	East Coast / New England	South	Atlantic	California	West
Number of Participants	422	84	66	76	13	11	42	18
E-discovery vendors	31%	46%	40%	29%	100%	100%	27%	40%
		37%	17%	17%	6%	6%	9%	6%
In-house general IT resources	61%	57%	60%	76%	50%	100%	55%	100%
		24%	13%	24%	1%	3%	9%	7%
In-house specialized e-discovery teams	13%	11%	13%	10%	0%	0%	9%	0%
		20%	13%	13%	0%	0%	7%	0%
Law firm(s) having special technical expertise in e-discovery issues	25%	29%	20%	24%	50%	50%	27%	0%
		29%	11%	18%	4%	4%	11%	0%
Other (please specify)	21%	18%	27%	14%	0%	0%	45%	0%
		22%	17%	13%	0%	0%	22%	0%

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Total	Country of Residence			Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
		U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
E-discovery vendors	31%	37%	8%	5%	5%	27%	41%
In-house general IT resources	61%	97%	3%	3%	3%	17%	80%
In-house specialized e-discovery teams	13%	64%	50%	48%	33%	59%	70%
Law firm(s) having special technical expertise in e-discovery issues	25%	85%	9%	15%	10%	19%	71%
Other (please specify)	21%	10%	25%	29%	10%	18%	13%
		60%	20%	40%	13%	27%	60%
		26%	17%	19%	19%	9%	32%
		86%	7%	14%	14%	7%	79%
		20%	25%	24%	43%	18%	14%
		78%	13%	22%	39%	17%	43%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

TABLE 58.1: HOW SATISFIED WERE YOU WITH THE OVERALL PERFORMANCE OF THE GROUP(S) YOU SELECTED IN ANSWERING THE PREVIOUS QUESTION?**IN-HOUSE GENERAL IT RESOURCES****BY INDUSTRY**

	What is the primary industry in which your company does business?														
	Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non-Profit	Pharm	Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants	422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
Not Satisfied at All	1%	0%	0%	0%	0%	17%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	5%	0%	14%	17%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	9%
		0%	40%	20%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	40%
Neutral	37%	75%	29%	17%	17%	33%	57%	67%	0%	0%	50%	0%	25%	100%	35%
		9%	11%	3%	3%	6%	11%	23%	0%	0%	3%	0%	6%	3%	23%
Satisfied	44%	25%	57%	33%	67%	33%	43%	25%	67%	0%	0%	100%	38%	0%	48%
		2%	20%	5%	10%	5%	7%	7%	5%	0%	0%	2%	7%	0%	27%
Very Satisfied	13%	0%	0%	33%	17%	17%	0%	8%	33%	0%	50%	0%	38%	0%	9%
		0%	0%	17%	8%	8%	0%	8%	8%	0%	8%	0%	25%	0%	17%

2006 E-DISCOVERY FINDINGS

BY REGION

	U.S. Region							
	Total	Texas	Midwest	East Coast / New England	South	Atlantic	California	West
Number of Participants	422	84	66	76	13	11	42	18
Not Satisfied at All	1%	0%	0%	0%	0%	0%	0%	20%
Somewhat Dissatisfied	5%	0%	0%	0%	0%	0%	0%	100%
		4%	9%	5%	0%	0%	0%	0%
Neutral	37%	20%	20%	20%	0%	0%	0%	0%
		48%	64%	35%	100	50%	11%	20%
Satisfied	44%	31%	20%	20%	%	3%	3%	3%
					6%			
Very Satisfied	13%	39%	27%	50%	0%	50%	67%	40%
		22%	7%	24%	0%	2%	15%	5%
Very Satisfied	13%	9%	0%	10%	0%	0%	22%	20%
		17%	0%	17%	0%	0%	17%	8%

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Total	Country of Residence			Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
		U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
Not Satisfied at All	1%	1%	0%	0%	7%	0%	0%
		100%	0%	0%	100%	0%	0%
Somewhat Dissatisfied	5%	4%	0%	13%	7%	5%	5%
		60%	0%	40%	20%	20%	60%
Neutral	37%	39%	33%	27%	43%	25%	40%
		89%	9%	11%	17%	14%	69%
Satisfied	44%	44%	44%	40%	36%	45%	45%
		85%	10%	15%	12%	22%	66%
Very Satisfied	13%	11%	22%	20%	7%	25%	10%
		75%	17%	25%	8%	42%	50%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

TABLE 58.2: HOW SATISFIED WERE YOU WITH THE OVERALL PERFORMANCE OF THE GROUP(S) YOU SELECTED IN ANSWERING THE PREVIOUS QUESTION?**IN-HOUSE SPECIALIZED E-DISCOVERY TEAMS****BY INDUSTRY**

What is the primary industry in which your company does business?

	Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non- Profit	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants	422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
Not Satisfied at All	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	2%	0%	17%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Neutral	42%	100%	67%	0%	0%	50%	33%	67%	0%	0%	100%	0%	40%	0%	33%
Satisfied	40%	6%	22%	0%	0%	6%	6%	22%	0%	0%	6%	0%	11%	0%	22%
Very Satisfied	16%	0%	17%	100%	100%	0%	67%	0%	0%	0%	0%	100%	20%	100%	50%
		0%	6%	12%	18%	0%	12%	0%	0%	0%	0%	6%	6%	6%	35%
		0%	0%	0%	0%	50%	0%	33%	0%	0%	0%	0%	40%	0%	17%
		0%	0%	0%	0%	14%	0%	29%	0%	0%	0%	0%	29%	0%	29%

2006 E-DISCOVERY FINDINGS

BY REGION

	U.S. Region							
	Total	Texas	Midwest	New England	South	Atlantic	California	West
Number of Participants	422	84	66	76	13	11	42	18
Not Satisfied at All	0%	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	2%	0%	0%	0%	0%	0%	0%	0%
Neutral	42%	50%	40%	50%	100%	100%	0%	0%
Satisfied	40%	40%	40%	33%	0%	0%	75%	0%
Very Satisfied	16%	10%	20%	17%	0%	0%	25%	0%
		28%	11%	17%	6%	11%	0%	0%
		24%	12%	12%	0%	0%	18%	0%
		14%	14%	14%	0%	0%	14%	0%

BY LOCATION / REVENUE

	Country of Residence				Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
	Total	U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
Not Satisfied at All	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	2%	0%	0%	8%	0%	0%	4%
Neutral	42%	42%	43%	42%	43%	55%	36%
Satisfied	40%	42%	43%	33%	57%	27%	40%
		72%	17%	28%	17%	33%	50%
		76%	18%	24%	24%	18%	59%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

2006 E-DISCOVERY FINDINGS

	Country of Residence			Last Fiscal Year – Gross Revenues (In U.S. Dollars)			
	Total	U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
Very Satisfied	16%	16%	14%	17%	0%	18%	20%
		71%	14%	29%	0%	29%	71%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

TABLE 58.3: HOW SATISFIED WERE YOU WITH THE OVERALL PERFORMANCE OF THE GROUP(S) YOU SELECTED IN ANSWERING THE PREVIOUS QUESTION?**E-DISCOVERY VENDORS****BY INDUSTRY**

What is the primary industry in which your company does business?

	Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non- Profit	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants	422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
Not Satisfied at All	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	12%	50%	10%	0%	0%	0%	0%	14%	0%	0%	0%	0%	25%	0%	14%
Neutral	44%	14%	14%	0%	0%	0%	0%	14%	0%	0%	0%	0%	29%	0%	29%
Satisfied	39%	50%	50%	100%	25%	0%	67%	43%	0%	0%	100%	0%	38%	0%	43%
Very Satisfied	5%	0%	18%	0%	14%	14%	5%	14%	0%	0%	0%	5%	14%	5%	14%
		0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%

2006 E-DISCOVERY FINDINGS

BY REGION

	U.S. Region							
	Total	Texas	Midwest	New England	South	Atlantic	California	West
Number of Participants	422	84	66	76	13	11	42	18
Not Satisfied at All	0%	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	12%	0%	0%	0%	0%	0%	0%	0%
		13%	0%	36%	0%	0%	0%	50%
Neutral	44%	29%	0%	57%	0%	0%	0%	14%
		38%	43%	27%	50%	50%	25%	0%
Satisfied	39%	24%	12%	12%	4%	4%	4%	0%
		44%	57%	27%	50%	50%	75%	50%
Very Satisfied	5%	32%	18%	14%	5%	5%	14%	5%
		6%	0%	9%	0%	0%	0%	0%
		33%	0%	33%	0%	0%	0%	0%

BY LOCATION / REVENUE

	Country of Residence				Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
	Total	U.S.	U.K.	All International (incl UK)	Under \$100	\$100 – \$999	\$1 Billion or
					Million	Million	More
Number of Participants	422	311	45	111	82	110	215
Not Satisfied at All	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	12%	0%	0%	0%	0%	0%	0%
		15%	0%	0%	17%	7%	14%
Neutral	44%	100%	0%	0%	14%	14%	71%
		38%	75%	70%	33%	79%	32%
Satisfied	39%	72%	24%	28%	8%	44%	48%
		43%	25%	20%	50%	14%	46%
		91%	9%	9%	14%	9%	77%

E-DISCOVERY FINDINGS FROM THE 2005-2009 FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

2006 E-DISCOVERY FINDINGS

Very Satisfied	5%	4%	0%	10%	0%	0%	8%
		67%	0%	33%	0%	0%	100%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 58.4: HOW SATISFIED WERE YOU WITH THE OVERALL PERFORMANCE OF THE GROUP(S) YOU SELECTED IN ANSWERING THE PREVIOUS QUESTION?**LAW FIRM(S) HAVING SPECIAL TECHNICAL EXPERTISE IN E-DISCOVERY ISSUES****BY INDUSTRY**

	What is the primary industry in which your company does business?														
	Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non- Profit	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants	422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
Not Satisfied at All	4%	0%	0%	0%	0%	0%	0%	22%	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	2%	0%	13%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
		0%	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Neutral	42%	100%	38%	0%	0%	0%	50%	33%	0%	0%	100%	100%	50%	0%	67%
		5%	14%	0%	0%	0%	9%	14%	0%	0%	5%	5%	14%	0%	36%
Satisfied	45%	0%	50%	100%	80%	67%	50%	33%	0%	0%	0%	0%	50%	100%	25%
		0%	17%	8%	17%	8%	8%	13%	0%	0%	0%	0%	13%	4%	13%
Very Satisfied	8%	0%	0%	0%	20%	33%	0%	11%	0%	0%	0%	0%	0%	0%	8%
		0%	0%	0%	25%	25%	0%	25%	0%	0%	0%	0%	0%	0%	25%

2006 E-DISCOVERY FINDINGS

BY REGION

	U.S. Region							
	Total	Texas	Midwest	New England	South	Atlantic	California	West
Number of Participants	422	84	66	76	13	11	42	18
Not Satisfied at All	4%	8%	0%	0%	0%	0%	17%	0%
		50%	0%	0%	0%	0%	50%	0%
Somewhat Dissatisfied	2%	0%	0%	0%	0%	0%	0%	0%
		0%	0%	0%	0%	0%	0%	0%
Neutral	42%	69%	50%	13%	50%	50%	0%	0%
		41%	14%	5%	5%	5%	0%	0%
Satisfied	45%	23%	33%	75%	0%	50%	83%	0%
		13%	8%	25%	0%	4%	21%	0%
Very Satisfied	8%	0%	17%	13%	50%	0%	0%	0%
		0%	25%	25%	25%	0%	0%	0%

BY LOCATION / REVENUE

	Country of Residence				Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
	Total	U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
Not Satisfied at All	4%	5%	0%	0%	0%	8%	3%
		100%	0%	0%	0%	50%	50%
Somewhat Dissatisfied	2%	3%	0%	0%	0%	0%	3%
		100%	0%	0%	0%	0%	100%
Neutral	42%	38%	67%	54%	29%	67%	35%
		68%	27%	32%	9%	36%	55%
Satisfied	45%	48%	33%	38%	71%	25%	47%
		79%	13%	21%	21%	13%	67%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

2006 E-DISCOVERY FINDINGS

	Country of Residence				Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
	Total	U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
Very Satisfied	8%	8%	0%	8%	0%	0%	12%
		75%	0%	25%	0%	0%	100%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

TABLE 59: HAS YOUR COMPANY EVER RETAINED OR CONSIDERED RETAINING AN OUTSIDE LAW FIRM TO SERVE AS NATIONAL OR REGIONAL E-DISCOVERY COUNSEL TO HANDLE ANY DIFFICULT E-DISCOVERY ISSUES THAT MIGHT ARISE IN YOUR MATTERS?

BY INDUSTRY

		What is the primary industry in which your company does business?														
		Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non- Profit	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants		422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
Considered, but haven't done so yet		15%	0%	14%	0%	13%	25%	25%	27%	0%	0%	50%	0%	11%	0%	18%
No		83%	100%	86%	100%	87%	63%	75%	73%	100%	0%	50%	100%	67%	100%	82%
Yes		2%	0%	0%	0%	0%	13%	0%	0%	0%	0%	0%	0%	22%	0%	0%
			0%	0%	0%	0%	33%	0%	0%	0%	0%	0%	0%	67%	0%	0%
Mean		1.9	2.0	1.9	2.0	1.9	1.9	1.8	1.7	2.0	0.0	1.5	2.0	2.1	2.0	1.8

BY REGION

		U.S. Region							
		Total	Texas	Midwest	East Coast / New England	South	Atlantic	California	West
Number of Participants		422	84	66	76	13	11	42	18
Considered, but haven't done so yet		15%	13%	22%	11%	67%	25%	31%	14%
No		83%	84%	78%	89%	33%	75%	69%	86%
Yes		2%	3%	0%	0%	0%	0%	0%	0%
			33%	0%	0%	0%	0%	0%	0%
Mean		1.9	1.9	1.8	1.9	1.3	1.8	1.7	1.9

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Total	Country of Residence			Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
		U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
Considered, but haven't done so yet	15%	17%	7%	7%	7%	6%	22%
No	83%	91%	5%	9%	9%	9%	82%
Yes	2%	82%	86%	85%	90%	91%	77%
		81%	10%	19%	22%	26%	52%
		1%	7%	7%	3%	3%	1%
		33%	33%	67%	33%	33%	33%
Mean	1.9	1.8	2.0	2.0	2.0	2.0	1.8

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

**TABLE 60: HOW SATISFIED ARE YOU WITH THE OVERALL EFFECTIVENESS OF THE ARRANGEMENT?
BY INDUSTRY**

	What is the primary industry in which your company does business?														
	Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non-Profit	Pharm	Real Estate	Retail / Wholesale	Tech / Comm	Trade Assn	Other
Number of Participants	422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
Not Satisfied At All	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Neutral	67%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%
Satisfied	33%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Very Satisfied	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Mean	3.3	0.0	0.0	0.0	0.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	3.0	0.0	0.0

2006 E-DISCOVERY FINDINGS

BY REGION

	U.S. Region							
	Total	Texas	Midwest	East Coast / New England	South	Atlantic	California	West
Number of Participants	422	84	66	76	13	11	42	18
Not Satisfied At All	0%	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	0%	0%	0%	0%	0%	0%	0%	0%
Neutral	67%	100%	0%	0%	0%	0%	0%	0%
Satisfied	33%	50%	0%	0%	0%	0%	0%	0%
Very Satisfied	0%	0%	0%	0%	0%	0%	0%	0%
Mean	3.3	3.0	0.0	0.0	0.0	0.0	0.0	0.0

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Country of Residence				Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
	Total	U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
Not Satisfied At All	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	0%	0%	0%	0%	0%	0%	0%
Neutral	67%	100%	100%	50%	0%	100%	100%
Satisfied	33%	0%	0%	50%	100%	0%	0%
Very Satisfied	0%	0%	0%	0%	0%	0%	0%
Mean	3.3	3.0	3.0	3.5	4.0	3.0	3.0

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

**TABLE 61: HOW MANY OF YOUR OUTSIDE LAW FIRMS HAVE SPECIALIZED E-DISCOVERY PRACTICE GROUPS?
BY INDUSTRY**

		What is the primary industry in which your company does business?													
		Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non- Profit	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants	422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
None	10%	0%	9%	0%	7%	0%	0%	0%	50%	0%	0%	33%	11%	0%	21%
Few	20%	0%	13%	0%	7%	0%	0%	0%	13%	0%	0%	7%	7%	0%	53%
		3%	17%	7%	14%	10%	0%	0%	3%	0%	0%	0%	14%	0%	31%
Some	24%	17%	26%	14%	33%	29%	25%	47%	0%	0%	50%	0%	11%	50%	18%
		3%	18%	3%	15%	6%	6%	21%	0%	0%	3%	0%	3%	3%	21%
Many	7%	0%	0%	0%	7%	14%	13%	13%	0%	0%	0%	0%	11%	0%	8%
		0%	0%	0%	10%	10%	10%	20%	0%	0%	0%	0%	10%	0%	30%
All	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
		0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Don't Know	38%	67%	43%	57%	27%	14%	63%	40%	25%	0%	50%	67%	22%	50%	31%
		7%	18%	7%	7%	2%	9%	11%	2%	0%	2%	4%	4%	2%	22%
Mean	1.5	0.8	1.3	1.0	1.9	2.3	1.3	1.9	1.0	0.0	1.5	0.3	1.8	1.5	1.5

2006 E-DISCOVERY FINDINGS

BY REGION

	U.S. Region							
	Total	Texas	Midwest	East Coast / New England	South	Atlantic	California	West
Number of Participants	422	84	66	76	13	11	42	18
None	10%	16%	0%	14%	33%	0%	8%	0%
Few	20%	40%	0%	27%	7%	0%	7%	0%
		22%	11%	21%	0%	33%	8%	29%
Some	24%	28%	7%	21%	0%	3%	3%	7%
		27%	28%	14%	33%	33%	33%	14%
Many	7%	29%	15%	12%	3%	3%	12%	3%
		3%	11%	7%	33%	33%	8%	14%
All	0%	10%	20%	20%	10%	10%	10%	10%
		0%	0%	0%	0%	0%	0%	0%
Don't Know	38%	0%	0%	0%	0%	0%	0%	0%
		32%	50%	45%	0%	0%	42%	43%
Mean	1.5	22%	16%	24%	0%	0%	9%	5%
		1.5	1.5	1.5	1.2	2.7	3.0	1.6

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Total	Country of Residence			Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
		U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
None	10%	10%	7%	11%	29%	6%	5%
Few	20%	80%	7%	20%	53%	13%	27%
Some	24%	19%	14%	25%	18%	21%	21%
Many	7%	76%	7%	24%	17%	24%	59%
All	0%	25%	29%	18%	11%	27%	27%
Don't Know	38%	85%	12%	15%	9%	26%	65%
		8%	7%	4%	11%	9%	5%
		90%	10%	10%	30%	30%	40%
		0%	0%	0%	0%	0%	0%
		0%	0%	0%	0%	0%	0%
		37%	43%	43%	32%	36%	42%
		78%	11%	22%	16%	22%	62%
Mean	1.5	1.6	1.5	1.3	1.4	1.7	1.5

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

TABLE 62: RECORDS RETENTION POLICY

The term “litigation hold,” as used in the following questions, describes an instruction sent by the legal department of a company that sets in motion the company’s process of preserving documents when there is a potential or actual litigation, investigation or third-party subpoena.

