



DEPOSITIONS IN THE DIGITAL AGE

Attorneys Cite *Electronically Stored Information* (ESI) As the Leading Reason Why They Are Conducting More Depositions Than in Prior Years.*



ESI: The Litigation Game-Changer

Effective pretrial discovery uncovers all relevant ESI via deposition & document requests in order to achieve the best possible outcome for the client.



Deposition Benefits When ESI Is Present

31% of Litigators conducting more depositions than in the past said e-discovery was the reason.



E-discovery Efforts Reveal:

81% Additional Witnesses to be Deposed

72% Unknown Facts Requiring Development via Deposition

53% Potential New Parties to the Case

53% Grounds for Assertion of New Legal Theories

Witnesses Uncover & Explain ESI

ESI raises unique challenges in the areas of discovery & effective presentation at trial. These five witnesses are invaluable:



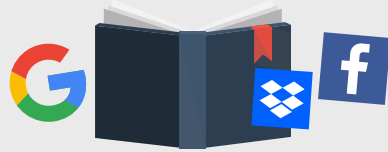
Rule 30(b)(6) Witness

Testifies on a company's IT infrastructure, where ESI can be found & the company's efforts to produce it.



Party Electronic Document Custodian

Directly controls relevant data & docs. Can be critical to enforcing litigation holds & assuring admissibility of electronic evidence.



Non-Party Electronic Document Custodian

Controls relevant ESI off-premises in contractual relationship with party. (telecom, cloud computing, messaging & social media)



Forensic Expert

Investigates & evaluates significance of ESI, directs investigations into deleted or altered data. May be consultant to litigation team or trial witness.

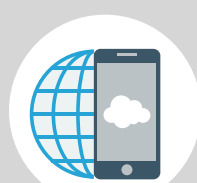


Former Employees

Potentially possesses relevant ESI on personal laptops, cell phones, or fixed media such as CDs / DVDs, thumb drives & memory cards.

ESI: Leading Reason Why Attorneys Conduct More Depositions

Attorneys conducting more depositions than in prior years cited coping with ESI more than any other reason.



Increased use of new e-discovery tools & access

54%



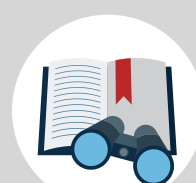
Evolved role in law firm

50%



New practice areas

36%



Changes in discovery practices & court rules

29%

Deposition Tech Helps Meet Challenges

With live streaming, legal & tech experts on the litigation team work together – in real time – to address the unique ESI challenges.

Leading Live-Streaming Benefits:



67% **Wider Participation**

Follow-up questions and new lines of questioning will emerge when additional litigation team members are brought into the conversation.



54% **Scheduling & Travel Relief**

Bring more firm resources to bear on client's problem in a cost-effective manner.



49% **Empowered, Engaged Clients**

Wider participation from clients puts everyone on the same page for strategy discussions & case management decisions.



44% **Educated Experts**

Expert witnesses & consultants will better appreciate the significance of deposition testimony when viewed on live video.



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What to do now?

Read our Depositions in the Digital Age Executive Summary



*Bloomberg Law Survey commissioned by Esquire Deposition Solutions, "Depositions in the Digital Age," 2018.