

# E-discovery: Planning for and Conducting E-discovery (WA)

A Practical Guidance® Practice Note

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This practice note provides a comprehensive overview of electronic discovery (e-discovery) in Washington state superior court litigation. It introduces the concept of e discovery and situates it within lawyers' professional responsibilities, including the need to understand evolving technologies that affect the creation, storage, and retrieval of electronically stored information (ESI). The note outlines the major phases of the e discovery lifecycle, from early planning through preservation, collection, processing, review, and production, emphasizing how decisions made at each stage can affect later phases. It surveys the Washington Superior Court Civil Rules that govern discovery generally, as well as those that specifically address ESI, and discusses how proportionality

and cooperation influence discovery practice. The note addresses discovery planning mechanisms, including conferences and ESI protocols, and highlights the role of collaboration between parties in managing scope, cost, and disputes.

Additional sections examine key subject areas that arise during e discovery, such as identification of data sources and custodians, treatment of emerging technologies and data types, use of search methodologies and review tools, handling of privileged material, and approaches to production format and organization. The practice note concludes with discussion of supplementation obligations.

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### **Julie Anne Halter, Managing Partner, K&L Gates LLP**

Julie Anne Halter's practice includes complex commercial and business litigations, arbitrations and government and internal investigations, particularly as they relate to managing large, document-intensive cases, specifically those involving electronic discovery. For more than two decades, Julie Anne has counseled clients regarding complex electronic discovery in litigations, arbitrations and investigation matters involving intellectual property, trade secrets, securities, and banking, including SEC and FINRA investigation matters, antitrust, the Foreign Corrupt Practices Act, products liability, real estate, and employment litigation, as well as other government and internal investigations and public records act requests. Julie Anne is a member of the e-Discovery Analysis and Technology (e-DAT) group, a dedicated, firmwide practice group that deploys advanced technology, including predictive analytics and other technology assisted review resources, and implements proven business processes to provide clients with efficient and cost-effective electronic discovery counseling and document review services.

### **Alexa Stemmler, Associate, K&L Gates LLP**

Alexa Stemmler advises and advocates for clients during all stages of the e-discovery process. She provides strategic discovery counseling on matters with large amounts of electronically stored information. Alexa's recent experience includes complex commercial litigation, arbitration and investigations involving products liability, intellectual property, data breach response, SEC and DOJ investigations, and the Foreign Corrupt Practices Act. Alexa combines legal knowledge with pioneering technology to develop cost-effective and defensible solutions for her clients. Alexa also counsels clients on litigation readiness and information governance in order to reduce risk and lower the cost of data management. She creates comprehensive record retention policies and schedules, keeping current with regulations and industry best practices.

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