Do you have **procedures for issuing a litigation hold** when litigation, a third-party subpoena or a regulatory investigation has begun or you have reason to believe that one may begin soon?

BY INDUSTRY

		What is the primary industry in which your company does business?														
		Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non-Profit	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants		422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
No		25%	29%	19%	29%	13%	50%	13%	13%	50%	0%	0%	0%	22%	50%	33%
			6%	11%	6%	6%	11%	3%	6%	6%	0%	0%	0%	6%	3%	36%
Yes		75%	71%	81%	71%	87%	50%	88%	87%	50%	0%	100%	100%	78%	50%	68%
			5%	15%	5%	12%	4%	6%	12%	2%	0%	2%	4%	6%	1%	25%
Mean		1.8	1.7	1.8	1.7	1.9	1.5	1.9	1.9	1.5	0.0	2.0	2.0	1.8	1.5	1.7

BY REGION

		U.S. Region							
		Total	Texas	Midwest	East Coast / New England	South	Atlantic	California	West
Number of Participants		422	84	66	76	13	11	42	18
No		25%	18%	17%	24%	33%	20%	23%	14%
			19%	8%	19%	3%	3%	8%	3%
Yes		75%	82%	83%	76%	67%	80%	77%	86%
			28%	14%	20%	2%	4%	9%	5%
Mean		1.8	1.8	1.8	1.8	1.7	1.8	1.8	1.9

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Total	Country of Residence			Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
		U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
No	25%	20%	14%	44%	46%	24%	17%
Yes	75%	67%	6%	33%	36%	22%	39%
		80%	86%	56%	54%	76%	83%
		86%	11%	14%	14%	23%	64%
Mean	1.8	1.8	1.9	1.6	1.5	1.8	1.8

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

TABLE 63: ARE YOU PLANNING TO ADOPT OR REVISE A LITIGATION HOLD POLICY DURING THE NEXT 12 MONTHS?

BY INDUSTRY

		What is the primary industry in which your company does business?														
		Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non-Profit	Pharm	Real Estate	Retail / Wholesale	Tech / Comm	Trade Assn	Other
Number of Participants		422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
No		58%	71%	58%	57%	43%	63%	38%	57%	67%	0%	100%	100%	56%	100%	54%
			6%	14%	5%	8%	6%	4%	10%	3%	0%	3%	4%	6%	3%	26%
Yes		42%	29%	42%	43%	57%	38%	63%	43%	33%	0%	0%	0%	44%	0%	46%
			3%	14%	5%	14%	5%	9%	10%	2%	0%	0%	0%	7%	0%	31%
Mean		1.4	1.3	1.4	1.4	1.6	1.4	1.6	1.4	1.3	0.0	1.0	1.0	1.4	1.0	1.5

BY REGION

		U.S. Region							
		Total	Texas	Midwest	East Coast / New England	South	Atlantic	California	West
Number of Participants		422	84	66	76	13	11	42	18
No		58%	46%	44%	57%	33%	100%	69%	57%
			20%	10%	20%	1%	4%	11%	5%
Yes		42%	54%	56%	43%	67%	0%	31%	43%
			33%	17%	21%	3%	0%	7%	5%
Mean		1.4	1.5	1.6	1.4	1.7	1.0	1.3	1.4

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Total	Country of Residence			Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
		U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
No	58%	54%	77%	79%	71%	56%	53%
		76%	13%	24%	25%	23%	51%
Yes	42%	46%	23%	21%	29%	44%	47%
		91%	5%	9%	14%	24%	62%
Mean	1.4	1.5	1.2	1.2	1.3	1.4	1.5

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

TABLE 64: DOES YOUR COMPANY HAVE A WRITTEN RECORDS RETENTION POLICY THAT TAKES INTO ACCOUNT ITS OBLIGATIONS UNDER APPLICABLE STATUTES AND REGULATIONS FOR RETAINING RECORDS?

BY INDUSTRY

		What is the primary industry in which your company does business?														
		Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non-Profit	Pharm	Real Estate	Retail / Wholesale	Tech / Comm	Trade Assn	Other
Number of Participants		422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
No		22%	14%	24%	14%	7%	50%	25%	7%	25%	0%	0%	0%	0%	0%	36%
			3%	16%	3%	3%	13%	6%	3%	3%	0%	0%	0%	0%	0%	44%
Yes		78%	86%	76%	86%	93%	50%	75%	93%	75%	0%	100%	100%	100%	100%	64%
			5%	14%	5%	13%	4%	5%	13%	3%	0%	2%	4%	8%	2%	22%
Mean		1.8	1.9	1.8	1.9	1.9	1.5	1.8	1.9	1.8	0.0	2.0	2.0	2.0	2.0	1.6

BY REGION

		U.S. Region							
		Total	East Coast /					California	West
			Texas	Midwest	New England	South	Atlantic		
Number of Participants		422	84	66	76	13	11	42	18
No		22%	21%	17%	18%	67%	25%	23%	29%
			25%	9%	16%	6%	3%	9%	6%
Yes		78%	79%	83%	82%	33%	75%	77%	71%
			27%	13%	21%	1%	3%	9%	4%
Mean		1.8	1.8	1.8	1.8	1.3	1.8	1.8	1.7

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Country of Residence				Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
	Total	U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
No	22%	21%	21%	30%	39%	24%	16%
Yes	78%	79%	79%	70%	61%	76%	84%
		83%	10%	17%	15%	22%	62%
Mean	1.8	1.8	1.8	1.7	1.6	1.8	1.8

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

TABLE 65: IF NOT, ARE YOU PLANNING TO ADOPT A RECORDS RETENTION POLICY DURING THE NEXT 12 MONTHS?

BY INDUSTRY

		What is the primary industry in which your company does business?														
		Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non- Profi t	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants		422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
No	48%	0%	75%	100%	100%	50%	0%	0%	100	0%	0%	0%	100%	100%	36%	
		0%	19%	6%	6%	13%	0%	0%	6%	0%	0%	0%	6%	6%	31%	
Yes	52%	100%	25%	0%	0%	50%	100%	100%	0%	0%	0%	0%	0%	0%	0%	64%
		6%	6%	0%	0%	12%	12%	6%	0%	0%	0%	0%	0%	0%	0%	53%
Mean		1.5	2.0	1.3	1.0	1.0	1.5	2.0	2.0	1.0	0.0	0.0	0.0	1.0	1.0	1.6

BY REGION

		U.S. Region							
		Total	East Coast /			South Atlantic		California	West
			Texas	Midwest	New England	South	Atlantic		
Number of Participants		422	84	66	76	13	11	42	18
No	48%	14%	67%	20%	0%	0%	75%	0%	
		6%	13%	6%	0%	0%	19%	0%	
Yes	52%	86%	33%	80%	100	100%	25%	100	
		35%	6%	24%	%	6%	6%	%	
					12%			12%	
Mean		1.5	1.9	1.3	1.8	2.0	2.0	1.3	2.0

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Total	Country of Residence			Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
		U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
No	48%	32%	100%	100%	67%	33%	42%
Yes	52%	50%	19%	50%	50%	19%	31%
		68%	0%	0%	33%	67%	58%
		100%	0%	0%	24%	35%	41%
Mean	1.5	1.7	1.0	1.0	1.3	1.7	1.6

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

TABLE 66: IF YOU HAVE SUCH A POLICY, HAS YOUR COMPANY REVIEWED OR REVISED THAT POLICY IN THE LAST YEAR?

BY INDUSTRY

		What is the primary industry in which your company does business?														
		Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non-Profit	Pharm	Real Estate	Retail / Wholesale	Tech / Comm	Trade Assn	Other
Number of Participants		422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
No		31%	83%	13%	17%	29%	0%	17%	29%	67%	0%	0%	25%	33%	100%	38%
			14%	6%	3%	11%	0%	3%	11%	6%	0%	0%	3%	9%	9%	26%
Yes		69%	17%	88%	83%	71%	100%	83%	71%	33%	0%	100%	75%	67%	0%	63%
			1%	18%	6%	13%	5%	6%	13%	1%	0%	3%	4%	8%	0%	19%
Mean		1.7	1.2	1.9	1.8	1.7	2.0	1.8	1.7	1.3	0.0	2.0	1.8	1.7	1.0	1.6

BY REGION

		U.S. Region							
		Total	Texas	Midwest	East Coast / New England	South	Atlantic	California	West
Number of Participants		422	84	66	76	13	11	42	18
No		31%	28%	13%	52%	0%	33%	36%	20%
			23%	6%	34%	0%	3%	11%	3%
Yes		69%	72%	87%	48%	100	67%	64%	80%
			27%	17%	14%	%	3%	9%	5%
						1%			
Mean		1.7	1.7	1.9	1.5	2.0	1.7	1.6	1.8

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Country of Residence				Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
	Total	U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
No	31%	30%	27%	37%	59%	44%	19%
Yes	69%	80%	9%	20%	29%	31%	37%
		70%	73%	63%	41%	56%	81%
		84%	10%	16%	9%	18%	73%
Mean	1.7	1.7	1.7	1.6	1.4	1.6	1.8

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

TABLE 67: IN THE PAST YEAR, HAS YOUR COMPANY CONDUCTED RECORDS RETENTION OR LITIGATION HOLDS TRAINING FOR ITS EMPLOYEES?

BY INDUSTRY

		What is the primary industry in which your company does business?														
		Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non- Profit	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants		422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
No		64%	71%	47%	71%	80%	63%	75%	47%	75%	0%	50%	67%	33%	67%	69%
			5%	10%	5%	13%	5%	7%	8%	3%	0%	1%	2%	3%	2%	30%
Yes		36%	29%	53%	29%	20%	38%	25%	53%	25%	0%	50%	33%	67%	33%	31%
			4%	19%	4%	6%	6%	4%	15%	2%	0%	2%	2%	12%	2%	23%
Mean		1.4	1.3	1.5	1.3	1.2	1.4	1.3	1.5	1.3	0.0	1.5	1.3	1.7	1.3	1.3

BY REGION

		U.S. Region							
		Total	Texas	Midwest	East Coast / New England	South	Atlantic	California	West
Number of Participants		422	84	66	76	13	11	42	18
No		64%	64%	78%	62%	67%	50%	71%	86%
			25%	15%	20%	2%	2%	11%	7%
Yes		36%	36%	22%	38%	33%	50%	29%	14%
			25%	8%	21%	2%	4%	8%	2%
Mean		1.4	1.4	1.2	1.4	1.3	1.5	1.3	1.1

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Total	Country of Residence			Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
		U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
No	64%	66%	46%	54%	72%	81%	53%
		85%	7%	15%	23%	29%	47%
Yes	36%	34%	54%	46%	28%	19%	47%
		77%	13%	23%	15%	12%	73%
Mean	1.4	1.3	1.5	1.5	1.3	1.2	1.5

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

**TABLE 68: IF SO, HOW SATISFIED HAVE YOU BEEN WITH THE OVERALL EFFECTIVENESS OF THE TRAINING?
BY INDUSTRY**

	What is the primary industry in which your company does business?														
	Total	Education	Energy	Engineer / Construct	Financial Services	Health Care	Insurance	Manuf.	Non- Profit	Pharm	Real Estate	Retail / Whole- sale	Tech / Comm	Trade Assn	Other
Number of Participants	422	13	56	13	57	22	18	49	6	6	11	29	32	10	92
Not Satisfied At All	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	9%	0%	10%	0%	0%	0%	0%	13%	100%	0%	0%	0%	17%	0%	8%
Neutral	40%	100%	40%	50%	33%	0%	50%	63%	0%	0%	0%	0%	33%	100%	33%
Satisfied	47%	0%	50%	50%	67%	67%	50%	25%	0%	0%	100%	100%	33%	0%	58%
Very Satisfied	4%	0%	0%	0%	0%	33%	0%	0%	0%	0%	0%	0%	17%	0%	0%
Mean	3.5	3.0	3.4	3.5	3.7	4.3	3.5	3.1	2.0	0.0	4.0	4.0	3.5	3.0	3.5

2006 E-DISCOVERY FINDINGS

BY REGION

	U.S. Region							
	Total	Texas	Midwest	East Coast / New England	South	Atlantic	California	West
Number of Participants	422	84	66	76	13	11	42	18
Not Satisfied At All	0%	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	9%	0%	0%	0%	0%	0%	0%	0%
		7%	0%	20%	0%	0%	25%	0%
Neutral	40%	20%	0%	40%	0%	0%	20%	0%
		36%	75%	30%	0%	50%	25%	100%
Satisfied	47%	24%	14%	14%	0%	5%	5%	5%
		57%	25%	40%	100%	50%	50%	0%
Very Satisfied	4%	32%	4%	16%	%	4%	8%	0%
		0%	0%	10%	0%	0%	0%	0%
Mean	3.5	0%	0%	50%	0%	0%	0%	0%
		3.5	3.3	3.4	4.0	3.5	3.3	3.0

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

2006 E-DISCOVERY FINDINGS

BY LOCATION / REVENUE

	Country of Residence				Last Fiscal Year – Gross Revenues (In U.S. Dollars)		
	Total	U.S.	U.K.	All International (incl UK)	Under \$100 Million	\$100 – \$999 Million	\$1 Billion or More
Number of Participants	422	311	45	111	82	110	215
Not Satisfied At All	0%	0%	0%	0%	0%	0%	0%
Somewhat Dissatisfied	9%	10%	0%	8%	25%	0%	8%
Neutral	40%	80%	0%	20%	40%	0%	60%
Satisfied	47%	38%	50%	46%	38%	33%	41%
Very Satisfied	4%	71%	19%	29%	14%	10%	76%
		48%	50%	46%	38%	67%	46%
		76%	16%	24%	12%	16%	72%
		5%	0%	0%	0%	0%	5%
		100%	0%	0%	0%	0%	100%
Mean	3.5	3.5	3.5	3.4	3.1	3.7	3.5

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –



2007 LITIGATION TRENDS SURVEY

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

2007 E-DISCOVERY FINDINGS

E-DISCOVERY/DOCUMENT PRODUCTION

Issues related to e-discovery as the subjects of motions, hearings or rulings in the past year remain a rare or nonexistent event for 70% or more of the survey sample, virtually the same results as those in the 2006 survey when the question was first asked.

✎ *There was virtually no change from year to year in the percentage of the largest companies responding “sometimes” or “frequently” (40%).*

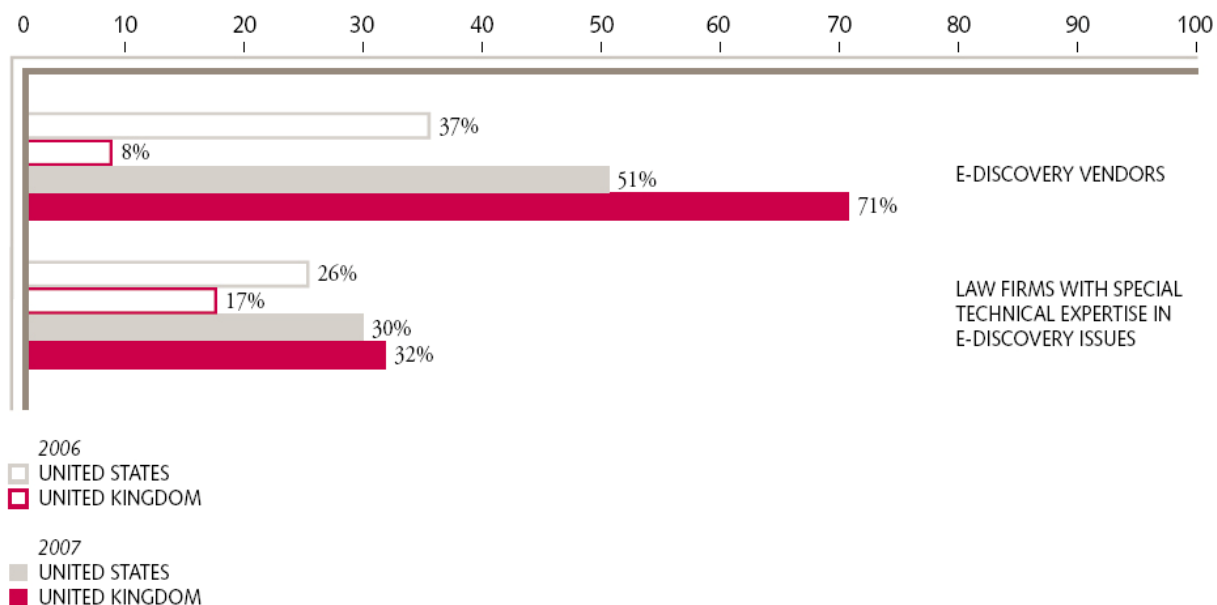
✎ *However, there were increases in those answering “sometimes” or “frequently” in the smaller and mid-sized company categories, indicating that e-discovery as a contentious issue is spreading to organizations of all sizes.*

USE OF OUTSIDE SOURCES

There was a large jump from a year ago in the use of e-discovery vendors in the United States and a modest increase in the use of outside law firms with special technical expertise in e-discovery issues. In the United Kingdom, there were even larger increases in the use of both types of outside resources from year to year. There were also substantial increases across all company size categories.

2007 E-DISCOVERY FINDINGS

Use of Outside E-Discovery Resources



RETAINING NATIONAL OR REGIONAL E-DISCOVERY COUNSEL

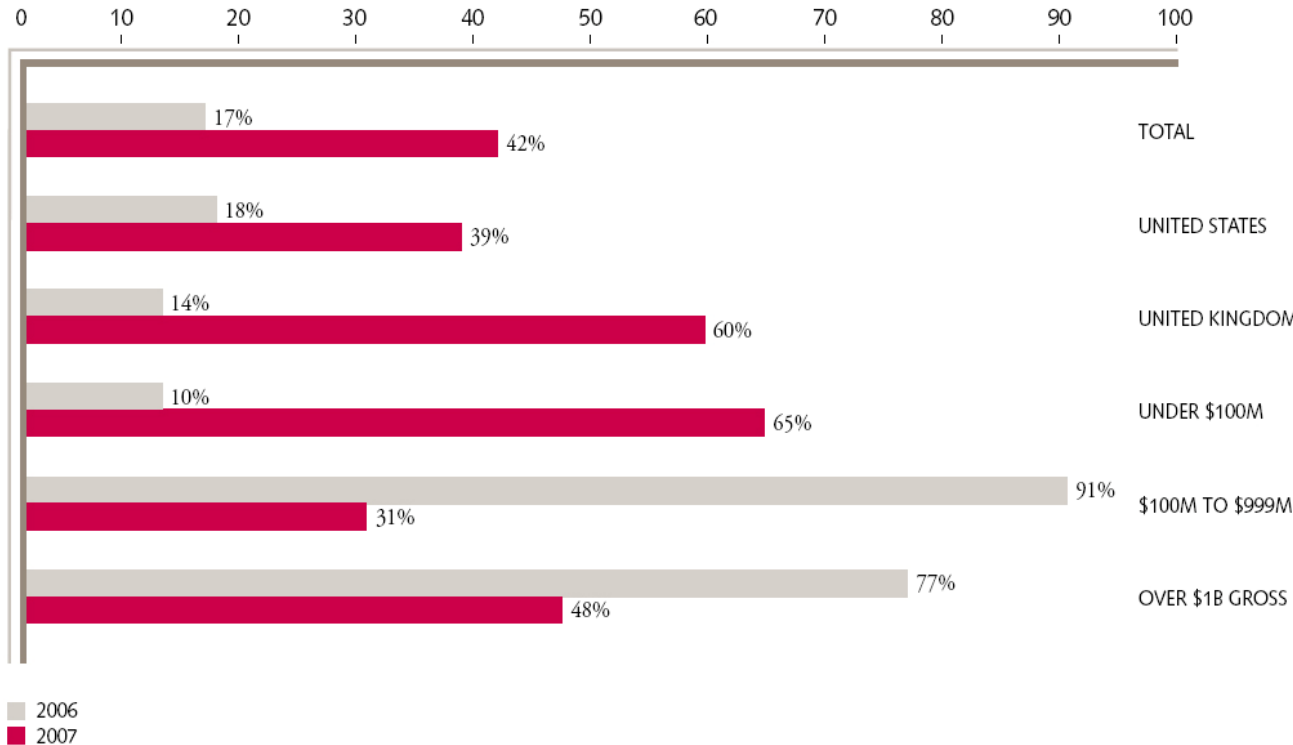
There were also major increases in companies that have retained or considered retaining national or regional counsel specifically for e-discovery issues that arise in matters. Taking the survey sample as a whole, those answering in the affirmative jumped from 17% in 2006 to 42% in 2007.

