

Marks track an overall characteristic for each document and are most frequently used to track what will happen with the document at the time of production. By default, all marks are set to propagate to all copies of the document. When the review team requires families to be marked consistently the mark propagation must be removed from each mark.

MARK	GROUP	SEQUENCE	PROPAGATE	TYPE	POD
Non-Responsive	Marks	0	<input checked="" type="checkbox"/>	Normal	
Privileged	Marks	0	<input checked="" type="checkbox"/>	Privileged	
Resp-AEO	Marks	0	<input checked="" type="checkbox"/>	Produce	ATTORNEYS' EY
Resp-CONF	Marks	0	<input checked="" type="checkbox"/>	Produce	CONFIDENTIAL
Resp-Public	Marks	0	<input checked="" type="checkbox"/>	Produce	
Junk	Marks	1	<input checked="" type="checkbox"/>	Normal	
Technical Difficulty	Marks	1	<input checked="" type="checkbox"/>	Normal	
			<input type="checkbox"/>		

This allows for the review team to review through the documents quickly and avoids one copy of a document being marked to produce and another copy as privileged.

When a document is part of a family (email + attachment) consider the document on its own merits and not in relation to the email to which it is attached.

For example, in a litigation about an employment contract, the email forwarding the employment contract to the attorney for review is certainly privileged, however, the contract itself is not. In that example marking the attached contract as privilege would also mark the copy in the “my docs” folder.

		Email	Privileged	Please review contract	Attorney X	Paulet
		Attachment	Resp-CONF	Employment Contract.docx		
		File	Resp-CONF	Employment Contract.docx		

The privilege is in the email itself. At the time of production, all privilege emails and their attachments will be withheld from production. The copy of the contract in the My Docs folder would be produced but not the copy attached to the email.



Mark Propagation Workflow

When an email has multiple attachments with varying marks, the attachments can be managed at production time.

		Resp-CONF	11 Attachments	Lar
		Non-Respons...	CaramelSauce.txt	
		Resp-CONF	5LargestEconomies20051105.jpg	
		Resp-CONF	aging.xls	
		Resp-CONF	AreWeHappyYet2006.pdf	
		Resp-CONF	BicyclesDowntown1992-2007.gif	
		Resp-CONF	BugCountAlsoRises1996.txt	
		Privileged	ChanceForPeaceEisenhower19530416....	
		Resp-CONF	EconomyBoomBust1855-2000.jpg	
		Resp-CONF	FACTS.DOC	
		Resp-CONF	Giver&TakerTaxStates1992-2002.pdf	
		Resp-CONF	RealEstateTerms.doc	

In this example a slip sheet would be inserted for the privilege document which would read “this document intentionally withheld”. To avoid the discussion of missing family members, most teams include the non-responsive documents in families as they will appear in the parent email as a listed attachment.