

Technical Preparation For A Disclosure Case Management Conference

Preparing for a Disclosure Case Management Conference requires technical understanding of systems, data volumes, and search methodologies. This guide outlines key briefing areas, from preservation to production formats, helping practitioners navigate the complexities of PD 57AD and present a well-prepared case to the court.

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THE DISCLOSURE CMC · A GUIDE FOR UK LAWYERS Technical Preparation for a Disclosure Case Management Conference Walking In With the Answers COMPUTER FORENSICS LAB DISCOVERY. UK

§ ABOUT THE AUTHOR PREPARED BY COMPUTER FORENSICS LAB E-DISCOVERY TEAM
FULL CHAIN-OF-CUSTODY DOCUMENTATION

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§ 01 · ORIENTATION Executive summary THE HEADLINE POINT:
THE PREPARED PARTY WRITES THE ORDER

§ 02 · FIRST PRINCIPLES The problem in plain English: twenty minutes that design a year

§ 03 · THE LAW The legal frame: what the hearing is, and what it expects

§ 04 · BRIEFING AREA 1 Systems and sources

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§ 09 · BRIEFING AREA 6 Production formats

§ 10 · BRIEFING AREA 7 Unresolved technical issues

§ 11 · LOGISTICS The pack, the people and the timeline The pack The people The timeline

WHEN DONE 2 weeks out DRD substantially agreed except the true disputes; disputed-issues schedule drafted and 1 week out Filing per the order or PD deadlines; one-page summary finalised; fallback positions

§ 12 · THE HEARING Advocacy: presenting technical material to the court

§ 13 · IN THE WILD, AND WHERE IT GOES WRONG Worked example · Common mistakes and limitations WORKED EXAMPLE · THE CMC THAT TOOK ELEVEN MINUTES Common mistakes Technical limitations

§ 14 · INTERROGATORIES & DRAFTING AIDS Questions to ask · Suggested wording Ask your client (pre-hearing) Ask your opponent (pre-hearing) Ask your e Discovery / forensic provider SUGGESTED WORDING · SKELETON ARGUMENT PART A GRAPH INTRODUCING THE TECHNICAL POSITION

§ 15 · QUICK CONTROL The master checklist · Red flags · When to involve a digital forensic expert The CMC technical preparation checklist Red flags When to involve a digital forensic expert

§ 16 · COMMON QUESTIONS Frequently asked questions Should our e Discovery provider or examiner actually attend the hearing? What if we genuinely do not have final volumes by the CMC? The other side keeps adding demands in the final week. How do we handle the ambush? What is a Disclosure Guidance Hearing, and when do we ask for one? How does this differ outside the Business and Property Courts, or in criminal proceedings?

§ 17 · REFERENCE Glossary DGH DMD EDQ Sources and authoritative references DISCLAIMER

§ HOW A SPECIALIST LABORATORY CAN ASSIST Working with Computer Forensics Lab Speak to a forensic examiner, not a salesperson. INSTRUCT THE LAB NEW ENQUIRIES EMAIL - DISCOVERY

Questions and answers

Should our e Discovery provider or examiner actually attend the hearing?

Standby by telephone is the sensible default: cheap, and it covers the unpredictable question. Physical attendance earns its cost where a technical dispute is central (contested accessibility, a TAR challenge, alleged spoliation) or the tribunal has signalled technical interest. Agree in advance with counsel how the consultant is to be used: usually as an instructing resource in the room, with formal evidence, if ever needed, coming later under CPR Part 35 discipline.

What if we genuinely do not have final volumes by the CMC?

Present what is measured, state what is estimated with its basis and the date it firms, and propose the mechanism (a short further exchange, a DGH if needed) rather than a guess. Courts work comfortably with honest ranges tied to a plan; what they punish is false precision, and silence. The one figure never to improvise is a cost: an aged provider quote beats an invented number every time.

The other side keeps adding demands in the final week. How do we handle the ambush?

Respond in writing, fast and flat: each new demand into the disputed-issues schedule with your figures and their (absent) evidence, a note of its timing, and your proposal. The schedule metabolises ambushes: late, unevidenced additions look exactly like what they are once tabulated beside six weeks of your data, and the timing note writes the costs paragraph. What the ambush must not do is stampede a concession the pre-agreed list does not contain.

What is a Disclosure Guidance Hearing, and when do we ask for one?

A short, comparatively in form a I hearing under PD 57AD for discrete disclosure guidance where the parties are stuck on a specific point (a Model, a term family, a source) that should not wait for, or would swamp, the CMC. Ask for one when a single technical dispute is blocking everything else and both sides' evidence is ready; bring exactly the same discipline (the schedule, the figures, the proposed wording) scaled to one issue.

How does this differ outside the Business and Property Courts, or in criminal proceedings?

The furniture changes, the discipline does not. Under CPR 31 / PD 31B the vehicle is the pre-CMC discussion and, where used, the EDQ, with the reasonable-search bargain struck at the first CMC; in the Crown Court the prosecution's Disclosure Management Document is engaged with at the case management hearing, and defence teams apply the same know / bring / be-ready drill to it. In every forum the constant holds: the tribunal decides on what is in front of it, and preparation is the only reliable way to be the party that put it there. cflab. u k · e-discove r y. u k ©2026 Computer Forensics Lab Ltd · cflab.uk · e-discovery.uk · info@cflab.uk · +44 (0)20 7164 6915 Page 20 of 23

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