2007 E-DISCOVERY FINDINGS

It appears companies in the U.K., in particular, are embracing the concept. There were also equally significant increases across the three company size categories.

Retaining National or Regional E-Discovery Counsel

(By Country of Residence and Company Size)



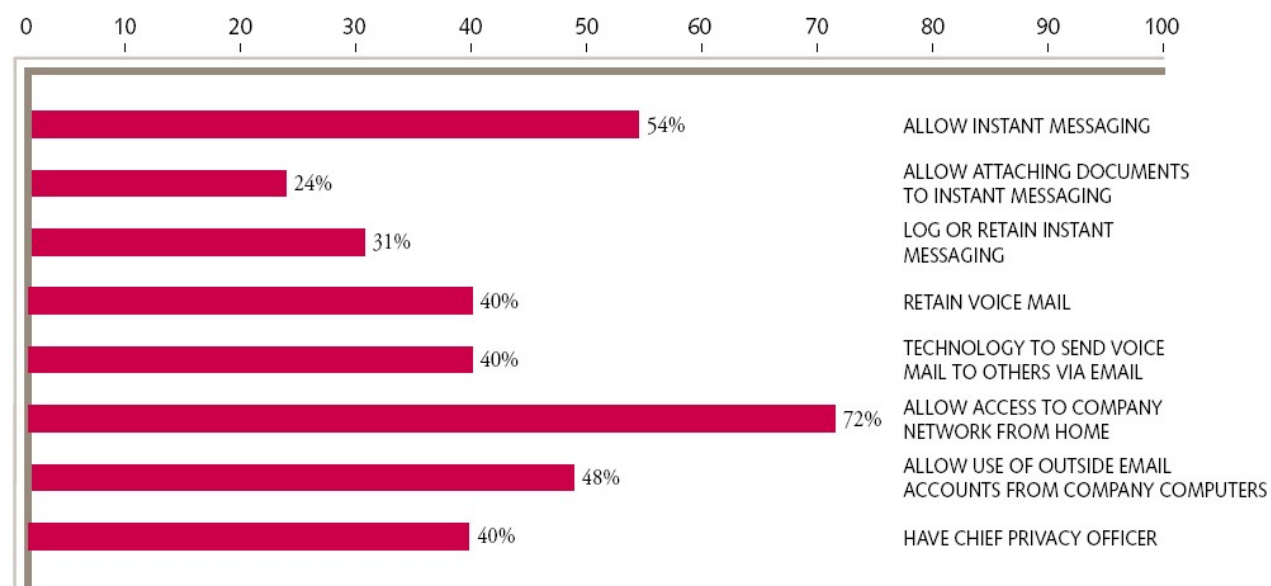
CORPORATE COMMUNICATIONS POLICIES

In questions asked for the first time this year about policies governing various forms of employee communications, we see the following results across the survey sample, as a whole:

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

2007 E-Discovery Findings

Corporate Communications Policies



The backup retention period varies significantly, but the median for all companies in the survey is approximately 60 days. The industries most likely to retain communications for a year or more are real estate, technology/communications and energy.

EFFECTS OF E-DISCOVERY RULE CHANGES

The new federal rules pertaining to e-discovery implemented in December 2006 have made the handling of these issues in federal litigation more difficult, according to 27% of the United States companies surveyed, although 18% believed they have made the process at least somewhat easier. More than 60% of both groups reported little change.

Companies in the United Kingdom were more positive on the federal rules changes with one-third believing they had made managing e-discovery issues during litigation at least somewhat easier.

2007 E-DISCOVERY FINDINGS

- ✧ *U.K. companies were also more positive about the Civil Procedures rule changes in the U.K. with a third believing they had made the e-discovery process at least somewhat easier; American companies were just half as generous in their views of the U.K. Civil Procedure rule changes.*
- ✧ *American companies were twice as likely as those in the U.K. to think their respective rules changes had made e-discovery more difficult.*

THE COST OF PRIVILEGE REVIEW

More than half of the respondents answering a question about privilege review costs said that more than 5% of their litigation spending the past 12 months had gone to preproduction privilege review. Only U.S. respondents answered this question and of those, 30% estimated that privilege reviews comprised 6% to 10% of their litigation costs, while 16% estimated the figure as high as 30% to 50%. Most of the latter figure consisted of the mid-sized and the largest companies participating.

One-third of the technology/communications respondents were in the 30% to 50% range, followed by energy (21%), health care (19%) and financial services (18%).

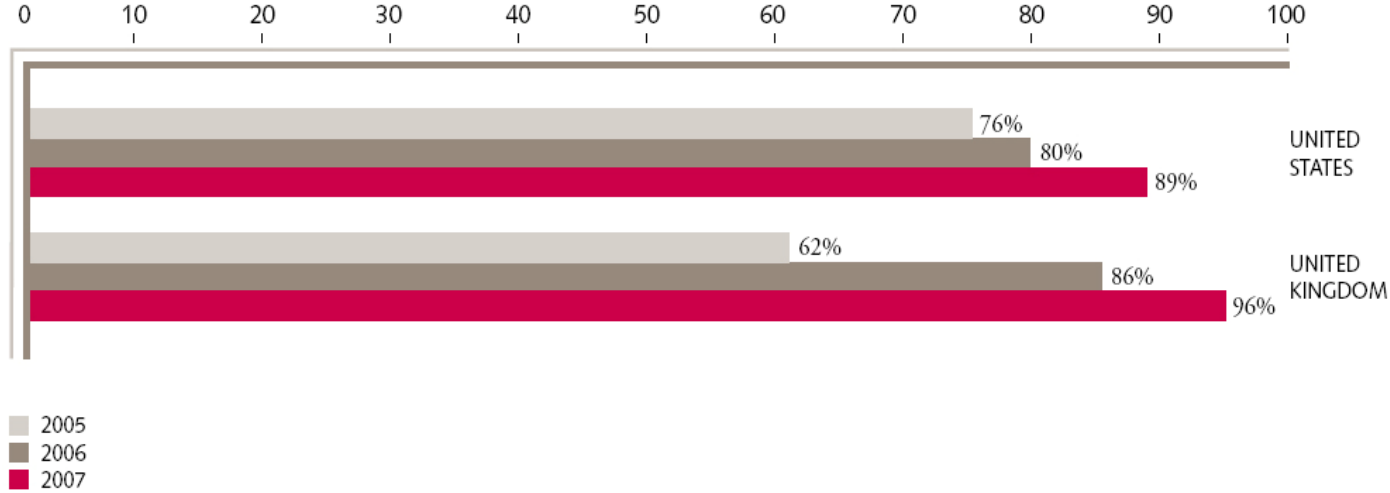
When asked for the largest amount spent on preproduction privilege review in a single matter or collection of related matters, 31% of respondents estimated it was below \$100,000; 19% of all respondents and half of the largest company respondents put the figure over \$100,000 but below \$1 million.

Two percent of all the respondents spent between \$1 million and \$2 million, and 2% were in the \$3 million to \$5 million range. Five percent of the largest companies spent \$3 million to \$5 million for privilege review on a single matter or group of related matters. Financial services and insurance were the only industries reporting more than \$1 million spent on an isolated matter or group of matters, and one insurance respondent had an expenditure of \$3 million to \$5 million.

The upward trend in the use of litigation hold policies by companies in the U.K. continues for the third year in a row. A similar but more moderate climb is also evident among U.S. survey participants.

2007 E-DISCOVERY FINDINGS

Litigation Hold Policy in Place



Almost all of the companies of \$1 billion or more in revenues have litigation hold policies in place (98%). These policies also continue to be works in progress with 81% of United States companies and 90% of the United Kingdom companies having reviewed or revised their policies in the past 12 months.

TABLE 38: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: DURING THE PAST YEAR, HOW OFTEN HAVE ISSUES RELATED TO E-DISCOVERY BECOME THE SUBJECT OF A MOTION, HEARING OR RULING FROM A TRIBUNAL?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	292	242	48	66	93	99
Never	44%	43%	48%	52%	51%	28%
Rarely	28%	28%	27%	29%	25%	31%
Sometimes	23%	23%	21%	18%	22%	27%
Frequently	5%	6%	4%	0%	3%	13%
Always	0%	0%	0%	2%	0%	0%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	292	52	55	37	39	19	11	29
Never	44%	56%	33%	43%	51%	26%	27%	41%
Rarely	28%	25%	38%	22%	33%	26%	18%	24%
Sometimes	23%	12%	29%	22%	15%	37%	27%	31%
Frequently	5%	6%	0%	14%	0%	11%	27%	3%
Always	0%	2%	0%	0%	0%	0%	0%	0%

2007 E-DISCOVERY FINDINGS

BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	292	8	37	5	71	31	15	33	6	29	34
Never	44%	63%	46%	60%	45%	42%	40%	39%	83%	31%	38%
Rarely	28%	38%	27%	20%	28%	35%	27%	24%	17%	28%	35%
Sometimes	23%	0%	24%	20%	21%	19%	27%	33%	0%	31%	12%
Frequently	5%	0%	3%	0%	6%	3%	7%	3%	0%	10%	12%
Always	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	3%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 39: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: IN THOSE INSTANCES DURING THE PAST YEAR WHERE A MATTER REQUIRED TECHNICAL EXPERTISE IN E-DISCOVERY BEYOND THAT POSSESSED BY YOUR IN-HOUSE OR OUTSIDE LAWYERS, TO WHICH OF THE FOLLOWING DID YOUR COMPANY TURN FOR ASSISTANCE (CHECK ALL THAT APPLY)?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	177	148	28	35	50	76
E-discovery Vendors	54%	51%	71%	69%	48%	55%
In-house General IT Sources	54%	53%	57%	20%	58%	62%
In-house Specialized E-discovery Teams	34%	33%	39%	40%	34%	37%
Another Law Firm Having Special Technical Expertise In E-Discovery Issues	31%	30%	32%	29%	24%	38%
All other	1%	1%	0%	0%	2%	1%

2007 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	177	27	38	21	21	14	8	19
E-discovery Vendors	54%	52%	42%	52%	57%	57%	63%	47%
In-house General IT Sources	54%	59%	47%	48%	57%	64%	50%	53%
In-house Specialized E-discovery Teams	34%	11%	32%	67%	33%	21%	50%	32%
Another Law Firm Having Special Technical Expertise In E-Discovery Issues	31%	22%	29%	43%	24%	36%	50%	16%
All Other	1%	0%	5%	0%	0%	0%	0%	0%

2007 E-DISCOVERY FINDINGS
BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	177	3	23	2	41	21	8	22	1	21	22
E-discovery Vendors	54%	33%	39%	0%	68%	52%	63%	41%	100%	67%	64%
In-house General IT Sources	54%	33%	48%	0%	56%	71%	63%	68%	100%	29%	55%
In-house Specialized E-discovery Teams	34%	67%	22%	0%	46%	19%	50%	14%	0%	57%	23%
Another Law Firm Having Special Technical Expertise In E-Discovery Issues	31%	33%	22%	100%	29%	38%	25%	27%	0%	29%	32%
All Other	1%	0%	4%	0%	0%	5%	0%	0%	0%	0%	0%

E-DISCOVERY FINDINGS FROM THE 2005-2009
 FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 40: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: HAS YOUR COMPANY EVER RETAINED OR CONSIDERED RETAINING AN OUTSIDE LAW FIRM TO SERVE AS NATIONAL OR REGIONAL E-DISCOVERY COUNSEL TO HANDLE ANY DIFFICULT E-DISCOVERY ISSUES THAT MIGHT ARISE IN YOUR MATTERS?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	292	243	47	65	93	100
Yes	42%	39%	60%	65%	31%	48%
No	58%	61%	40%	35%	69%	52%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	292	53	56	37	39	18	11	29
Yes	42%	15%	43%	59%	46%	39%	36%	41%
No	58%	85%	57%	41%	54%	61%	64%	59%

2007 E-DISCOVERY FINDINGS
BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	292	8	37	5	68	32	15	35	6	29	34
Yes	42%	50%	19%	60%	63%	31%	27%	51%	17%	59%	29%
No	58%	50%	81%	40%	37%	69%	73%	49%	83%	41%	71%

E-DISCOVERY FINDINGS FROM THE 2005-2009
 FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 41: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: HOW MANY OF YOUR OUTSIDE LAW FIRMS HAVE SPECIALIZED E-DISCOVERY PRACTICE GROUPS?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	266	218	47	63	84	90
None	14%	14%	15%	19%	15%	4%
Few	33%	36%	21%	30%	37%	31%
Some	36%	33%	49%	43%	33%	36%
Many	14%	13%	15%	6%	11%	24%
All	3%	4%	0%	2%	4%	4%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	266	44	53	34	32	17	10	28
None	14%	11%	17%	12%	13%	6%	20%	14%
Few	33%	48%	38%	21%	38%	41%	10%	36%
Some	36%	27%	34%	47%	38%	24%	20%	36%
Many	14%	14%	11%	12%	9%	12%	50%	7%
All	3%	0%	0%	9%	3%	18%	0%	7%

2007 E-DISCOVERY FINDINGS

BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	266	8	33	4	65	29	14	30	5	27	30
None	14%	13%	9%	25%	18%	17%	14%	7%	20%	15%	13%
Few	33%	50%	52%	50%	17%	38%	36%	37%	60%	22%	37%
Some	36%	25%	30%	25%	49%	21%	21%	40%	20%	37%	33%
Many	14%	0%	9%	0%	14%	14%	29%	13%	0%	26%	10%
All	3%	13%	0%	0%	2%	10%	0%	3%	0%	0%	7%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 42: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: DO YOU PERMIT YOUR EMPLOYEES TO USE INSTANT MESSAGES?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	290	240	48	66	92	98
Yes	54%	53%	58%	53%	43%	70%
No	46%	47%	42%	47%	57%	30%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	290	53	55	36	39	18	11	28
Yes	54%	62%	55%	44%	54%	39%	91%	43%
No	46%	38%	45%	56%	46%	61%	9%	57%

2007 E-DISCOVERY FINDINGS
BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	290	7	36	4	71	32	14	34	6	29	34
Yes	54%	29%	67%	75%	52%	38%	43%	44%	50%	69%	65%
No	46%	71%	33%	25%	48%	63%	57%	56%	50%	31%	35%

E-DISCOVERY FINDINGS FROM THE 2005-2009
 FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 43: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: DO YOU PERMIT YOUR EMPLOYEES TO ATTACH DOCUMENTS TO INSTANT MESSAGING?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	269	220	48	66	87	87
Yes	24%	23%	29%	26%	26%	24%
No	64%	67%	50%	58%	69%	60%
Sometimes	12%	10%	21%	17%	5%	16%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	269	47	48	35	35	17	11	27
Yes	24%	36%	21%	20%	20%	18%	27%	22%
No	64%	57%	73%	69%	74%	82%	27%	63%
Sometimes	12%	6%	6%	11%	6%	0%	45%	15%

2007 E-DISCOVERY FINDINGS
BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	269	7	34	3	70	28	13	27	6	29	33
Yes	24%	14%	32%	33%	24%	11%	31%	11%	17%	38%	24%
No	64%	71%	59%	33%	57%	79%	69%	85%	83%	54%	67%
Sometimes	12%	14%	9%	33%	19%	11%	0%	4%	0%	8%	9%

E-DISCOVERY FINDINGS FROM THE 2005-2009
 FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

**TABLE 44: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: DO YOU LOG (RETAIN) INSTANT MESSAGES?
IF SO, FOR HOW LONG?****BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	261	212	48	66	85	81
Yes	19%	18%	23%	14%	18%	26%
No	69%	72%	58%	65%	78%	60%
Certain cases	12%	10%	19%	21%	5%	14%
Less than a Week	13%	13%	11%	30%	11%	0%
2 – 4 Weeks	22%	26%	11%	40%	22%	8%
1 Month	22%	13%	44%	30%	22%	17%
2 – 3 Months	25%	30%	11%	0%	22%	42%
4 – 11 Months	3%	4%	0%	0%	0%	8%
1 Year	9%	4%	22%	0%	0%	25%
More than 1 Year	6%	9%	0%	0%	22%	0%

2007 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	261	48	46	32	33	17	10	26
Yes	19%	21%	20%	22%	12%	18%	20%	19%
No	69%	73%	72%	69%	73%	82%	50%	69%
Certain cases	12%	6%	9%	9%	15%	0%	30%	12%
Less than a Week	13%	0%	20%	0%	0%	0%	0%	50%
2 – 4 Weeks	22%	17%	40%	0%	50%	0%	100%	0%
1 Month	22%	17%	0%	0%	25%	100%	0%	0%
2 – 3 Months	25%	33%	20%	33%	25%	0%	0%	50%
4 – 11 Months	3%	17%	0%	0%	0%	0%	0%	0%
1 Year	9%	17%	20%	0%	0%	0%	0%	0%
More than 1 Year	6%	0%	0%	67%	0%	0%	0%	0%

2007 E-DISCOVERY FINDINGS

BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	261	7	32	2	70	29	12	25	4	28	29
Yes	19%	14%	31%	50%	16%	7%	17%	24%	25%	11%	24%
No	69%	71%	63%	50%	67%	90%	75%	64%	75%	64%	76%
Certain cases	12%	14%	6%	0%	17%	3%	8%	12%	0%	25%	0%
Less than a Week	13%	100%	0%	0%	25%	0%	0%	0%	0%	25%	0%
2 – 4 Weeks	22%	0%	17%	100%	13%	0%	100%	100%	100%	25%	50%
1 Month	22%	0%	0%	0%	13%	0%	0%	0%	0%	25%	0%
2 – 3 Months	25%	0%	50%	0%	25%	100%	0%	0%	0%	0%	0%
4 – 11 Months	3%	0%	17%	0%	0%	0%	0%	0%	0%	0%	0%
1 Year	9%	0%	17%	0%	0%	0%	0%	0%	0%	0%	50%
More than 1 Year	6%	0%	0%	0%	25%	0%	0%	0%	0%	0%	0%

