Looking for evidence and overcoming hurdles in legal document review and translation

June 18, 2013 / Presenter: Gail Tanaka Burns

OVERVIEW OF THE DISCOVERY PROCESS

* What is discovery?
* How long does it take?
* What types of cases does it involve?

DISCOVERY: THEN AND NOW

* From manual to digital
* Databases
* e-discovery
AUDIENCE QUESTION

- Please select the most appropriate answer from the choices below.
  - I conduct document review as a part of my translation work
  - I currently do not conduct document review but would like to take on such work

FUNDAMENTALS OF DOCUMENT REVIEW

- Obtain a broad picture of what the case involves
- Know what the expectation is
- Protective Orders/Retainers
- Obtain information on the technology
- Get training on the database or document review platform
**FUNDAMENTALS OF DOCUMENT REVIEW (2)**
- What will the case involve?
  - What type of case is it?
  - Who are the parties in the lawsuit?
  - What is the timeline?
  - Who are your key contacts?

**FUNDAMENTALS OF DOCUMENT REVIEW (3)**
- What is the expectation?
  - Where will the document review take place?
  - Will the review be conducted as a team?
  - How many hours will you be expected to work per day/week?
  - How will you get support?

**FUNDAMENTALS OF DOCUMENT REVIEW (4)**
- Protective Orders
- Retainers
- Agreements
- Conflicts check
Obtain information on the technology

- Reference material
- Technical advice
- Taking notes
- Meetings
- Search engines
FUNDAMENTALS OF DOCUMENT REVIEW (6)

- Get training on the database or document review platform
  - IT staff, helpdesk
  - Foreign language support (fonts)
  - Creating/searching folders
  - Cheat sheets

EXAMPLE OF A CHEAT SHEET

CHEAT SHEET

The case is [Name of the case taken from the Protective Order]

The technology in question is an applicable claim from a related patent or a description provided by the Technical Adviser or knowledgeable attorney.

Types of documents that may be especially useful:

- Agreements/Contracts
- Specifications
- Engineers' Notes
- Meeting Notes
- E-mails

THE LINGUISTS ROLE IN LEGAL DOCUMENT REVIEW

- Bridge between cultures
- Educate the client
- Communicate with your client
- Create glossaries/cheat sheets/conversion charts
- Always be neutral
**BRIDGE BETWEEN CULTURES**
- Cultural specific information
  - Tendencies
  - Norms/standards
  - Behavior

**EDUCATE THE CLIENT/COMMUNICATION**
- Realistic schedules
- Meetings
- Follow-up
- Corporate/law firm culture
- Contact person/backup
- Machine translation

**CREATING GLOSSARIES/CHEAT SHEETS/CONVERSION CHARTS**
- Terminology glossaries
- Acronyms
- Names
- Key word sheets
- Conversions
EXAMPLE OF AN ACRONYM GLOSSARY

ALWAYS BE NEUTRAL

- Only quote what is on the paper, nothing more and nothing less

FINDING THE EVIDENCE

- Bates Numbers
- Summary format
- Start broad and narrow down
- Document types
- Consider the source
- Look for patterns
- Create a timeline
AUDIENCE QUESTION

What types of obstacles or challenges do you face when reviewing documents?

- Language specific (word order, lack of subject, gender, acronym usage, plural vs. singular, colloquialisms, slang)
- Communication with client or contact person
- Deadlines (time restraints) or client expectations
- Document-related problems (illegible text, poorly written document, poor quality copy)
- Lack of knowledge in the subject matter

OVERCOMING HURDLES IN DOCUMENT REVIEW

- Volume and time
- Communication
- Language-related
- Document-related
- Technology

FINDING THE EVIDENCE, CONT'

- Be patient and tenacious
The design plans for the new product components are in the process of being finalized. The issue regarding the [REDACTED] competition's product.

Phase II for the gear technology portion has commenced. Representatives from Technology Division I and II attended the Monthly Engineers Meeting and discussed countermeasures for a number of issues in relation to mass production.

The concept for the next generation model is still being worked out. The manager from the Engineering Team has solicited proposals from all technicians working on the project and the final proposals will be due by the end of the month.

Next month's Technology Meeting will be held at the Osaka Branch office on October 15 at 1:00 PM. If you cannot attend, please be sure to inform your managers.
From: Taro Suzuki [t_suzuki@ABCCorp.com]

Sent: Wed Dec 07 2003 09:57:13

To: Kenji Tanaka [K_Tanaka@ABCcorp.com]; Tadashi Takao [T_Takao@ABCcorp.com]

Subject: Pricing for the G4 Model

The pricing strategy for the G4 model has yet to be finalized. I would like to arrange a meeting with XYZ Company and CCC Company to discuss pricing issues with them so that we can reach a final decision.

Please arrange your schedules so that we can meet on either one of the following dates:

- Tuesday, December 13, 2003 at 1:00 PM
- Thursday, December 15, 2003 at 10:00 AM
- Friday, December 16, 2003 at 3:00 PM

Please reply and let me know what date works.

Suzuki

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On Tue Dec 06 2003 at 02:39:55 Tadashi Takao wrote:

Tanaka,

Last week I met with Mr. Yamamoto from EEE Company and he provided me with an update on HHH Company's movements for development of their G4 model. He has since informed me that their pricing for the Model T42H09321 is $450.00/unit FOB Taiwan. This is considerably lower than we initially thought. We will have to work out some numbers and possibly conduct a cost reduction in order to remain competitive. I have contacted XYZ Company and CCC Company and asked to meet with them so we can come up with a pricing strategy that will beat the HHH price.

Please advise.

Takao

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On Mon Dec 05 2003 at 05:19:03 Yamamoto wrote:

Takao,

Thank you very much for agreeing to meet with me last week. I think our discussion was very productive. I was able to obtain the competitor pricing for their model.

$450.00/unit FOB Taiwan

They began MP in October and are apparently prepared to ship 1000 units/month from their factory in Taiwan.

Product shipments are scheduled to begin in early January.

It is imperative that we meet with XYZ Company and CCC Company so that we can be on the same page in terms of our pricing strategy.

Can you contact the pertinent personnel at these two companies to arrange a meeting?

I would also like to be in attendance and I will come prepared with a competitor analysis.

Thank you in advance for your assistance.

Yamamoto
The Plural form of Foreign Borrowed Words ("katakana")

ENGLISH JAPANESE

File ----Æ

Files
ファイル
---Æ
複数のファイル

Program ---Æ

Programs
プログラム
---Æ
複数のプログラム

複 (fuku) = duplicate
数 (suu) = number

The Plural form of Nouns/Pronouns

ENGLISH JAPANESE

Child ----Æ

Children
子供
---Æ
子供たち

He ---Æ

They
彼
---Æ
彼ら

A suffix such as ら (ra) or タチ (tachi) is added.

両親 (Ryo-shin) = Parents
両 (ryo) = Both / 親 (shin or oya) = parent
SUMMARY

- Be inquisitive
- Know the red flags
- Remain neutral and be persistent