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PRACTICAL RESOURCES



FREE GUIDE

eDiscovery Workflow Cheat Sheet

The 7 stages · Key tasks · Common mistakes · Terminology

WHAT'S INSIDE

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| 01 The 7 eDiscovery Lifecycle Stages | 02 Key Tasks & Actions per Stage |
| 03 Common Mistakes to Avoid | 04 Quick Terminology Reference |

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The 7 eDiscovery Stages

1 IDENTIFICATION

KEY TASKS

- Identify all potential custodians
- Map data sources (email, cloud, mobile, servers)
- Assess scope of relevant ESI
- Document all data locations

COMMON MISTAKES

- ✗ Overlooking mobile devices or cloud storage
- ✗ Failing to interview custodians early
- ✗ Underestimating the volume of data

2 PRESERVATION

KEY TASKS

- Issue litigation hold notices immediately
- Suspend auto-delete & routine destruction policies
- Document preservation actions taken
- Follow up with custodians on compliance

COMMON MISTAKES

- ✗ Delaying the legal hold — data may be lost
- ✗ Not sending written hold notices
- ✗ Failing to preserve third-party data

3 COLLECTION

KEY TASKS

- Collect ESI in a forensically sound manner
- Maintain chain of custody documentation
- Collect metadata along with file content
- Use qualified personnel or vendors

COMMON MISTAKES

- ✗ Using copy-paste instead of forensic tools
- ✗ Altering metadata during collection
- ✗ Collecting without a defensible process

4 PROCESSING

KEY TASKS

- De-duplicate files to reduce review volume
- Extract and index text and metadata
- Convert files to review-ready formats
- Apply date/custodian filters

COMMON MISTAKES

- ✗ Skipping deduplication — inflates review cost
- ✗ Ignoring processing reports and error logs
- ✗ Losing embedded attachments or metadata

Stages 5 – 7 & Pro Tips

5 REVIEW

KEY TASKS

- Review documents for relevance and privilege
- Tag responsive vs. non-responsive documents
- Apply privilege log to withheld items
- Use technology-assisted review (TAR) when appropriate

COMMON MISTAKES

- ✗ Reviewing without a written protocol
- ✗ Missing privileged documents — waives privilege
- ✗ Inconsistent coding across reviewers

6 PRODUCTION

KEY TASKS

- Produce documents per the agreed-upon format
- Redact privileged or sensitive information
- Provide a load file with metadata fields
- Track and log everything produced

COMMON MISTAKES

- ✗ Producing in wrong format (e.g., paper vs. native)
- ✗ Failing to redact before production
- ✗ Not keeping a production log for reference

7 PRESENTATION

KEY TASKS

- Organize exhibits for depositions and hearings
- Use trial presentation software effectively
- Authenticate digital evidence properly
- Work with counsel on exhibit strategy

COMMON MISTAKES

- ✗ Introducing evidence without proper authentication
- ✗ Not knowing how to operate presentation tools
- ✗ Disorganized exhibit files during trial

PRO TIPS FOR PARALEGALS

- ✓ Stay organized from day one — label folders by stage and date.
- ✓ Always confirm the production format with opposing counsel before collecting.
- ✓ When in doubt, preserve more — over-preservation is safer than spoliation.
- ✓ Learn at least one eDiscovery platform (Relativity or Everlaw) inside and out.

Key eDiscovery Terminology

ESI Electronically Stored Information — any data stored electronically, including emails, documents, databases, audio/video files, social media, and metadata.	Legal Hold A directive to preserve all potentially relevant ESI and paper documents. Triggered when litigation is reasonably anticipated; failure to hold can result in sanctions.
Metadata Data about data. Includes file creation dates, author info, edit history, and GPS coordinates. Critical in eDiscovery — never alter it.	Custodian An individual who possesses or has control over potentially relevant data. Custodians must be identified early and issued legal holds.
De-duplication The process of identifying and removing exact or near-duplicate documents to reduce review volume and cost.	Native Format A file in its original application format (e.g., .docx, .xlsx, .msg). Preserves full metadata; often preferred for production.
Load File A file that maps metadata fields to documents in a production set. Allows receiving party to import documents into their review platform.	TAR / Predictive Coding Technology-Assisted Review — uses machine learning to prioritize or categorize documents, dramatically reducing review time.
Privilege Log A log of documents withheld from production based on attorney-client privilege or work product doctrine. Must identify each document and basis for withholding.	Spoliation The destruction, alteration, or failure to preserve evidence. Can result in court sanctions, adverse inference instructions, or case-dispositive rulings.
Chain of Custody A documented record of who collected, handled, and transferred evidence — essential to authenticate digital evidence in court.	Production Format The agreed-upon format for delivering documents to opposing counsel (e.g., TIFF + load file, native, PDF). Specified in a litigation protocol or meet-and-confer.

Want deeper training on every stage?

Visit Paralegal Tech Academy for step-by-step eDiscovery courses, tool guides, and career resources.