TABLE 45: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: DO YOU RETAIN VOICEMAILS? IF SO, FOR HOW LONG?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	283	234	48	66	90	94
Yes	40%	40%	40%	38%	31%	48%
No	60%	60%	60%	62%	69%	52%
Less than a Week	4%	5%	0%	5%	0%	7%
2 – 4 Weeks	29%	31%	24%	29%	37%	27%
1 Month	36%	33%	47%	43%	26%	37%
2 – 3 Months	20%	19%	24%	24%	16%	20%
4 – 11 Months	3%	3%	0%	0%	5%	3%
1 Year	7%	7%	6%	0%	16%	7%
More than 1 Year	1%	2%	0%	0%	0%	0%

2007 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	283	52	53	35	37	18	11	28
Yes	40%	33%	45%	29%	35%	44%	73%	43%
No	60%	67%	55%	71%	65%	56%	27%	57%
Less than a Week	4%	0%	8%	0%	0%	25%	0%	11%
2 – 4 Weeks	29%	9%	46%	25%	58%	0%	50%	0%
1 Month	36%	27%	38%	50%	17%	50%	25%	44%
2 – 3 Months	20%	36%	0%	25%	17%	25%	25%	22%
4 – 11 Months	3%	18%	0%	0%	0%	0%	0%	0%
1 Year	7%	0%	8%	0%	8%	0%	0%	22%
More than 1 Year	1%	9%	0%	0%	0%	0%	0%	0%

2007 E-DISCOVERY FINDINGS

BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	283	8	35	3	70	31	15	33	6	28	32
Yes	40%	38%	43%	33%	33%	42%	40%	58%	67%	39%	25%
No	60%	63%	57%	67%	67%	58%	60%	42%	33%	61%	75%
Less than a Week	4%	0%	0%	0%	0%	9%	0%	20%	0%	0%	0%
2 – 4 Weeks	29%	0%	0%	100%	25%	36%	50%	30%	67%	50%	20%
1 Month	36%	100%	25%	0%	50%	27%	0%	30%	33%	38%	40%
2 – 3 Months	20%	0%	25%	0%	25%	18%	50%	20%	0%	13%	0%
4 – 11 Months	3%	0%	25%	0%	0%	0%	0%	0%	0%	0%	0%
1 Year	7%	0%	25%	0%	0%	0%	0%	0%	0%	0%	40%
More than 1 Year	1%	0%	0%	0%	0%	9%	0%	0%	0%	0%	0%

TABLE 46: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: DOES YOUR TECHNOLOGY PERMIT VOICEMAILS TO BE SENT TO OTHERS VIA EMAIL?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	281	232	48	65	91	93
Yes	40%	37%	54%	42%	42%	41%
No	60%	63%	46%	58%	58%	59%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	281	50	54	36	36	18	11	27
Yes	40%	32%	39%	33%	31%	50%	82%	30%
No	60%	68%	61%	67%	69%	50%	18%	70%

2007 E-DISCOVERY FINDINGS

BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	281	8	34	4	68	31	15	32	5	29	33
Yes	40%	13%	41%	0%	41%	23%	40%	41%	40%	52%	52%
No	60%	88%	59%	100%	59%	77%	60%	59%	60%	48%	48%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 47: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: DO YOU PERMIT YOUR EMPLOYEES TO ACCESS YOUR NETWORK FROM HOME?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	286	236	48	66	89	97
Yes	72%	74%	60%	44%	72%	87%
No	28%	26%	40%	56%	28%	13%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	286	52	55	37	37	18	11	26
Yes	72%	88%	82%	65%	62%	78%	91%	50%
No	28%	12%	18%	35%	38%	22%	9%	50%

2007 E-DISCOVERY FINDINGS
BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	286	8	35	5	70	31	14	33	6	29	33
Yes	72%	50%	89%	80%	57%	74%	86%	76%	83%	55%	85%
No	28%	50%	11%	20%	43%	26%	14%	24%	17%	45%	15%

E-DISCOVERY FINDINGS FROM THE 2005-2009
 FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 48: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: DO YOU PERMIT YOUR EMPLOYEES TO USE OUTSIDE EMAIL ACCOUNTS FROM THEIR COMPANY-ISSUED COMPUTERS?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	286	236	48	66	90	96
Yes	40%	37%	48%	35%	42%	44%
No	53%	55%	46%	61%	47%	50%
Have no Policy	8%	8%	6%	5%	11%	6%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	286	51	54	37	38	18	11	27
Yes	40%	43%	35%	38%	37%	39%	55%	26%
No	53%	49%	57%	57%	58%	50%	27%	67%
Have no Policy	8%	8%	7%	5%	5%	11%	18%	7%

2007 E-DISCOVERY FINDINGS
BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	286	8	35	5	71	30	15	33	6	28	33
Yes	40%	25%	34%	40%	35%	17%	53%	39%	50%	43%	61%
No	53%	63%	51%	40%	61%	73%	33%	61%	33%	54%	30%
Have no Policy	8%	13%	14%	20%	4%	10%	13%	0%	17%	4%	9%

E-DISCOVERY FINDINGS FROM THE 2005-2009
 FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 49: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: WHAT IS YOUR COMPANY'S BACK-UP RETENTION PERIOD?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	189	154	33	37	58	72
Less than a Week	5%	5%	0%	5%	5%	6%
2–4 Weeks	7%	9%	0%	5%	7%	7%
1 Month	19%	19%	18%	19%	21%	17%
2–3 Months	40%	34%	70%	62%	36%	36%
4–11 Months	7%	8%	3%	8%	7%	8%
1 Year	6%	6%	9%	0%	7%	11%
More than 1 Year	6%	7%	0%	0%	9%	4%
It Varies	9%	11%	0%	0%	9%	11%

2007 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	189	35	29	23	28	11	10	17
Less than a Week	5%	6%	3%	4%	4%	18%	0%	6%
2-4 Weeks	7%	14%	10%	9%	7%	9%	0%	0%
1 Month	19%	31%	21%	13%	14%	18%	10%	12%
2-3 Months	40%	23%	38%	52%	21%	9%	60%	47%
4-11 Months	7%	9%	3%	9%	18%	9%	0%	6%
1 Year	6%	6%	7%	4%	14%	0%	0%	12%
More than 1 Year	6%	6%	7%	4%	4%	18%	10%	12%
It Varies	9%	6%	10%	4%	18%	18%	20%	6%

2007 E-DISCOVERY FINDINGS
BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	189	6	26	2	41	20	12	22	5	18	20
Less than a Week	5%	0%	4%	0%	2%	5%	8%	5%	0%	11%	10%
2-4 Weeks	7%	17%	8%	0%	2%	10%	8%	0%	40%	0%	15%
1 Month	19%	33%	23%	50%	12%	15%	25%	27%	0%	6%	10%
2-3 Months	40%	50%	35%	0%	63%	30%	33%	23%	0%	61%	30%
4-11 Months	7%	0%	4%	50%	7%	15%	0%	14%	0%	0%	10%
1 Year	6%	0%	8%	0%	5%	5%	0%	5%	20%	6%	20%
More than 1 Year	6%	0%	15%	0%	5%	0%	8%	5%	20%	0%	5%
It Varies	9%	0%	4%	0%	2%	20%	17%	23%	20%	17%	0%

TABLE 50: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: DOES YOUR COMPANY CURRENTLY HAVE, OR HAVE PLANS TO HIRE WITHIN 12 MONTHS, A CHIEF PRIVACY OFFICER?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	286	236	48	66	90	96
Yes, Have Now	40%	39%	48%	61%	33%	38%
No, But Plan to Hire	1%	1%	0%	2%	0%	0%
No, Do not Plan to Hire	59%	60%	52%	38%	67%	63%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	286	52	54	36	38	18	11	27
Yes, Have Now	40%	19%	33%	56%	42%	22%	82%	52%
No, But Plan to Hire	1%	2%	4%	0%	0%	0%	0%	0%
No, Do not Plan to Hire	59%	79%	63%	44%	58%	78%	18%	48%

2007 E-DISCOVERY FINDINGS
BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	286	7	35	4	71	31	14	33	6	28	34
Yes, Have Now	40%	43%	11%	0%	59%	71%	43%	9%	0%	61%	35%
No, But Plan to Hire	1%	0%	0%	0%	1%	3%	0%	0%	0%	0%	3%
No, Do not Plan to Hire	59%	57%	89%	100%	39%	26%	57%	91%	100%	39%	62%

E-DISCOVERY FINDINGS FROM THE 2005-2009
 FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 51: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: HAS YOUR COMPANY HAD ANY EXPERIENCE OF LOST PRIVILEGE OWING TO INADVERTENT PRODUCTION OF ESI (ELECTRONICALLY STORED INFORMATION)?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	284	235	48	66	92	95
Yes	20%	17%	40%	27%	20%	23%
No	80%	83%	60%	73%	80%	77%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	284	53	55	37	35	17	11	27
Yes	20%	4%	11%	32%	26%	6%	18%	26%
No	80%	96%	89%	68%	74%	94%	82%	74%

2007 E-DISCOVERY FINDINGS

BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	284	7	35	5	70	30	15	31	6	29	34
Yes	20%	14%	11%	0%	37%	17%	20%	3%	0%	38%	9%
No	80%	86%	89%	100%	63%	83%	80%	97%	100%	62%	91%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 52: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: IN THE PAST YEAR HAVE YOU EXPERIENCED A COURT OR ARBITRAL TRIBUNAL ISSUING COST SHIFTING ORDER TO THE REQUESTING PARTY FOR THE DISCOVERY OF ESI IN ONE OF YOUR CASES?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	285	235	48	66	93	96
Yes	22%	18%	44%	29%	16%	30%
No	78%	82%	56%	71%	84%	70%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	285	51	54	37	35	18	11	29
Yes	22%	6%	11%	32%	23%	6%	36%	28%
No	78%	94%	89%	68%	77%	94%	64%	72%

2007 E-DISCOVERY FINDINGS

BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	285	7	34	5	70	31	15	32	6	29	34
Yes	22%	14%	12%	0%	37%	16%	20%	9%	0%	34%	21%
No	78%	86%	88%	100%	63%	84%	80%	91%	100%	66%	79%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 53: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: HOW MUCH DID YOU PAY TO OUTSIDE E-DISCOVERY VENDORS IN THE PRIOR 12 MONTHS?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	256	210	44	58	82	90
Under \$50,000	57%	59%	48%	69%	63%	37%
\$50,000 – \$99,999	7%	9%	0%	9%	6%	9%
\$100,000 – \$499,999	13%	10%	27%	14%	16%	13%
\$500,000 – \$999,999	11%	10%	11%	7%	5%	21%
\$1,000,000 or More	6%	5%	14%	0%	2%	14%
Zero	5%	7%	0%	2%	7%	6%

2007 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	256	47	45	29	35	16	11	26
Under \$50,000	57%	70%	67%	45%	46%	56%	27%	73%
\$50,000 – \$99,999	7%	2%	9%	10%	11%	19%	18%	8%
\$100,000 – \$499,999	13%	4%	13%	3%	17%	13%	9%	12%
\$500,000 – \$999,999	11%	11%	4%	21%	9%	13%	36%	0%
\$1,000,000 or More	6%	6%	4%	14%	0%	0%	0%	4%
Zero	5%	6%	2%	7%	17%	0%	9%	4%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	256	6	31	3	64	30	13	26	6	28	28
Under \$50,000	57%	100%	68%	33%	50%	57%	62%	58%	50%	46%	54%
\$50,000 – \$99,999	7%	0%	6%	0%	2%	23%	0%	12%	17%	14%	0%
\$100,000 – \$499,999	13%	0%	3%	33%	19%	10%	15%	12%	0%	29%	11%
\$500,000 – \$999,999	11%	0%	10%	0%	11%	3%	8%	8%	0%	11%	21%
\$1,000,000 or More	6%	0%	13%	0%	14%	0%	8%	4%	0%	0%	4%
Zero	5%	0%	0%	33%	5%	7%	8%	8%	33%	0%	11%

TABLE 54: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: (U.S. ONLY) HOW HAVE THE NEW FEDERAL E-DISCOVERY RULES AFFECTED THE EASE OF YOUR COMPANY'S HANDLING OF ISSUES IN FEDERAL LITIGATION?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	231	220	9	43	72	89
It's much easier now	6%	5%	11%	16%	3%	2%
It's somewhat easier now	13%	13%	22%	16%	13%	13%
Not much change	54%	55%	44%	65%	54%	49%
It's more difficult now	27%	27%	22%	2%	31%	35%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	231	48	51	33	35	17	11	24
It's much easier now	6%	8%	4%	3%	9%	0%	0%	8%
It's somewhat easier now	13%	2%	6%	27%	14%	24%	27%	13%
Not much change	54%	50%	61%	58%	54%	29%	64%	54%
It's more difficult now	27%	40%	29%	12%	23%	47%	9%	25%

2007 E-DISCOVERY FINDINGS

BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	231	6	33	2	42	25	11	33	6	24	29
It's much easier now	6%	0%	9%	0%	7%	12%	0%	0%	0%	0%	7%
It's somewhat easier now	13%	50%	6%	0%	19%	20%	18%	6%	0%	21%	7%
Not much change	54%	50%	48%	100%	60%	44%	36%	52%	83%	71%	48%
It's more difficult now	27%	0%	36%	0%	14%	24%	45%	42%	17%	8%	38%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 55: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: (U.K. ONLY) HOW HAVE THE CIVIL PROCEDURE RULES AFFECTED THE EASE OF YOUR COMPANY'S HANDLING ISSUES IN LITIGATION?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	122	74	46	47	35	37
It's much easier now	5%	4%	7%	2%	0%	11%
It's somewhat easier now	17%	12%	26%	13%	20%	22%
Not much change	66%	69%	61%	85%	66%	43%
It's more difficult now	11%	15%	7%	0%	14%	24%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	122	16	19	14	15	5	2	5
It's much easier now	5%	6%	0%	7%	7%	0%	0%	0%
It's somewhat easier now	17%	0%	5%	14%	7%	60%	50%	20%
Not much change	66%	63%	79%	71%	80%	20%	50%	80%
It's more difficult now	11%	31%	16%	7%	7%	20%	0%	0%

2007 E-DISCOVERY FINDINGS

BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	122	3	11	2	45	4	7	11	0	16	15
It's much easier now	5%	0%	0%	0%	4%	25%	0%	0%	0%	0%	7%
It's somewhat easier now	17%	0%	18%	50%	20%	0%	29%	0%	0%	31%	13%
Not much change	66%	100%	73%	50%	69%	50%	43%	64%	0%	69%	67%
It's more difficult now	11%	0%	9%	0%	7%	25%	29%	36%	0%	0%	13%

TABLE 56: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: IN THE LAST 12 MONTHS WHAT ESTIMATED PERCENTAGE OF YOUR LITIGATION SPENT WENT FOR PREPRODUCTION PRIVILEGE REVIEW?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	88	87	0	10	32	34
Zero	24%	24%	0%	30%	25%	6%
Less than 5%	18%	18%	0%	20%	22%	18%
6% – 10%	30%	29%	0%	10%	28%	41%
11% – 19%	2%	2%	0%	10%	0%	3%
20% – 29%	10%	10%	0%	10%	9%	15%
30% – 50%	16%	16%	0%	20%	16%	18%
Over 50%	0%	0%	0%	0%	0%	0%

2007 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	88	20	18	8	16	8	6	10
Zero	24%	10%	28%	25%	31%	25%	17%	40%
Less than 5%	18%	20%	17%	0%	13%	13%	17%	40%
6% – 10%	30%	40%	39%	25%	31%	38%	0%	0%
11% – 19%	2%	0%	0%	0%	6%	0%	17%	0%
20% – 29%	10%	10%	11%	13%	6%	13%	33%	0%
30% – 50%	16%	20%	6%	38%	13%	13%	17%	20%
Over 50%	0%	0%	0%	0%	0%	0%	0%	0%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	88	3	14	1	17	16	2	11	3	6	9
Zero	24%	33%	7%	100%	35%	31%	0%	9%	67%	17%	22%
Less than 5%	18%	0%	29%	0%	12%	25%	0%	27%	33%	0%	0%
6% – 10%	30%	0%	43%	0%	24%	6%	50%	45%	0%	67%	33%
11% – 19%	2%	33%	0%	0%	0%	0%	0%	0%	0%	0%	11%
20% – 29%	10%	33%	0%	0%	12%	19%	50%	9%	0%	0%	0%
30% – 50%	16%	0%	21%	0%	18%	19%	0%	9%	0%	17%	33%
Over 50%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

TABLE 57: ELECTRONIC DISCOVERY/DOCUMENT PRODUCTION: IN THE PAST 12 MONTHS WHAT IS THE LARGEST TOTAL AMOUNT YOU HAVE PAID IN A SINGLE MATTER OR COLLECTION OF RELATED MATTERS FOR PREPRODUCTION PRIVILEGE REVIEW?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	54	54	0	5	20	20
Nothing	46%	46%	0%	60%	45%	25%
Under \$100,000	31%	31%	0%	40%	55%	20%
\$100,000 – \$999,999	19%	19%	0%	0%	0%	50%
\$1 Million	0%	0%	0%	0%	0%	0%
\$1 – \$1.99 Million	2%	2%	0%	0%	0%	0%
\$2 – \$2.99 Million	0%	0%	0%	0%	0%	0%
\$3 – \$5 Million	2%	2%	0%	0%	0%	5%
Over \$5 Million	0%	0%	0%	0%	0%	0%

2007 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	54	12	13	4	10	3	4	8
Nothing	46%	33%	46%	75%	60%	33%	25%	50%
Under \$100,000	31%	33%	23%	0%	40%	33%	25%	50%
\$100,000 – \$999,999	19%	33%	23%	0%	0%	33%	50%	0%
\$1 Million	0%	0%	0%	0%	0%	0%	0%	0%
\$1 – \$1.99 Million	2%	0%	0%	25%	0%	0%	0%	0%
\$2 – \$2.99 Million	0%	0%	0%	0%	0%	0%	0%	0%
\$3 – \$5 Million	2%	0%	8%	0%	0%	0%	0%	0%
Over \$5 Million	0%	0%	0%	0%	0%	0%	0%	0%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

2007 E-DISCOVERY FINDINGS
BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	54	0	8	1	13	10	3	5	3	5	4
Nothing	46%	0%	13%	100%	62%	60%	0%	40%	67%	40%	50%
Under \$100,000	31%	0%	50%	0%	15%	30%	33%	40%	33%	40%	25%
\$100,000 – \$999,999	19%	0%	38%	0%	15%	10%	33%	20%	0%	20%	25%
\$1 Million	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
\$1 – \$1.99 Million	2%	0%	0%	0%	8%	0%	0%	0%	0%	0%	0%
\$2 – \$2.99 Million	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
\$3 – \$5 Million	2%	0%	0%	0%	0%	0%	33%	0%	0%	0%	0%
Over \$5 Million	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

TABLE 58: RECORDS RETENTION POLICY: DO YOU HAVE PROCEDURES FOR ISSUING A LITIGATION HOLD WHEN LITIGATION OR A REGULATORY INVESTIGATION HAS BEGUN OR IS REASONABLY ANTICIPATED?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	290	240	48	66	93	98
Yes	90%	89%	96%	80%	88%	98%
No	10%	11%	4%	20%	12%	2%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	290	53	55	36	37	19	11	29
Yes	90%	94%	87%	92%	81%	95%	82%	90%
No	10%	6%	13%	8%	19%	5%	18%	10%

2007 E-DISCOVERY FINDINGS
BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	290	8	37	4	70	31	14	34	6	29	34
Yes	90%	88%	89%	100%	89%	90%	93%	91%	67%	86%	97%
No	10%	13%	11%	0%	11%	10%	7%	9%	33%	14%	3%

E-DISCOVERY FINDINGS FROM THE 2005-2009
 FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

TABLE 59: RECORDS RETENTION POLICY: HAS YOUR COMPANY REVIEWED OR REVISED THAT POLICY IN THE PAST 12 MONTHS?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	287	237	48	66	92	96
Yes	82%	81%	90%	80%	78%	91%
No	18%	19%	10%	20%	22%	9%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	287	53	54	36	36	19	11	28
Yes	82%	70%	76%	86%	83%	84%	82%	89%
No	18%	30%	24%	14%	17%	16%	18%	11%

2007 E-DISCOVERY FINDINGS

BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	287	8	36	4	70	30	14	34	6	28	34
Yes	82%	88%	69%	100%	86%	83%	93%	79%	50%	86%	88%
No	18%	13%	31%	0%	14%	17%	7%	21%	50%	14%	12%

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -



2008 LITIGATION TRENDS SURVEY

“Respond to initial request and then determine if boiling the ocean is necessary. New rules create ‘blackmail’ hold hostage environment forcing settlements once cost analysis is determined.”

