

# Early Case Assessment Checklist

Apply this to every matter that meets your ECA threshold. Embed it in your matter management system, digitize it, or print it, but use it consistently.

## 1 GATE 1 DETECT

- Trigger event documented with a precise date
- Litigation hold issued to all potentially relevant custodians
- IT notified - auto-deletion is suspended on affected sources
- ECA team assembled: lead attorney, legal ops, eDiscovery/IT
- Initial matter scope documented
- 72-hour compliance checkpoint scheduled

## 3 GATE 3 COLLECT

- Collection parameters defined: custodian scope, date range, file types, keywords
- Collection methodology documented
- Chain of custody initiated
- De-NISTing and deduplication are complete
- Dataset ingested into ECA workspace
- Exception report reviewed and addressed

## 5 GATE 5 DETERMINE

- Legal liability assessment completed by lead counsel
- Litigation cost-to-trial model built
- Settlement probability and value range estimated
- Regulatory and reputational risk is modeled if applicable
- ECA report drafted and reviewed by GC or responsible attorney

## 2 GATE 2 ENUMERATE

- Custodian list complete with roles and relevance rationale
- Data source inventory completed per custodian
- Third-party or outside custodians identified
- ECA database provisioned in the platform
- Custodian questionnaires drafted and sent

## 4 GATE 4 INTERROGATE

- Keyword search terms built; hit reports run
- Analytics dashboard reviewed: volume, timelines, communication maps
- Statistical sample reviewed
- TAR/CAL applied if the matter warrants
- Key custodian interviews complete and documented
- Privilege and sensitivity review done on high-risk documents
- Any newly identified custodians added back to the Gate 2 inventory

## 6 GATE 6 EXECUTE

- Strategic recommendation presented to relevant stakeholders
- Decision documented: settle/proceed / re-scope
- Negotiation or litigation plan developed from ECA findings
- All ECA documentation is preserved in the matter file