

# EDRM Announces Special Masters and eDiscovery Mediation Bench Book

MINNEAPOLIS, MN, USA, August 24, 2022 /EINPresswire.com/ -- Setting the global standards for e-discovery, the Electronic Discovery Reference Model (EDRM) is pleased to announce the Public Comment Period for Version 1.0 of the Bench Book titled, "Using Special Masters and Discovery Mediators to

Resolve eDiscovery Disputes: A Bench Book for Judges and Attorneys 2022 Edition." The Draft Bench Book can be downloaded here: <https://edrm.net/active-projects/special-masters-and-ediscovery-mediation-project/>. Comments are welcome until September 29, 2022, here:

<https://edrm.net/active-projects/special-masters-and-ediscovery-mediation-project/>.

“

A Discovery Mediator/Special Master can meet with the attorneys in the course of creating a discovery plan and identify problem areas and suggest solutions which avoid bigger problems down the road.”

*Project Trustee Jay Yelton III,  
Of Counsel at Warner,  
Norcross & Judd LLC*

EDRM develops and promotes thought leadership, frameworks and best practices in e-discovery, with its engaged global community comprised of knowledgeable, multidisciplinary professionals. EDRM contributors continue to enhance e-discovery, privacy, security and information governance frameworks, processes and standards. EDRM’s publications use a Creative Commons Copyright to allow their free use by all, with attribution.

Over the past year, the Special Masters and Discovery Mediation Project team, led by Project Trustee Jay Yelton III,

Of Counsel at Warner, Norcross & Judd LLC, iterated on guidelines for choosing and managing Special Masters and Discovery Mediators to keep cases focused on the merits. EDRM thanks the project team for their insights and time and notes that all EDRM work product does not reflect the opinions or positions of the advisory council, project trustees or individual contributors.

“Discovery Mediators and Special Masters have the most value at the outset of the case in establishing a discovery plan (where e-discovery issues are anticipated) and where complex e-discovery issues need to be resolved in establishing the initial scheduling order,” said Jay Yelton. “A Discovery Mediator or Special Master can meet with the attorneys in the course of creating a



Setting the global standards for e-discovery

discovery plan and identify problem areas and suggest solutions which avoid bigger problems down the road. Setting a good tone for resolving issues at that stage of the process is likely to be beneficial throughout the litigation.”

“Unfortunately, most discovery conferences are drive-bys and the requirement to meet and confer is honored in the breach. I think a Discovery Mediator or Special Master can be helpful, particularly if that person has some authority,” said Hon. Iain Johnston, District Court Judge Northern District of Illinois. “By providing the necessary legal, technical, and facilitation skills needed to identify issues, offer an assessment of each, suggest options, and generally facilitate agreement, the court’s expectation is that Discovery Mediators and Special Masters will help resolve ESI issues in a timely fashion and at a significant reduction in costs, because early resolution of these issues will help avoid a later and more costly war of e-discovery motions.”

“Jay Yelton did a fabulous job spearheading this effort,” said David Cohen, a Reed Smith partner who has served as a court-appointed E-Discovery Special Master in multiple cases, and Chairs the EDRM Project Trustees. “With contributions from experienced judges (current and former), and others who have served as special masters and discovery mediators, this bench book provides practical guidance that virtually any judge will find helpful.”

“Court time is at a premium and EDRM is proud to support efforts to resolve disputes quickly and inexpensively,” said Mary Mack, EDRM CEO and chief legal technologist. “Using technically savvy Special Masters and Discovery Mediators allows the judiciary to focus on the heart of the matter rather than on process or data.”

The project team (organizations noted for identification purposes only) includes:

- Shannon Bales, Litigation Support Manager at Munger, Tolles & Olson (Costa Mesa, CA)
- Craig Ball, Forensic Technologist and Adjunct Professor at University of Texas Law School (New Orleans, LA)
- David Cohen, Partner at Reed Smith LLP (Pittsburgh, PA)
- Sonya Duchak, Coordinator at Fairfax Bar Association Conciliation Program (Fairfax, VA)
- Hon. Patricia Fresard, Circuit Judge, Wayne County Michigan
- Maura R. Grossman, Research Professor at the University of Waterloo (Ontario, Canada) and Principal at Maura Grossman Law (Buffalo, NY)
- Merril Hirsh, FCI Arb, Executive Director Academy of Court-Appointed Masters, Law Office of



Merril Hirsh PLLC

- Hon. Michael Hluchaniuk, Magistrate Judge, Eastern District of Michigan
- Hon. Iain Johnston, District Judge, Northern District of Illinois
- Chris King, Partner at Redgrave, LLP (Chicago, IL)
- Ralph Losey, Partner at Losey PLLC (Orlando, FL)
- Bruce Markowitz, Vice President at Evolver Legal Services (Reston, VA)
- Hon. David McKeague, Circuit Judge, Sixth Circuit Court of Appeals
- Hon. Kristen L. Mix, Magistrate Judge, Colorado
- Hon. Stephen Murphy, District Judge, Eastern District of Michigan
- Andrew J. Peck (Ret.), Senior Counsel at DLA Piper (NY); United States Magistrate Judge (S.D. NY) (1995-2018).
- Jacqueline M. Pierce, Esq., Executive Director of Mandell Gismet Center (Seaside, CA),
- Hon. Xavier Rodriguez, District Judge, Western District of Texas
- George Socha, Senior Vice President at Reveal-Brainspace (St. Paul, MN)
- Peter Vogel, Partner at Foley & Lardner (Dallas, TX)
- Ira Warshawsky (Ret.), Of Counsel at Meyer, Suozzi, English & Klein, PC (NY); New York Supreme Court Justice (1997-2011)
- Paul Weiner, Shareholder at Littler Mendelson (Philadelphia, PA)
- Jay Yelton, Of Counsel at Warner, Norcross + Judd (Michigan)

The EDRM community, comprised of 33% corporations, 30% law firms and 23% software and service providers, 12% governments with the remaining 2% being a mix of educators, students, judges and media in 136 countries spanning six continents.

### About the Special Masters and Discovery Mediation Project

There are several state and federal courts around the country that have implemented a discovery facilitative mediation program over the last 5 or 6 years. This project involves identifying all such programs and determining how successful they have been. By comparing and evaluating such programs, we learned that there are certain factors/components that distinguish a highly successful program from a less successful program. Download the draft "Using Special Masters and Discovery Mediators to Resolve eDiscovery Disputes: A Bench Book for Judges and Attorneys 2022 Edition" here: <https://edrm.net/active-projects/special-masters-and-ediscovery-mediation-project/>. Comments from the public are welcomed until September 29, 2022.

Contact [info@edrm.net](mailto:info@edrm.net) for more information on how to get involved in our global project community.

### [About EDRM](#)

Empowering the global leaders of e-discovery, the Electronic Discovery Reference Model (EDRM) creates practical resources to improve e-discovery, privacy, security and information governance.

Since 2005, EDRM has delivered leadership, standards, tools, guides and more to improve best practices throughout the world. EDRM has an international presence in 136 countries and growing and an innovative support infrastructure for individuals, law firms, corporations and government organizations seeking to improve the practice and provision of data and legal discovery. Learn more about the EDRM today at [EDRM.net](https://www.edrm.net).

#### EDRM Media Contact

Kaylee Walstad  
Chief Strategy Officer, EDRM  
+1 612-804-3244  
[email us here](#)

---

This press release can be viewed online at: <https://www.einpresswire.com/article/585808409>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2022 Newsmatics Inc. All Right Reserved.