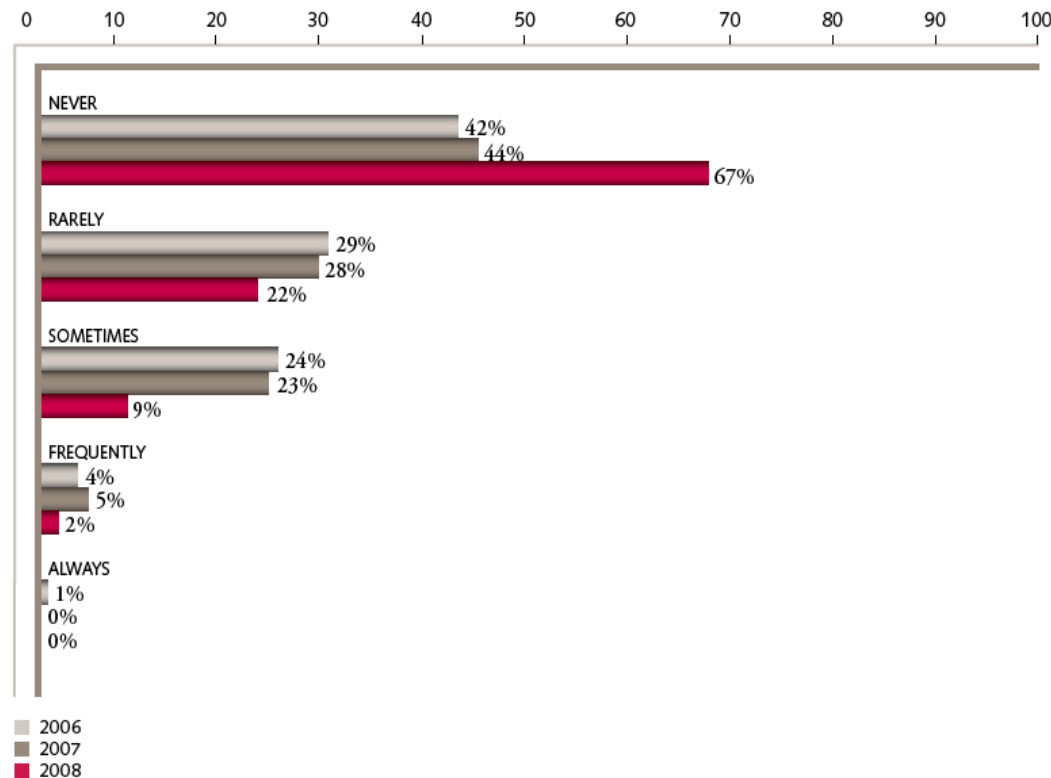
- U.S. respondent, Manufacturing

ELECTRONIC DISCOVERY

E-DISCOVERY-RELATED ISSUES: SUBJECT OF A MOTION, HEARING OR TRIBUNAL RULING

Respondents were asked how often during the past year did issues related to e-discovery become the subject of a motion, hearing or ruling from a tribunal.

E-discovery-Related Issues: Subject of a Motion, Hearing or Tribunal Ruling *(All Respondents)*



2008 E-DISCOVERY FINDINGS

- ✧ Over the past three years, there has been a dramatic reduction in disputes related to e-discovery. This most likely reflects the efforts of the judiciary to update and clarify rules concerning e-discovery, as well as the desire by many litigants to resolve e-discovery issues through the “meet and confer” process rather than in the courtroom.
- ✧ The decline has been especially steep for U.K. companies, from 62% in 2006 with at least one such dispute in the previous 12 months to just 22% in 2008.
- ✧ For U.S. companies, the trend has gone from 59% in 2006 down to 37% this year.
- ✧ Despite similar declines among even the largest companies (from 75% with at least one e-discovery court matter in 2006 to 40% in 2008), it is clear that a significant portion of these disputes are still decided by the courts. More than a third of mid-sized companies also report a judicial resolution to this type of dispute in the previous year. This implies the importance of a robust motion practice in cases where the “meet and confer” process fails.
- ✧ This concern is underlined in the American College of Trial Lawyers survey. Nearly 60% of the Fellows surveyed reported cases involving discovery issues, and 86% issued or received a discovery request for ESI since the advent of the new Federal Rules on e-discovery. In addition, 63% of respondents in that survey felt e-discovery is being abused by counsel.

PROBLEMS OF LITIGATION TRIBUNALS WITH ESI DISCLOSURE

- ✧ On the question of whether any companies have been before a litigation tribunal that was unable to deal with complex electronic data disclosure issues, a significant 11% of all the respondents answered “Yes.”
- ✧ Mid-sized companies have a slightly higher incidence of the problem (14%) than even the largest companies (12%).
- ✧ Sectors most likely to have encountered litigation tribunals unprepared for complex electronic data disclosure issues are:
 - ✧ Education (29%)
 - ✧ Financial services (19%)
 - ✧ Technology/communications (18%)
 - ✧ Manufacturing (16%)

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

2008 E-DISCOVERY FINDINGS

✂ The ACTL survey reported similar concerns among its Fellows with nearly 77% saying that “. . . courts do not understand the difficulties in providing e-discovery.”

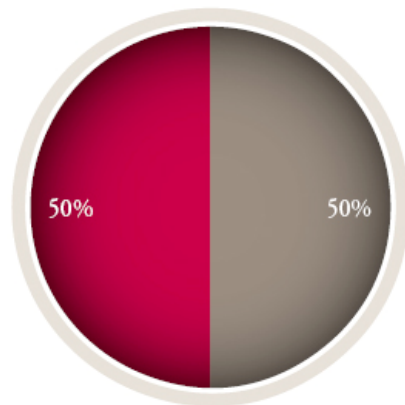
✂ A review of the top e-discovery cases reveals that most of them are in either East Coast or Midwest jurisdictions.

RECONSIDERATION OF “FULL” PRE-TRIAL DISCLOSURE IN THE UNITED STATES

In light of the complexities and costs of making full pre-trial, documentary disclosures, should it be reconsidered in the United States? A resounding two-thirds of all respondents say, “Yes.”

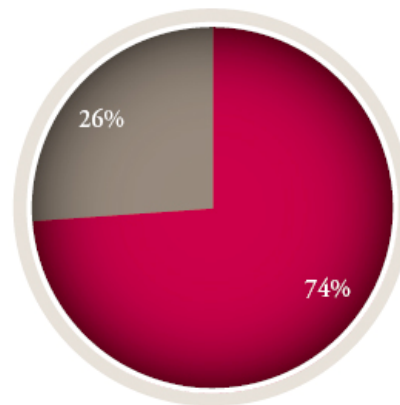
Reconsideration of “Full” Pre-Trial Disclosure in the United States *(By Company Size)*

Under \$100 Million



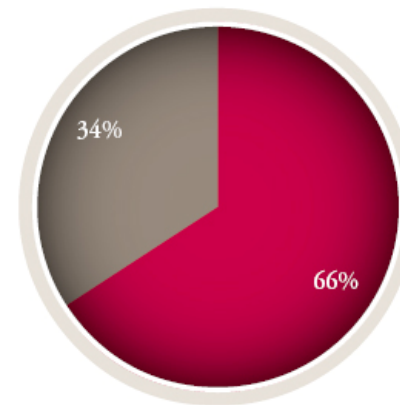
■ YES
■ NO

\$100 - \$999 Million



■ YES
■ NO

\$1 Billion or More



■ YES
■ NO

✂ While it appears there has been real progress by the judiciary in reducing e-discovery-related disputes, company respondents on both sides of the Atlantic feel overburdened by the use of full disclosure.

✂ The need to reconsider full disclosure is shared by about three-quarters of mid-sized companies and two-thirds of the largest companies.

2008 E-DISCOVERY FINDINGS

- ✂ This view seems to be shared by respondents of the American Trial Lawyers survey. Nearly two-thirds believe that initial disclosures do not reduce discovery or save clients money.
- ✂ Given the higher frequency of ESI disclosure problems among mid-sized companies (cited in the previous question) and their stronger conviction that full disclosure should be reconsidered by the U.S. judiciary, it appears that mid-sized companies, in particular, are suffering under the current U.S. full disclosure regime.
- ✂ Among the suggestions respondents had for improving the pre-trial disclosure situation were:
 - ✂ “Time limits – the number of years they can go back – on discovery disclosure.” - U.S. insurance respondent
 - ✂ “Needs to be some sort of standardization in regards to the preservation of electronic evidence prior to trial.” - U.S. retail/wholesale respondent
 - ✂ “Cost sharing among parties.” - U.S. health care respondent
 - ✂ “Respond to initial request and then determine if boiling the ocean is necessary. New rules create ‘blackmail’ hold hostage environment forcing settlements once cost analysis is determined.” - U.S. manufacturing respondent
 - ✂ “A concrete definition of when the duty to preserve electronic documents arises.” - U.S. technology/ communications respondent
 - ✂ “Weighing the value of the information versus the cost and effort of production.” - U.S., U.K. other industries respondent
 - ✂ “Adhere to greater specificity in the requests rather than the ‘all the documents pertaining to...’ kind of demand.” - U.S. other industries respondent

RECONSIDERATION OF “FULL” PRE-TRIAL DISCLOSURE IN ENGLAND AND WALES

- ✂ Even in the U.K. where disclosure requirements are often significantly less burdensome than in the U.S., nearly half of the respondents (45%) would like to see further limits on pre-trial disclosure.
- ✂ Mid-sized companies again are even more likely to support reining in full pre-trial disclosure (57%).

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

"OFFSHORE" REVIEW AND CODING OF DOCUMENTS

Turning over potentially confidential or privileged documents, as well as trade information, has always been a major concern in using offshore resources for document review and coding (particularly subjective coding for relevance, issue and privilege review).

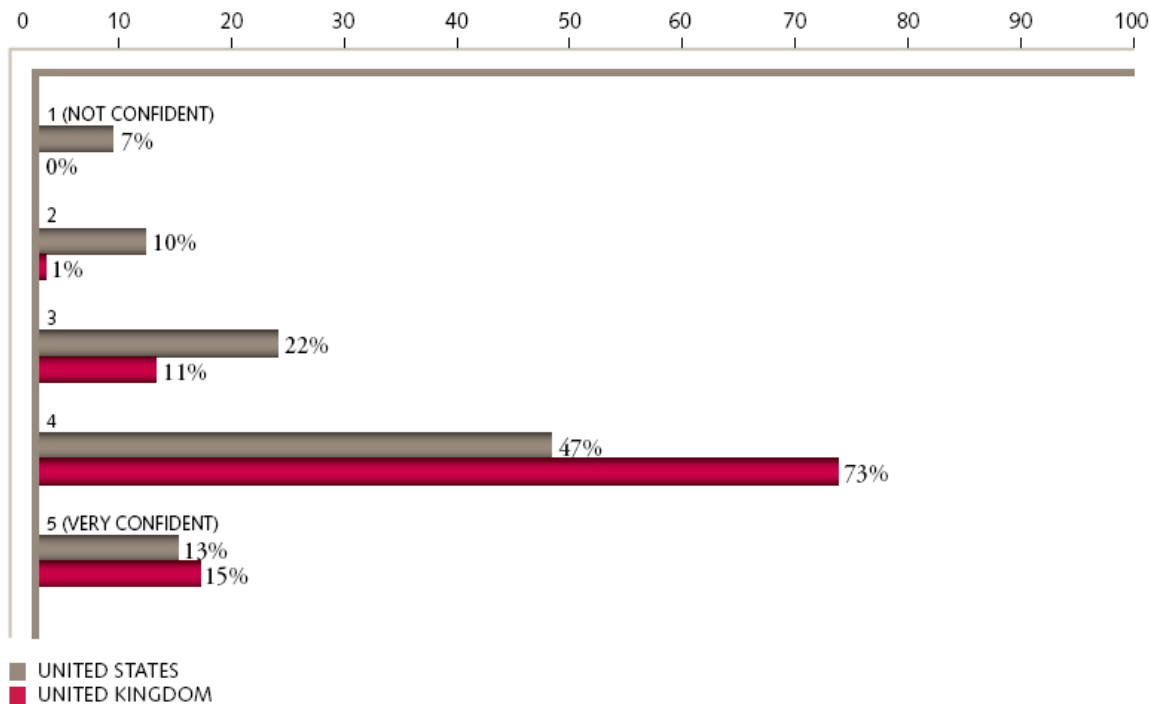
- ✂ Just 4% of all respondents say they use offshore personnel for review and coding of documents.
- ✂ Offshore review is used twice as often by the largest companies (8%).
- ✂ Technology/communications (12%) and financial services (11%) are the sectors going offshore for this work most often.
- ✂ None of the health care companies say they use these offshore services, possibly due to data privacy concerns related to Health Insurance Portability and Accountability Act (HIPAA) and similar statutes.
- ✂ Of those using offshore personnel, more than 80% send less than a quarter of their work offshore.
- ✂ No U.S. companies report sending more than half of their review and coding work offshore; however, 14% of the U.K. sample reported sending more than half of their review and coding work offshore.
- ✂ Financial services is the one sector sending more than half of such work offshore.
- ✂ Among all that have sent work offshore, 62% were "somewhat satisfied" with the results, while the rest were "very satisfied."
- ✂ Overall, the low incidence of offshore use, low volumes of work sent offshore and lukewarm satisfaction level by the majority of companies that have done so, indicate that offshore personnel are used for lower level reviews, or objective coding, rather than the more complex reviews for issue coding, confidentiality and privilege.

2008 E-DISCOVERY FINDINGS

CONFIDENCE IN RECORDS MANAGEMENT

Respondents were asked how confident they are that their records management programs comply with applicable laws and regulations.

Confidence in Records Management (By Country of Residence)



Sum of percentages may total less than 100% due to rounding.

- ✂ The much-higher confidence levels shown in the chart on the part of U.K. respondents versus their U.S. counterparts likely result from a strong business focus on data protection and data privacy issues.
- ✂ By company size, confidence levels steadily decrease from the smaller companies to mid-sized to the largest companies.

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS -

2008 E-DISCOVERY FINDINGS

DATA PRIVACY

Relatively few companies in the survey have been requested during U.S. litigation to provide electronically stored information (ESI) that could be subject to the protections of the U.K. or EU data protection laws.

- ✂ Just 4% of all respondents have received such a request, but 8% of the largest companies have.
- ✂ Notably, the U.K. and Germany are the jurisdictions where the requested data is most likely to reside.
- ✂ Only the largest companies have received a U.S. court order requiring production of data in violation of data protection laws or have been subject to a severe sanction for not providing data.

TABLE 74: HAS YOUR COMPANY BEEN REQUESTED IN A LITIGATION PROCEEDING IN THE UNITED STATES TO PROVIDE DATA (ESI) SUBJECT TO, OR POSSIBLY SUBJECT TO, THE PROTECTIONS OF UK OR EU DATA PROTECTION LAWS?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	350	245	99	67	128	123
Yes	4%	3%	6%	0%	2%	8%
No	96%	97%	94%	100%	98%	92%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	350	164	185
Yes	4%	9%	0%
No	96%	91%	100%

2008 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	350	88	47	28	30	22	24	12
Yes	4%	2%	2%	11%	3%	0%	0%	0%
No	96%	98%	98%	89%	97%	100%	100%	100%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	350	7	54	19	37	21	33	54	8	36	33
Yes	4%	0%	6%	0%	5%	5%	9%	6%	0%	0%	3%
No	96%	100%	94%	100%	95%	95%	91%	94%	100%	100%	97%

TABLE 75: IN WHICH COUNTRY DID THE DATA RESIDE RELATIVE TO UK OR EU DATA PROTECTION LAWS?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	13	7	5	0	2	10
UK	46%	29%	80%	0%	0%	50%
France	8%	0%	0%	0%	0%	10%
Germany	31%	43%	0%	0%	100%	20%
Italy	8%	0%	0%	0%	0%	10%
All Others	46%	57%	40%	0%	0%	50%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	13	13	0
UK	46%	46%	0%
France	8%	8%	0%
Germany	31%	31%	0%
Italy	8%	8%	0%
All Others	46%	46%	0%

2008 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	13	2	1	3	1	0	0	0
UK	46%	0%	0%	67%	0%	0%	0%	0%
France	8%	0%	0%	0%	0%	0%	0%	0%
Germany	31%	50%	100%	0%	100%	0%	0%	0%
Italy	8%	0%	0%	0%	0%	0%	0%	0%
All Others	46%	50%	0%	67%	0%	0%	0%	0%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	13	0	3	0	2	1	2	3	0	0	1
UK	46%	0%	67%	0%	100%	0%	50%	0%	0%	0%	100%
France	8%	0%	0%	0%	0%	0%	0%	33%	0%	0%	0%
Germany	31%	0%	0%	0%	0%	100%	0%	67%	0%	0%	0%
Italy	8%	0%	0%	0%	0%	0%	0%	33%	0%	0%	0%
All Others	46%	0%	67%	0%	50%	0%	50%	67%	0%	0%	0%

TABLE 76: WHAT WAS THE RESULT OF THE EXPERIENCE WITH UK OR EU DATA PROTECTION LAWS?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	12	6	5	0	3	8
Serious Issue, Currently Unresolved	42%	33%	40%	0%	33%	43%
U.S. Court Ordered Data, Violating the Protection Laws	17%	17%	20%	0%	0%	14%
U.S. Court Imposed Severe Sanctions For Not Providing Data Produced Data and Faced Sanctions	17%	17%	20%	0%	0%	29%
Under the EU Issue Resolved	0%	0%	0%	0%	0%	0%
Amicably	50%	50%	40%	0%	67%	43%

2008 E-DISCOVERY FINDINGS

BY COMPANY TYPE

		<u>Company Type</u>	
	<u>Total</u>	<u>Public</u>	<u>Private</u>
Number of Participants	12	11	0
Serious Issue, Currently Unresolved	42%	45%	0%
U.S. Court Ordered Data, Violating the Protection Laws	17%	18%	0%
U.S. Court Imposed Severe Sanctions For Not Providing Data Produced Data and Faced Sanctions	17%	18%	0%
Under the EU Issue Resolved Amicably	0%	0%	0%
	50%	45%	0%

2008 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	12	2	1	1	2	0	0	0
Serious Issue, Currently Unresolved	42%	0%	0%	0%	50%	0%	0%	0%
U.S. Court Ordered Data, Violating Protection Laws	17%	0%	0%	100%	0%	0%	0%	0%
U.S. Court Imposed Severe Sanctions For Not Providing Data Produced Data and Faced Sanctions	17%	0%	0%	100%	50%	0%	0%	0%
Under the EU Issue Resolved	0%	0%	0%	0%	0%	0%	0%	0%
Amicably	50%	100%	100%	0%	0%	0%	0%	0%

2008 E-DISCOVERY FINDINGS

BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	12	0	2	0	2	1	2	3	0	0	0
Serious Issue, Currently Unresolved	42%	0%	50%	0%	50%	100%	50%	33%	0%	0%	0%
U.S. Court Ordered Data, Violating Protection Laws	17%	0%	50%	0%	50%	0%	0%	0%	0%	0%	0%
U.S. Court Imposed Severe Sanctions For Not Providing Data Produced Data and Face Sanctions	17%	0%	0%	0%	0%	0%	50%	33%	0%	0%	0%
Under the EU Issue Resolved	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Amicably	50%	0%	0%	0%	0%	0%	50%	67%	0%	0%	0%

TABLE 77: DURING THE PAST YEAR, HOW OFTEN HAVE ISSUES RELATED TO E-DISCOVERY BECOME THE SUBJECT OF A MOTION, HEARING OR RULING FROM A TRIBUNAL?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	352	247	99	68	128	127
Never	67%	63%	78%	78%	65%	60%
Rarely	22%	23%	17%	12%	28%	24%
Sometimes	9%	11%	5%	9%	7%	13%
Frequently	2%	3%	0%	1%	0%	3%
Always	0%	0%	0%	0%	0%	0%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	352	166	186
Never	67%	60%	73%
Rarely	22%	23%	20%
Sometimes	9%	14%	4%
Frequently	2%	2%	2%
Always	0%	0%	0%

2008 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	352	90	47	27	28	22	26	12
Never	67%	67%	51%	78%	68%	26%	68%	75%
Rarely	22%	26%	36%	7%	18%	26%	23%	17%
Sometimes	9%	10%	11%	7%	14%	37%	9%	8%
Frequently	2%	2%	2%	7%	0%	11%	0%	0%
Always	0%	0%	0%	0%	0%	0%	0%	0%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	352	7	53	19	36	20	34	56	8	37	33
Never	67%	42%	60%	68%	67%	75%	68%	75%	87%	59%	64%
Rarely	22%	29%	30%	16%	22%	15%	18%	14%	13%	35%	21%
Sometimes	9%	29%	9%	11%	6%	10%	12%	9%	0%	3%	15%
Frequently	2%	0%	0%	5%	6%	0%	3%	2%	0%	3%	0%
Always	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

TABLE 78: HAS YOUR COMPANY BEEN BEFORE A LITIGATION TRIBUNAL THAT DID NOT POSSESS THE ABILITY TO DEAL WITH COMPLEX ELECTRONIC DATA DISCLOSURE ISSUES?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	351	245	100	68	128	124
Yes	11%	12%	8%	6%	14%	12%
No	89%	88%	92%	94%	86%	88%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	351	165	185
Yes	11%	13%	9%
No	89%	87%	91%

2008 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	351	89	47	28	28	22	25	12
Yes	11%	7%	19%	18%	7%	5%	28%	0%
No	89%	93%	81%	82%	93%	95%	72%	100%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	351	7	53	19	37	20	34	56	8	36	33
Yes	11%	29%	4%	5%	19%	5%	9%	16%	0%	8%	18%
No	89%	71%	96%	95%	81%	95%	91%	84%	100%	92%	82%

TABLE 79: IN LIGHT OF THE COMPLEXITIES AND COSTS IN MAKING FULL PRE-TRIAL DOCUMENTARY DISCLOSURES, DO YOU THINK THE USE OF "FULL" PRE-TRIAL DISCLOSURE SHOULD BE RECONSIDERED IN THE UNITED STATES?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	217	179	34	42	68	93
Yes	64%	63%	71%	50%	74%	66%
No	36%	37%	29%	50%	26%	34%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	217	114	103
Yes	64%	64%	63%
No	36%	36%	37%

2008 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	217	62	35	21	18	18	20	8
Yes	64%	61%	69%	71%	56%	67%	45%	75%
No	36%	39%	31%	29%	44%	33%	55%	25%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	217	6	32	11	17	9	22	34	4	25	23
Yes	64%	67%	59%	64%	66%	78%	59%	74%	100%	48%	65%
No	36%	33%	41%	36%	35%	22%	41%	26%	0%	52%	35%

TABLE 80: IN LIGHT OF THE COMPLEXITIES AND COSTS IN MAKING FULL PRE-TRIAL DOCUMENTARY DISCLOSURES, DO YOU THINK THE USE OF "FULL" PRE-TRIAL DISCLOSURE SHOULD BE RECONSIDERED IN ENGLAND AND WALES?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	92	46	43	19	21	46
Yes	45%	48%	42%	42%	57%	43%
No	55%	52%	58%	58%	43%	57%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	92	58	34
Yes	45%	43%	47%
No	55%	57%	53%

2008 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	92	13	9	6	4	5	5	1
Yes	45%	54%	44%	50%	25%	60%	33%	100%
No	55%	46%	56%	50%	75%	40%	67%	0%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	92	1	12	3	12	1	7	17	2	10	12
Yes	45%	0%	33%	67%	33%	0%	29%	53%	50%	40%	75%
No	55%	100%	67%	33%	67%	100%	71%	47%	50%	60%	25%

TABLE 81: ARE YOU USING "OFFSHORE" PERSONNEL TO REVIEW AND CODE DOCUMENTS PRIOR TO PRODUCTION IN LITIGATION?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	352	248	98	68	126	127
Yes	4%	2%	7%	1%	2%	8%
No	96%	98%	93%	99%	98%	92%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	352	167	185
Yes	4%	7%	1%
No	96%	93%	99%

2008 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	352	90	47	28	30	22	25	12
Yes	4%	2%	2%	0%	7%	5%	4%	0%
No	96%	98%	98%	100%	93%	95%	96%	100%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	352	7	54	18	36	21	34	56	8	36	33
Yes	4%	0%	4%	0%	11%	0%	0%	2%	0%	3%	12%
No	96%	100%	96%	100%	89%	100%	100%	98%	100%	97%	88%

**TABLE 82: WHAT PERCENTAGE OF YOUR DOCUMENT REVIEW IS PERFORMED BY OFFSHORE PERSONNEL?
(OF THOSE THAT USE OFFSHORE PERSONNEL)**

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	13	6	7	1	2	10
Under 25%	84%	83%	86%	100%	100%	80%
25% to 50%	8%	17%	0%	0%	0%	10%
More than 50%	8%	0%	14%	0%	0%	10%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	31	12	1
Under 25%	84%	84%	100%
25% to 50%	8%	8%	0%
More than 50%	8%	8%	0%

2008 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	13	2	1	0	2	1	1	0
Under 25%	84%	50%	100%	0%	100%	100%	100%	0%
25% to 50%	8%	50%	0%	0%	0%	0%	0%	0%
Over 50%	8%	0%	0%	0%	0%	0%	0%	0%

BY INDUSTRY

What is the primary industry in which your company does business?

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	13	0	2	0	4	0	0	1	0	1	4
Under 25%	84%	0%	50%	0%	75%	0%	0%	100%	0%	0%	0%
25% to 50%	8%	0%	50%	0%	0%	0%	0%	0%	0%	100%	100%
Over 50%	8%	0%	0%	0%	25%	0%	0%	0%	0%	0%	0%

TABLE 83: IF YOU HAVE USED AN OFFSHORE PROVIDER FOR DOCUMENT REVIEW, HOW SATISFIED HAVE YOU BEEN WITH THE SERVICE PROVIDED BY YOUR OFFSHORE REVIEW TEAM?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	13	6	7	1	2	10
Completely Very Satisfied	0%	0%	0%	0%	0%	0%
Somewhat Satisfied	38%	33%	43%	100%	0%	40%
Somewhat Dissatisfied	62%	67%	57%	0%	100%	60%
Very Dissatisfied	0%	0%	0%	0%	0%	0%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	13	12	1
Completely Very Satisfied	0%	0%	0%
Somewhat Satisfied	38%	42%	0%
Somewhat Dissatisfied	62%	58%	100%
Very Dissatisfied	0%	0%	0%

2008 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	13	1	1	0	2	2	1	0
Completely Very Satisfied	0%	0%	0%	0%	0%	0%	0%	0%
Somewhat Satisfied	38%	100%	0%	0%	0%	0%	100%	0%
Somewhat Dissatisfied	62%	0%	100%	0%	100%	100%	0%	0%
Very Dissatisfied	0%	0%	0%	0%	0%	0%	0%	0%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	13	0	2	0	4	0	0	1	0	1	4
Completely Very Satisfied	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Somewhat Satisfied	38%	0%	50%	0%	50%	0%	0%	0%	0%	100%	25%
Somewhat Dissatisfied	62%	0%	50%	0%	50%	0%	0%	100%	0%	0%	75%
Very Dissatisfied	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

TABLE 84: ON A SCALE OF 1-5 (5 BEING VERY CONFIDENT), HOW CONFIDENT ARE YOU THAT YOUR RECORDS MANAGEMENT PROGRAM COMPLIED WITH APPLICABLE LAWS AND REGULATIONS?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	210	126	80	39	75	83
1 Not Confident	5%	7%	0%	3%	4%	7%
2	8%	10%	1%	5%	5%	10%
3	18%	22%	11%	15%	15%	24%
4	56%	47%	73%	62%	60%	47%
5 Very Confident	14%	13%	15%	15%	16%	12%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	210	105	105
1 Not Confident	5%	7%	3%
2	8%	8%	8%
3	18%	20%	15%
4	56%	51%	60%
5 Very Confident	14%	14%	14%

2008 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	210	38	26	16	21	13	16	1
1 Not Confident	5%	3%	4%	0%	14%	8%	13%	100%
2	8%	13%	8%	6%	0%	15%	19%	0%
3	18%	21%	38%	13%	5%	23%	31%	0%
4	56%	53%	31%	69%	57%	54%	25%	0%
5 Very Confident	14%	11%	19%	13%	24%	0%	13%	0%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	210	3	34	10	23	9	18	38	2	20	21
1 Not Confident	5%	0%	0%	0%	4%	0%	6%	11%	0%	5%	10%
2	8%	0%	9%	20%	0%	11%	6%	5%	50%	15%	5%
3	18%	33%	21%	10%	17%	11%	17%	11%	0%	15%	24%
4	56%	67%	62%	40%	61%	56%	56%	63%	50%	50%	38%
5 Very Confident	14%	0%	9%	30%	17%	22%	17%	11%	0%	15%	24%



2009 LITIGATION TRENDS SURVEY

“The legal department is under more scrutiny to control costs. It has forced us to re-examine how we conduct e-discovery.” U.S. Energy respondent

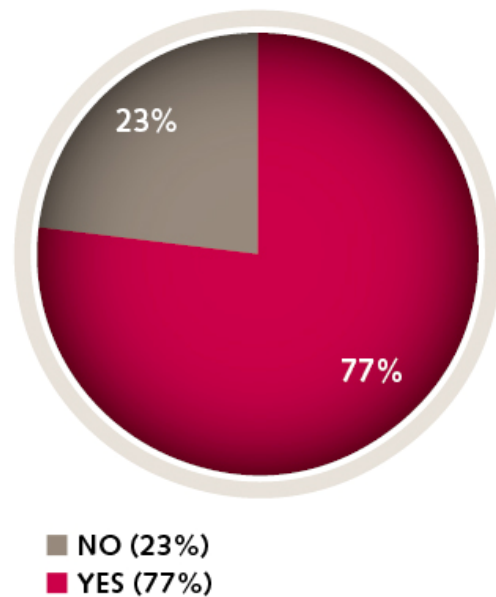
E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

“FULL” PRE-TRIAL DISCLOSURE IN THE U.S.

Just as last year, respondents were asked if, in light of the complexities and cost of making full pre-trial documentary disclosures, should the process be reconsidered in the U.S. to make it more affordable and efficient?

In Light of the Complexities and Cost in Making Full Pre-Trial Documentary Disclosures, Do You Think the Use of “Full” Pre-Trial Disclosure Should Be Reconsidered to Make the Process More Affordable and Efficient in the United States?

(U.S.)



This year, U.S. respondents are even more unhappy with the process, compared with last year when 63% said “Yes.”

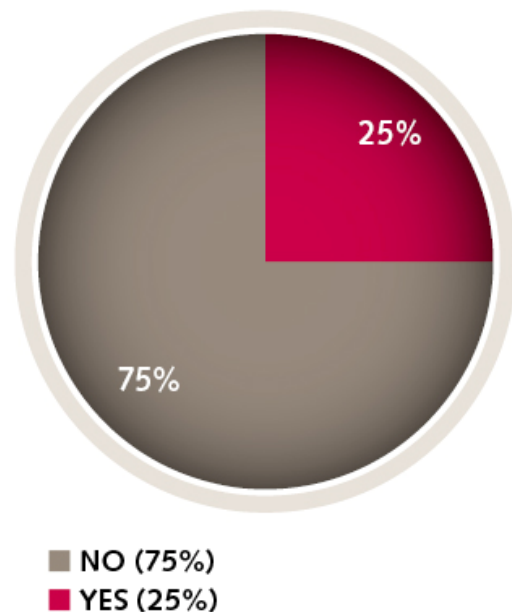
2009 E-DISCOVERY FINDINGS

- ✧ Mid-sized and large companies say “Yes” by a three to two margin and smaller companies agree by a slightly smaller margin.
- ✧ More than half of the public company sample favors reconsideration while the privately held group strongly favors it by about three to one.
- ✧ Several industry sectors are evenly split on the question (engineering/construction, financial services, retail/wholesale and technology/ communications), and the rest heavily favor reconsidering full disclosure (energy, health care, insurance, manufacturing and real estate).

"FULL" PRE-TRIAL DISCLOSURE IN THE U.K.

In Light of the Complexities and Costs in Making Full Pre-Trial Documentary Disclosures, Do You Think the Use of "Full" Pre-Trial Disclosure Should Be Reconsidered to Make the Process More Affordable and Efficient in England and Wales?

(U.K.)

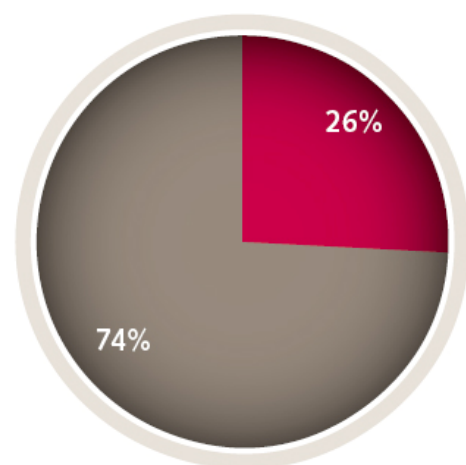


Reflecting its less burdensome nature, the process in England and Wales has a higher level of satisfaction than the U.S. process—just as it did last year. In fact, those answering “Yes” to the question of reconsidering the process to make it more affordable and efficient are down significantly in virtually all respondent categories from last year. Three-quarters of all respondents say “No” this year.

Methods to Reduce E-Discovery Costs

Please Indicate What, of the Following, Your Company is Doing to Reduce E-Discovery Costs Now or In the Near Future:

Using Law Firm(s) With Specialized E-Discovery Practices *(All Respondents)*

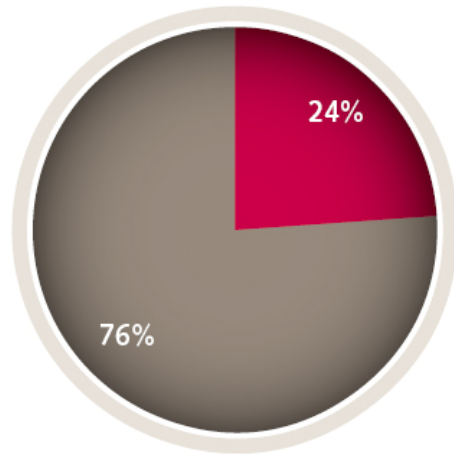


■ NO (74%)
■ YES (26%)

✂ More than half of the companies answering “Yes” use law firms with specialized e-discovery practices for collection, processing and review. About 40% use them for document preservation.

2009 E-DISCOVERY FINDINGS

**Outsourcing Certain E-Discovery Functions
Through Preferred Provider Relationships
or Master Service Agreements** *(All Respondents)*



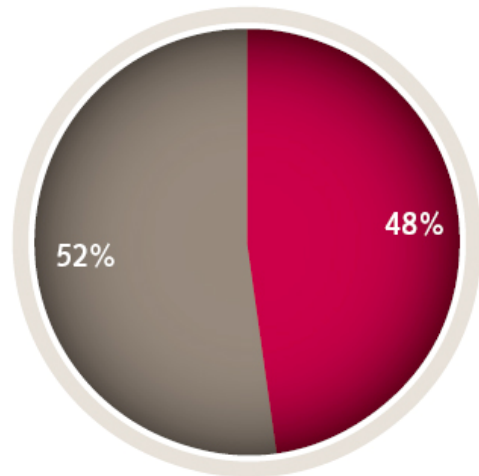
■ NO (76%)
■ YES (24%)

✎ More than half of those answering “Yes” have preferred provider relationships or master service agreements for collection and processing, while a little more than a third have such relationships for preservation and review.

2009 E-Discovery Findings

In-Sourcing Some E-Discovery

Activities (All Respondents)



■ NO (52%)
■ YES (48%)

✂ About 50% to 60% of companies answering “Yes” do preservation, collection or some processing in-house. Slightly less than half perform document review in-house.

Other Methods

About one in seven respondents say they are using other methods to reduce e-discovery costs. Some of their comments are:

✂ “Enforcing the document retention policy more vigorously.” U.S. engineering/construction respondent

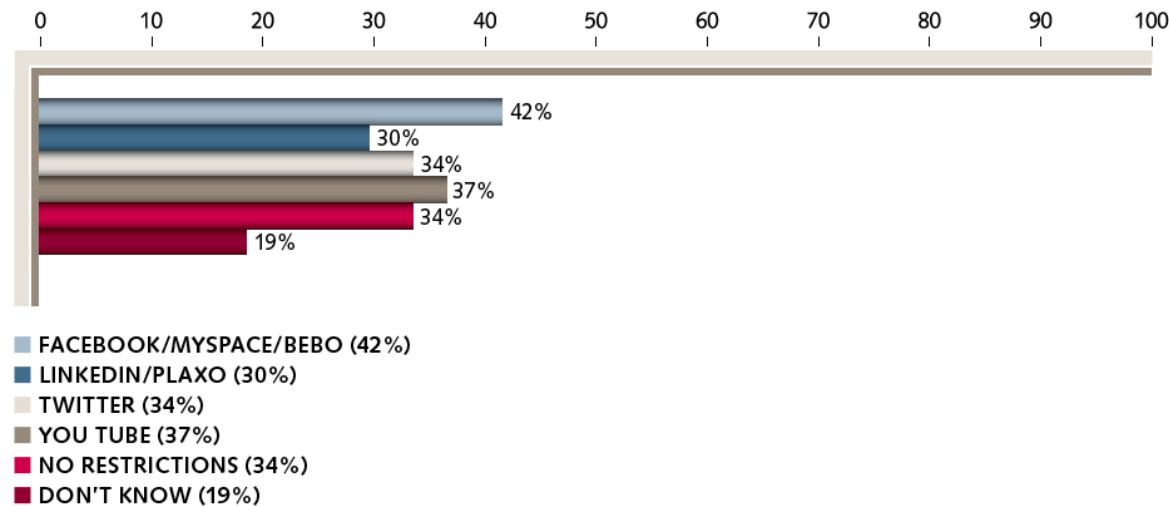
✂ “Negotiations with the other side to reduce the scope.” U.S. manufacturing respondent

E-Discovery Findings from the 2005-2009
Fulbright & Jaworski L.L.P. Litigation Trends Surveys –

2009 E-DISCOVERY FINDINGS

- ✂ “Sorting without coding and incorporating clawback provisions for any confidential information inadvertently produced.” U.S. other industries respondent
- ✂ “We are trying to improve/shorten records retention policies.” U.S. financial services respondent
- ✂ “We are currently reviewing our practices to develop new procedures.” U.S. energy respondent

Does Your Company Block Your Internal Network Users From Accessing Any of the Following Social Media Web Sites? *(All Respondents)*



Sum of percentages exceeds 100% because respondents were permitted to name more than one type of claim.

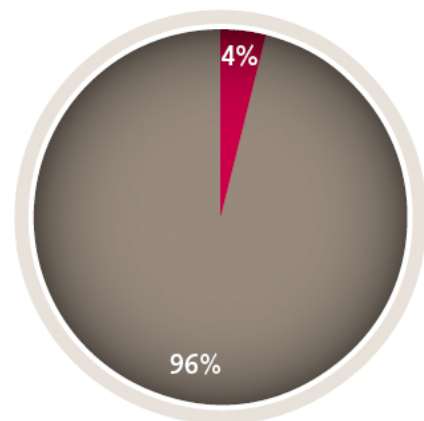
- ✂ Generally, insurance and financial services are the most active blockers of the Web sites listed. One-third of financial service companies have no restrictions, about the same as the energy and health care sectors.
- ✂ The most liberal sector for social networking, as expected, is technology/communications, with more than half reporting no restrictions.

2009 E-Discovery Findings

Has Your Company Been Required to Produce as Part of Discovery in the U.S. or Disclosure in the U.K. Any ESI From Any Such Social Media Site in the Last 12 Months?

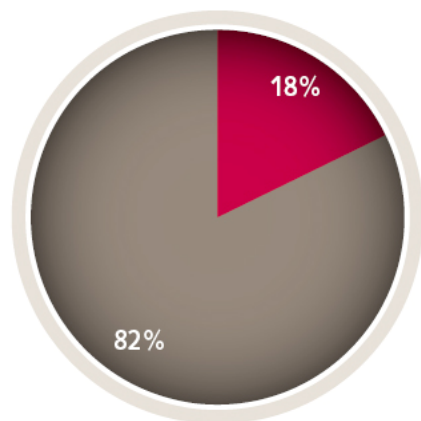
(By Country of Residence)

(U.S.)



■ NO (96%)
■ YES (4%)

(U.K.)



■ NO (82%)
■ YES (18%)

- Public companies (13%) and the largest companies (11%) are those most likely to have been required to produce such information.
- However, the retail/wholesale sector has a surprisingly high rate of “Yes” answers (19%), followed by financial services (12%) and energy (10%).

Federal Rule of Evidence 502 Savings

Federal Rule 502, enacted in September 2008, permits “clawback” of privileged evidence and “quick peek” review. It was enacted, in part, to address the cost of preproduction privilege review. Relatively few respondents say their companies have experienced savings from the new rule thus far.

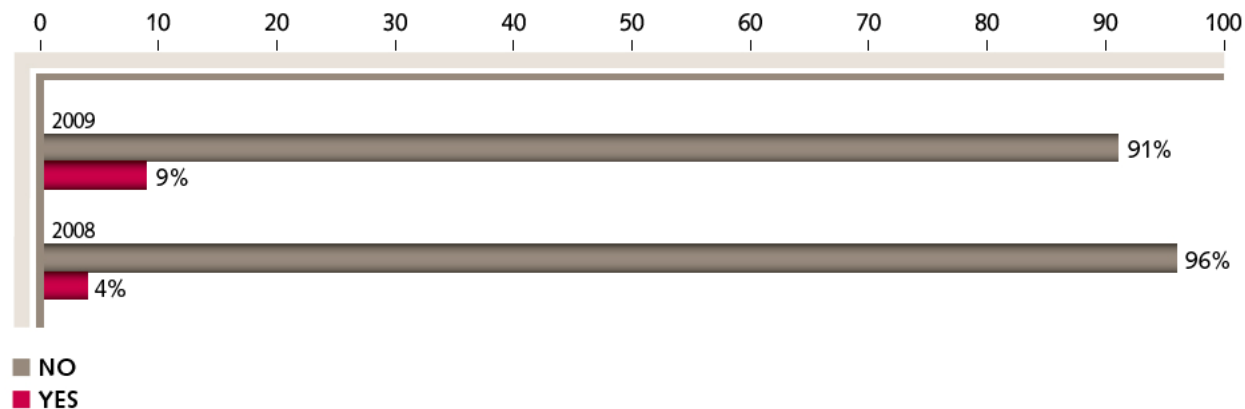
E-Discovery Findings from the 2005-2009
Fulbright & Jaworski L.L.P. Litigation Trends Surveys –

2009 E-DISCOVERY FINDINGS

✂ Just 1% of all respondents say their companies had significant cost savings, and 8% report moderate savings. At the moment, the “No Savings” sentiment (89%) is overwhelming.

✂ However, one in five retail/wholesale respondents and one in seven in the financial services sector believe they’ve seen moderate savings.

Are You Using “Off-shore” Personnel to Review and Code Documents Prior to Production in Litigation? *(All Respondents)*



Use of off-shore personnel to review and code documents prior to production in litigation has increased, although from a very low level last year.

✂ Public companies and those with \$1 billion or more in revenues are also up over last year.

✂ One in five companies in the retail/wholesale and financial services sectors use offshoring.

✂ Of the 9% of total respondents who have sent such work offshore, 6% are dissatisfied this year whereas no respondents indicated being dissatisfied last year; 49% indicated they were very satisfied this year, up from 38% last year.

U.K. companies’ use of offshoring has virtually tripled from last year’s 7% to 20% this year.

E-DISCOVERY FINDINGS FROM THE 2005-2009
FULBRIGHT & JAWORSKI L.L.P. LITIGATION TRENDS SURVEYS –

TABLE 84: IN LIGHT OF THE COMPLEXITIES AND COST IN MAKING FULL PRE-TRIAL DOCUMENTARY DISCLOSURES, DO YOU THINK THE USE OF "FULL" PRE-TRIAL DISCLOSURE SHOULD BE RECONSIDERED TO MAKE THE PROCESS MORE AFFORDABLE AND EFFICIENT IN THE UNITED STATES?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 - \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	283	193	82	34	79	147
Yes	61%	77%	21%	56%	63%	62%
No	39%	23%	79%	44%	37%	38%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	283	165	112
Yes	61%	55%	73%
No	39%	45%	27%

2009 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	283	73	35	25	20	13	18	11
Yes	61%	75%	91%	76%	75%	85%	61%	64%
No	39%	25%	9%	24%	25%	15%	39%	36%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	283	6	45	16	43	21	20	31	11	41	25
Yes	61%	83%	67%	50%	47%	67%	70%	81%	73%	49%	52%
No	39%	17%	33%	50%	53%	33%	30%	19%	27%	51%	48%

TABLE 85: IN LIGHT OF THE COMPLEXITIES AND COSTS IN MAKING FULL PRE-TRIAL DOCUMENTARY DISCLOSURES, DO YOU THINK THE USE OF "FULL" PRE-TRIAL DISCLOSURE SHOULD BE RECONSIDERED TO MAKE THE PROCESS MORE AFFORDABLE AND EFFICIENT IN ENGLAND AND WALES?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 - \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	127	25	100	20	36	66
Yes	26%	32%	25%	35%	33%	21%
No	74%	68%	75%	65%	67%	79%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	127	83	37
Yes	26%	22%	41%
No	74%	78%	59%

2009 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	127	10	4	4	4	1	1	2
Yes	26%	50%	50%	0%	0%	0%	0%	50%
No	74%	50%	50%	100%	100%	100%	100%	50%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	127	2	17	5	29	6	9	8	1	22	12
Yes	26%	0%	35%	20%	24%	17%	22%	38%	100%	9%	33%
No	74%	100%	65%	80%	76%	83%	78%	63%	0%	91%	67%

TABLE 86: PLEASE INDICATE WHAT, OF THE FOLLOWING, YOUR COMPANY IS DOING TO REDUCE E-DISCOVERY COSTS NOW OR IN THE NEAR FUTURE: USING LAW FIRM(S) WITH SPECIALIZED E-DISCOVERY PRACTICES?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	397	269	120	59	114	190
Yes	26%	25%	28%	12%	18%	35%
No	74%	75%	72%	88%	82%	65%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	397	219	170
Yes	26%	31%	19%
No	74%	69%	81%

2009 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	397	97	47	38	31	19	23	14
Yes	26%	30%	19%	13%	23%	21%	39%	29%
No	74%	70%	81%	87%	77%	79%	61%	71%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	397	6	62	19	64	33	30	44	16	51	35
Yes	26%	0%	39%	26%	23%	33%	23%	9%	25%	29%	23%
No	74%	100%	61%	74%	77%	67%	77%	91%	75%	71%	77%

2009 E-DISCOVERY FINDINGS

TABLE 87: INDICATE ALL OF THE E-DISCOVERY ACTIVITIES THAT LAW FIRMS WITH SPECIALIZED E-DISCOVERY PRACTICES ARE HANDLING OR OVERSEEING FOR YOUR COMPANY.

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	92	58	32	7	17	61
Preservation	41%	41%	38%	57%	36%	41%
Collection	56%	45%	78%	71%	36%	57%
Processing	56%	57%	57%	86%	47%	52%
Review	51%	65%	25%	71%	53%	46%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	92	63	27
Preservation	41%	37%	56%
Collection	56%	53%	63%
Processing	56%	56%	63%
Review	51%	51%	56%

2009 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	92	22	9	5	6	4	9	3
Preservation	41%	23%	44%	40%	17%	75%	67%	100%
Collection	56%	37%	44%	40%	34%	50%	67%	100%
Processing	56%	41%	33%	100%	50%	75%	89%	67%
Review	51%	64%	55%	60%	67%	50%	89%	67%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	92	0	21	5	14	9	5	4	3	15	8
Preservation	41%	0%	38%	60%	43%	44%	20%	100%	100%	20%	50%
Collection	56%	0%	43%	60%	72%	77%	40%	75%	100%	54%	75%
Processing	56%	0%	43%	80%	72%	77%	60%	75%	100%	54%	25%
Review	51%	0%	57%	60%	43%	55%	60%	75%	100%	34%	38%

TABLE 88: PLEASE INDICATE WHAT, OF THE FOLLOWING, YOUR COMPANY IS DOING TO REDUCE E-DISCOVERY COSTS NOW OR IN THE NEAR FUTURE: OUTSOURCING CERTAIN E-DISCOVERY FUNCTIONS THROUGH PREFERRED PROVIDER RELATIONSHIPS OR MASTER SERVICE AGREEMENTS?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	397	270	119	60	114	190
Yes	24%	22%	28%	13%	13%	36%
No	76%	78%	72%	87%	87%	64%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	397	219	170
Yes	24%	34%	14%
No	76%	66%	86%

2009 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	397	96	48	38	31	19	23	14
Yes	24%	19%	29%	18%	23%	21%	26%	36%
No	76%	81%	71%	82%	77%	79%	74%	64%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	397	6	62	20	64	33	30	44	16	51	34
Yes	24%	17%	32%	20%	20%	21%	20%	20%	6%	35%	26%
No	76%	83%	68%	80%	80%	79%	80%	80%	94%	65%	74%

2009 E-DISCOVERY FINDINGS

TABLE 89: INDICATE ALL OF THE E-DISCOVERY ACTIVITIES THAT PREFERRED PROVIDER RELATIONSHIPS OR MASTER SERVICE AGREEMENTS ARE HANDLING OR OVERSEEING FOR YOUR COMPANY.

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	93	56	33	6	15	67
Preservation	36%	32%	39%	50%	26%	31%
Collection	56%	44%	73%	66%	60%	52%
Processing	62%	67%	45%	83%	46%	62%
Review	35%	34%	30%	33%	46%	28%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	93	71	22
Preservation	36%	37%	32%
Collection	56%	61%	41%
Processing	62%	62%	59%
Review	35%	34%	37%

2009 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	93	18	13	7	6	4	6	5
Preservation	36%	33%	31%	43%	33%	50%	33%	20%
Collection	56%	50%	31%	43%	50%	50%	50%	80%
Processing	62%	67%	77%	57%	67%	75%	67%	60%
Review	35%	33%	31%	14%	67%	25%	50%	20%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	93	1	20	4	13	7	6	8	0	17	9
Preservation	36%	100%	40%	50%	38%	43%	34%	38%	0%	30%	44%
Collection	56%	100%	45%	75%	61%	72%	34%	76%	0%	65%	33%
Processing	62%	100%	55%	75%	46%	57%	67%	76%	0%	71%	78%
Review	35%	100%	40%	25%	38%	57%	17%	76%	0%	12%	22%

TABLE 90: PLEASE INDICATE WHAT, OF THE FOLLOWING, YOUR COMPANY IS DOING TO REDUCE E-DISCOVERY COSTS NOW OR IN THE NEAR FUTURE: IN-SOURCING SOME E-DISCOVERY ACTIVITIES?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	396	270	119	60	114	189
Yes	48%	55%	30%	42%	39%	58%
No	52%	45%	70%	58%	61%	42%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	396	217	171
Yes	48%	53%	43%
No	52%	47%	57%

2009 E-Discovery Findings

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	396	97	48	38	31	19	23	14
Yes	48%	47%	65%	39%	65%	58%	83%	57%
No	52%	53%	35%	61%	35%	42%	17%	43%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	396	6	61	20	64	33	29	44	16	51	35
Yes	48%	50%	61%	60%	28%	45%	59%	43%	44%	69%	31%
No	52%	50%	39%	40%	72%	55%	41%	57%	56%	31%	69%

**TABLE 91: INDICATE ALL OF THE E-DISCOVERY ACTIVITIES YOUR COMPANY IS PERFORMING IN-HOUSE.
BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	180	143	33	24	38	107
Preservation	59%	63%	42%	67%	68%	51%
Collection	60%	59%	60%	46%	55%	65%
Processing	52%	49%	63%	67%	50%	48%
Review	46%	46%	42%	59%	47%	39%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	180	112	67
Preservation	59%	54%	68%
Collection	60%	65%	52%
Processing	52%	50%	55%
Review	46%	45%	49%

2009 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	180	43	29	15	20	11	18	8
Preservation	59%	65%	62%	53%	65%	63%	61%	75%
Collection	60%	53%	69%	53%	60%	63%	56%	75%
Processing	52%	42%	52%	53%	45%	36%	67%	63%
Review	46%	39%	59%	46%	45%	27%	56%	50%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	180	3	35	12	16	15	17	17	7	35	10
Preservation	59%	100%	57%	75%	56%	60%	59%	71%	86%	55%	50%
Collection	60%	33%	60%	66%	56%	73%	59%	71%	72%	60%	20%
Processing	52%	33%	57%	75%	44%	53%	59%	59%	57%	46%	50%
Review	46%	33%	48%	75%	44%	47%	41%	59%	57%	35%	50%

TABLE 92: IS YOUR COMPANY USING OTHER METHODS TO REDUCE DISCOVERY COSTS?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	397	270	120	60	114	190
Yes	14%	18%	3%	8%	14%	16%
No	86%	82%	97%	92%	86%	84%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	397	218	171
Yes	14%	13%	15%
No	86%	87%	85%

BY REGION

	<u>Total</u>	<u>U. S. Region</u>						
		<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	397	97	48	38	31	19	23	14
Yes	14%	19%	17%	21%	13%	5%	30%	21%
No	86%	81%	83%	79%	87%	95%	70%	79%

2009 E-DISCOVERY FINDINGS

BY INDUSTRY

What is the primary industry in which your company does business?

	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	397	6	61	20	64	33	30	44	16	51	35
Yes	14%	17%	18%	20%	11%	9%	23%	14%	0%	8%	9%
No	86%	83%	82%	80%	89%	91%	77%	86%	100%	92%	91%

TABLE 93: DOES YOUR COMPANY BLOCK YOUR INTERNAL NETWORK USERS FROM ACCESSING ANY OF THE FOLLOWING SOCIAL MEDIA WEBSITES? (CHECK ALL THAT APPLY)**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	396	266	123	58	114	190
Facebook/MySpace/Bebo	42%	39%	49%	36%	34%	50%
LinkedIn/Plaxo	30%	25%	40%	27%	25%	34%
Twitter	34%	28%	47%	31%	32%	37%
You Tube	37%	32%	47%	24%	34%	43%
No Restrictions	34%	32%	37%	53%	39%	27%
Don't Know	19%	22%	11%	5%	21%	19%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	396	221	168
Facebook/MySpace/Bebo	42%	47%	35%
LinkedIn/Plaxo	30%	30%	30%
Twitter	34%	36%	31%
You Tube	37%	42%	30%
No Restrictions	34%	28%	41%
Don't Know	19%	20%	18%

2009 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	396	94	48	37	31	19	23	14
Facebook/MySpace/Bebo	42%	42%	38%	29%	52%	37%	31%	42%
LinkedIn/Plaxo	30%	29%	23%	19%	26%	27%	22%	28%
Twitter	34%	32%	32%	19%	33%	27%	17%	35%
You Tube	37%	36%	38%	8%	39%	27%	31%	42%
No Restrictions	34%	29%	31%	38%	26%	32%	43%	36%
Don't Know	19%	20%	25%	32%	19%	27%	17%	14%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	396	6	62	21	65	34	30	43	16	51	34
Facebook/MySpace/Bebo	42%	34%	35%	43%	51%	38%	54%	42%	44%	53%	30%
LinkedIn/Plaxo	30%	50%	22%	38%	42%	15%	40%	35%	12%	35%	18%
Twitter	34%	50%	27%	33%	45%	30%	44%	35%	31%	37%	27%
You Tube	37%	34%	31%	38%	48%	27%	50%	47%	31%	41%	27%
No Restrictions	34%	33%	32%	19%	32%	35%	20%	26%	31%	29%	56%
Don't Know	19%	17%	26%	24%	15%	24%	17%	21%	25%	16%	12%

TABLE 94: HAS YOUR COMPANY BEEN REQUIRED TO PRODUCE AS PART OF DISCOVERY IN THE U.S. OR DISCLOSURE IN THE U.K. ANY ESI FROM ANY SUCH SOCIAL MEDIA SITE IN THE LAST 12 MONTHS?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	336	223	108	52	103	153
Yes	8%	4%	18%	4%	7%	11%
No	92%	96%	82%	96%	93%	89%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	336	184	145
Yes	8%	13%	3%
No	92%	88%	97%

2009 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	336	82	45	18	27	15	20	13
Yes	8%	2%	2%	11%	4%	7%	0%	8%
No	92%	98%	98%	89%	96%	93%	100%	92%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	336	6	51	20	49	27	19	39	13	48	31
Yes	8%	0%	10%	5%	12%	4%	0%	3%	0%	19%	6%
No	92%	100%	90%	95%	88%	96%	100%	97%	100%	81%	94%

TABLE 95: FEDERAL RULE OF EVIDENCE 502, ENACTED IN SEPTEMBER 2008, PERMITTED CLAW BACK OF PRIVILEGED EVIDENCE AND "QUICK PEEK" REVIEW. THE RULE WAS ENACTED, IN PART, TO ADDRESS THE COST OF PREPRODUCTION PRIVILEGE REVIEW. HAS THE ENACTMENT OF FEDERAL RULE 502 RESULTED IN ANY SAVINGS TO YOUR COMPANY?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	277	176	97	40	77	143
Yes, Significant Savings	1%	0%	4%	0%	1%	2%
Yes, Moderate	8%	5%	13%	5%	6%	10%
Yes, Insignificant	1%	2%	0%	3%	0%	2%
No	89%	93%	82%	93%	92%	85%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	277	167	103
Yes, Significant Savings	1%	2%	0%
Yes, Moderate	8%	11%	3%
Yes, Insignificant	1%	2%	1%
Yes	89%	84%	96%

2009 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	277	57	39	20	23	11	17	10
Yes, Significant Savings	1%	0%	0%	0%	0%	0%	0%	0%
Yes, Moderate	8%	4%	5%	10%	4%	0%	12%	0%
Yes, Insignificant	1%	4%	0%	0%	0%	0%	12%	0%
No	89%	93%	95%	90%	95%	100%	76%	100%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	277	5	39	11	43	22	22	29	10	43	24
Yes, Significant Savings	1%	0%	3%	0%	0%	0%	5%	0%	0%	5%	0%
Yes, Moderate	8%	0%	5%	0%	14%	5%	5%	0%	0%	21%	8%
Yes, Insignificant	1%	0%	3%	0%	2%	0%	0%	0%	0%	2%	4%
No	89%	100%	90%	100%	84%	95%	91%	100%	100%	72%	88%

TABLE 96: ARE YOU USING "OFF-SHORE" PERSONNEL TO REVIEW AND CODE DOCUMENTS PRIOR TO PRODUCTION IN LITIGATION?

BY LOCATION / REVENUE

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	400	272	121	60	115	190
Yes	9%	4%	20%	3%	5%	13%
No	91%	96%	80%	97%	95%	87%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	400	220	172
Yes	9%	13%	4%
No	91%	87%	96%

2009 E-DISCOVERY FINDINGS

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	400	98	49	38	31	19	23	14
Yes	9%	3%	0%	13%	6%	5%	4%	0%
No	91%	97%	100%	87%	94%	95%	96%	100%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	400	6	62	21	65	34	30	44	16	51	34
Yes	9%	0%	8%	0%	18%	3%	7%	2%	0%	20%	6%
No	91%	100%	92%	100%	82%	97%	93%	98%	100%	80%	94%

TABLE 97: IF YOU HAVE USED AN OFF-SHORE PROVIDER FOR DOCUMENT REVIEW AND CODING, HOW SATISFIED HAVE YOU BEEN WITH THE REVIEW SERVICES?**BY LOCATION / REVENUE**

	<u>Total</u>	<u>Country of Residence</u>		<u>Last Fiscal Year – Gross Revenues (In U.S. Dollars)</u>		
		<u>U.S.</u>	<u>U.K.</u>	<u>Under \$100 Million</u>	<u>\$100 – \$999 Million</u>	<u>\$1 Billion Or More</u>
Number of Participants	35	11	24	2	6	24
Very Satisfied	49%	9%	67%	50%	50%	54%
Somewhat Satisfied	46%	73%	33%	50%	50%	38%
Dissatisfied	6%	18%	0%	0%	0%	8%

BY COMPANY TYPE

	<u>Total</u>	<u>Company Type</u>	
		<u>Public</u>	<u>Private</u>
Number of Participants	35	27	7
Very Satisfied	49%	56%	29%
Somewhat Satisfied	46%	41%	57%
Dissatisfied	6%	4%	14%

2009 E-Discovery Findings

BY REGION

	U. S. Region							
	<u>Total</u>	<u>Texas</u>	<u>Midwest</u>	<u>East Coast/ New England</u>	<u>South</u>	<u>Atlantic</u>	<u>California</u>	<u>West</u>
Number of Participants	35	3	0	4	2	1	1	
Very Satisfied	49%	0%	0%	0%	50%	0%	0%	0%
Somewhat Satisfied	46%	100%	0%	75%	50%	100%	0%	0%
Dissatisfied	6%	0%	0%	25%	0%	0%	100%	0%

BY INDUSTRY

	What is the primary industry in which your company does business?										
	<u>Total</u>	<u>Education</u>	<u>Energy</u>	<u>Engineer/ Construct</u>	<u>Financial Services</u>	<u>Health Care</u>	<u>Insurance</u>	<u>Manuf.</u>	<u>Real Estate</u>	<u>Retail/ Wholesale</u>	<u>Tech/ Comm</u>
Number of Participants	35	0	5	0	11	1	2	1	0	10	2
Very Satisfied	49%	0%	60%	0%	27%	100%	50%	0%	0%	80%	50%
Somewhat Satisfied	46%	0%	40%	0%	73%	0%	0%	100%	0%	20%	0%
Dissatisfied	6%	0%	0%	0%	0%	0%	50%	0%	0%	0%	50%

E-DISCOVERY VERBATIM COMMENTS 2008

If use of “full” pretrial disclosure should be reconsidered, what alternative would you like to see?

U.S. Companies

U.S. Insurance

“Better discovery rules”

“Process needs more definition”

“Some kind of narrowing to reduce some of the documents in the court room”

U.S. Financial Services

“More court supervision and targeted discovery”

“Focused and targeted request with no overly-broad retention requirements”

U.S. Retail/Wholesale

“Need to be some sort of standardization in regards to the preservation of electronic evidence prior to trial”^e

“It should be simplified, streamlined, and work for early mediation”

U.S. Healthcare

“Greater cost shifting requirements”

U.S. Manufacturing

“Salient documents exchange only in the first 90 days, followed by mandatory conciliation meeting with principles. Cost thereafter borne by loser”

“Respond to initial request and then determine if boiling the ocean is necessary. New rules create “blackmail” hold hostage environment forcing settlements once cost analysis is determined.”

U.S. Energy

“Discovery is often used as an extortion tool by plaintiffs. Therefore the cost of production should have a direct relationship to the realistic value of the damages claimed by plaintiffs”

“Exclusion of certain meta data”

“Targeted discovery”

“Less extensive system of pre-trial, like in the UK”

2009 E-DISCOVERY FINDINGS

“A concrete definition of when the duty to preserve electronic documents arises”
“Less of an ambush in U.S. courtrooms”

U.S. Technology/Communications

“A properly bonded disclosure request that is proportioned to the size of the matter”
“Greatly reduced duty to disclose”

U.S. Engineering/Construction/Real Estate

Narrowing the scope of disclosure before ordering the production of electronic documents-getting away from the ‘produce everything mentality’
“Too broad. Need to limit or define areas of search to be more specific of document relevant to matter”

U.S. Other Industries

“Adhere to greater specificity in the requests rather than the ‘all the documents pertaining to...’kind of demand.”
“Limitations on the use of burdensome discovery to force financial settlements. Court should recognize the costs associated with plaintiffs’ e-discovery requests.”

U.K. Companies

U.K. Financial Services

“Focused and targeted request with no overly-broad retention requirements”
“Need a standard of reasonableness”

U.K. Manufacturing

“Salient documents exchange only in the first 90 days, followed by mandatory conciliation meeting with principles. Cost thereafter borne by loser.”
“Limit the extent of disclosure.”

U.K. Energy

“Just ‘limited’ disclosure rather than ‘full’ disclosure”
“Less of an ambush in U.S. courtrooms”
“Don’t know. Just need some limitation on electronic data discoverability”

U.K. Technology/Communications

2009 E-DISCOVERY FINDINGS

“A properly bonded disclosure request that is proportioned to the size of the matter”
“Greatly reduced duty to disclose”

U.S. Other Industries

“Weighing the value of the information versus the cost and effort of production”
“Need to be more narrowly tailored to the specific litigation”
Need a practicality assessment, re-assessment of ‘control’ over the electronic data”

Misc. U.K. Companies

“Some kind of narrowing to reduce some of the documents in the court room” *Insurance*
“Use the U.S. style in the U.K.” *Energy*
“Weighing the value of the information versus the cost and effort of production” *Other Industries*
Need a practicality assessment, re-assessment of ‘control’ over the electronic data” *Other Industries*

E-DISCOVERY VERBATIM COMMENTS 2009

In light of the complexities and costs in making full pre-trial documentary disclosures, do you think the use of “full” pre-trial disclosure should be reconsidered in the U.S. England and Wales? If yes, what alternative would you like to see?

U.S. Companies

U.S. Energy

“I would like to see fewer automatic disclosures.”

“Due to the complex things concerning technology, it makes it difficult to be affordable.”

“To streamline the diverse process.”

“Limitations on costs and required accessibility.”

“Mediation.”

“No meta-data or deleted documents, narrowing down e-mails to the key players.”

“Not as detailed. Good cause before hard drives are taken and explored. More specificity as to documents to be produced.”

“A relevancy standard.”

“Limitations relevant to electronic documents.”

“More limits placed on the scope of discovery.”

“Deferring disclosure.”

“There needs to be a standard set.”

“The pre-trial system is expensive, it needs to be critiqued.”

“It costs too much to do.”

U.S. Engineering and Construction

“Limits on disclosure and revamp e-discovery.”

“E-discovery is always troubling.”

2009 E-DISCOVERY FINDINGS

U.S. Financial Services

“More limited and focused discovery.”

“I would like to see better underlying technologies. They should have better storage and search capabilities.”

“Parties should be required to narrow/specify their demands. No broad requests.”

“Decrease numbers in discovery process. Narrow it down.”

“To have time and effort streamlined.”

“The courts taking a more practical view of the burden associated with searching for requested information that is of, at best, negligible probative value.”

“Limitations on time periods covered, e-mails to search.”

“Identify with specifics documents requested that are not blanket requests.”

“Limitation on discovery to a process more like civil code countries like France.”

“Rules modified to narrow the scope.”

U.S. Health Care

“Narrower discovery -- similar to Canada.”

“Limited discovery.”

“Limited disclosures managed by judge.”

“To change the offer of judgment rule to include attorney fees.”

“E-discovery is abused.”

“Put limits on discovery.”

“Limited discovery.”

“Just for it to be more affordable.”

“Would like it to be more affordable.”

2009 E-DISCOVERY FINDINGS

U.S. Insurance

“A quicker and easier process. People who sue without merit should pay legal expenses if unsuccessful.”

“Full disclosure is costly and places an unfair burden on the party with the most documents. I think the rule should allow a party to choose “early full disclosure” of full disclosure later in the suit. If early full disclosure is elected, then the requesting party should have to pay half the costs.”

“We are only concerned with the cost.”

“Lower costs.”

“A return to the ‘relevancy to a party’s own claims and defenses’.”

“Plaintiffs should be required to respond to discovery promptly or suffer consequences.”

“A more abbreviated process. More exact summary types.”

“Key documents need to be turned over.”

“Limited discovery. Increased relevance requirements.”

“Ways of saving money.”

“More limitation on e-discovery. I just feel as if the cost of e-discovery and procedures will create issues in the future.”

U.S. Manufacturing

“Early mandated mediation.”

“More help to evaluate the merits of the case.”

“Limits on e-discovery costs.”

“More of an arbitration setting.”

“More judicial supervision.”

“Just streamline the guidelines and curb e-discovery abuse.”

“Less reliance on the belief that electronic discovery is the Holy Grail of truth.”

“Go back to the original way.”

“E-discovery costs are too high.”

“Earlier resolution of the claim.”

“Greater use and acceptance by courts of electronic search filters.”

“Get rid of electronic discovery rules.”

“Prefer a step-type process.”

“It’s most time consuming. Reduction of written discovery.”

“Reasonable e-discovery rules.”

2009 E-DISCOVERY FINDINGS

U.S. Real Estate

“Manage mandatory disclosures.”

“If the expenditures to expose would save a lot of money.”

“I don’t have anything in mind, but it needs to change.”

“Should narrow the scope to keep things efficient and related to the allegations.”

U.S. Retail/Wholesale

“Make it cheaper.”

“Just reduce the costs.”

“Less documentation. Sticking to the matter at hand.”

“Clearer cost-shifting.”

“Maybe narrowing the scope for what is to be produced.”

“More openness in the exchange of documents.”

“More limited disclosure early on until the procedural things are done.”

“Reduce the costs.”

U.S. Technology/Communications

“Anything that would make it more efficient.”

“Streamline disclosures.”

“Disclosure that doesn’t play games. Fair gamesmanship in discovery.”

“More efficient.”

“Targeted disclosure. Limitations on general discovery.”

2009 E-DISCOVERY FINDINGS

U.S. Other

“Restrict the issues to e-discovery.”

“Federal court needs to act more expediently.”

“I think there should be automatic disclosures.”

“Cost of compelling disclosure drives up litigation costs.”

“Requests must be made with greater specificity.”

“More limited summary disclosure initially.”

“I would like to see electronic communication forms and other types of e-mails.”

“Should come at a later time in the litigation.”

“It is very expensive. We had to recover the discovery cost.”

“Anything to bring litigation cost down.”

U.K. Companies

U.K. Energy

“Not having to use a barrister because that’s expensive.”

“The whole full pre-trial disclosure is a very complicated process that costs a lot of money.”

“A system as in arbitration, a blend of civil and common law.”

U.K. Engineering and Construction

“Full disclosures.”

“Just quicken the process for a full pre-trial.”

U.K. Financial Services

“Just more measured proportions.”

“Reduce the cost.”

“More settlement documentation without the disclosure.”

“Restriction of the number of witnesses to depose, and restrictions on discovery, and shorten the length of time for deposed.”

“Would like to see more relevant discovery.”

2009 E-DISCOVERY FINDINGS

U.K. Retail

“Disclosure is too much at this time.”

“I would like to see a change in the law about discovering everything. There has to be a limit.”

U.K. Technology/Communications

“The obligation to disclose materials and relevant documents.”

“Anything to reduce the cost.”

“I think the U.S. needs to remodel their laws like those of the U.K.”

U.K. Insurance

“New protocols are needed.”

U.K. Manufacturing

“Just put limits on the documentation that need to be exposed.”

“The U.S. should reform their litigation like the U.K. to make it more affordable. In the U.K. they need to make the laws more consistent.”

“Whatever reduces cost.”

“Discovery process to the Markman hearing.”

U.K. Other Industries

“Use the German system.”

“Maybe some online services.”

“The range of the disclosures -- they go into too much detail.”

Non-U.S./U.K. Companies

“More significant restrictions on e-discovery.”

“Much more stringent standards of relevance applied.”

“Nobody wants to pay a lot, and e-discovery is very expensive.”

“We need to accommodate the revolution.”

“Plaintiff should have to put up deposit for all discovery costs or 80% of costs. Pay for the cost of discovery.”

“Limited disclosure.”

What other methods is your company using to reduce discovery costs?

U.S. Companies

U.S. Energy

“Attorneys and paralegals are being trained.”

“Buying software to handle some of the processes.”

“Training to reduce the number of non-business record documents in our systems.”

“Document retention and e-mail policy.”

“Electronic preservation and IT resources.”

“Trying to lower the discovery costs.”

“Purchasing software.”

“In-house collection, negotiating lower rates, watching what’s done to elevate a lot of problems.”

“We are currently reviewing our practices to develop new procedures.”

“Contract lawyers and in-house.”

U.S. Engineering and Construction

“Enforcing the document retention policy more vigorously.”

“We have an e-discovery search engine.”

U.S. Financial Services

“Offshore review.”

“Destruction of documents on a systematic basis.”

“We are trying to improve/shorten records retention policies.”

“Using specialized software to archive and search e-mail.”

“Lots of in-house work.”

U.S. Health Care

“Leveling our own internal resolution technology.”

2009 E-DISCOVERY FINDINGS

U.S. Insurance

“Document retention policies.”

“Creating a standard and legal hold process and a collections and preservation and document process. Also educating our work force.”

“Bought software from a provider.”

“We have selected two software tools to assist with collection, preservation and review.”

“Legal bill review software and reporting.”

U.S. Manufacturing

“Categorization and classification.”

“Negotiations with the other side to reduce the scope.”

“We have a records inventory management system.”

“Out-sourcing and in-sourcing.”

“Internal policies: document retention policy.”

U.S. Retail/Wholesale

“Fee arrangements.”

“Re-using records.”

“Proactive case management to steer cases away from lengthy e-discovery disputes where facts and dollars don’t warrant it.”

U.S. Technology/Communications

“We are in-sourcing our document gathering, processing and review.”

U.S. Other

“Sorting without coding and incorporating clawback provisions for any confidential information inadvertently produced.”

“Cobble together to fit the situation.”

“Having processing done outside.”

“Aggressive policy initiatives.”

“More aggressive with early case assessments and budgets.”

“Adhering to document retention and destruction policies.”

“More diligent enforcement of document retention policies.”

2009 E-DISCOVERY FINDINGS

“Reviewing and revising document retention policies.”

Misc. U.K. Companies

“Record retention policies.” *Energy*

“In house and out house; sometimes it varies.” *Engineering and Construction*

“External services to compile documents on our behalf.” *Engineering and Construction*

“External service providers.” *Financial Services*

“Alternative preservation.” *Manufacturing*

Non-U.S./U.K. Companies

“Enforcement of document retention policy.”