

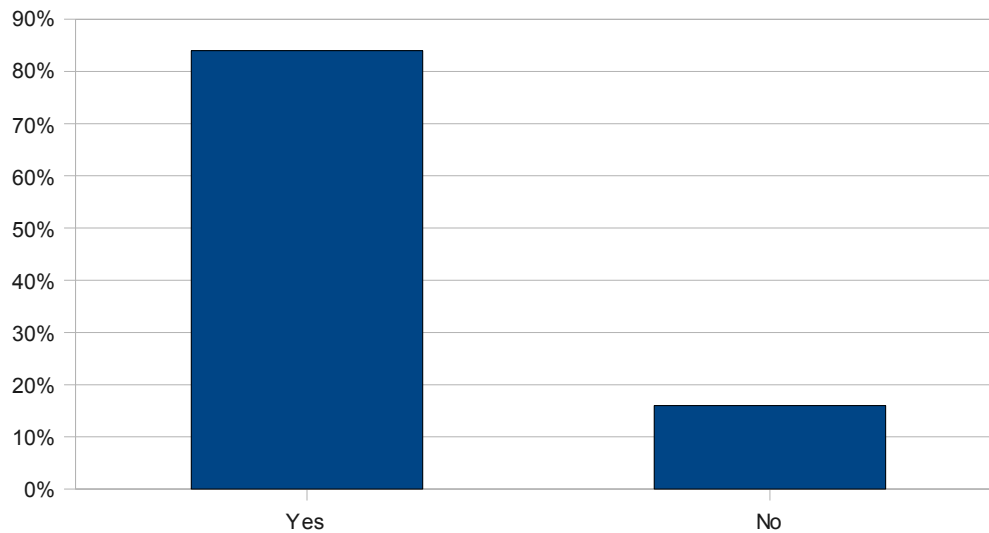


E-DISCOVERY TRENDS SURVEY

SURVEY REPORT: 4 MAY 2007

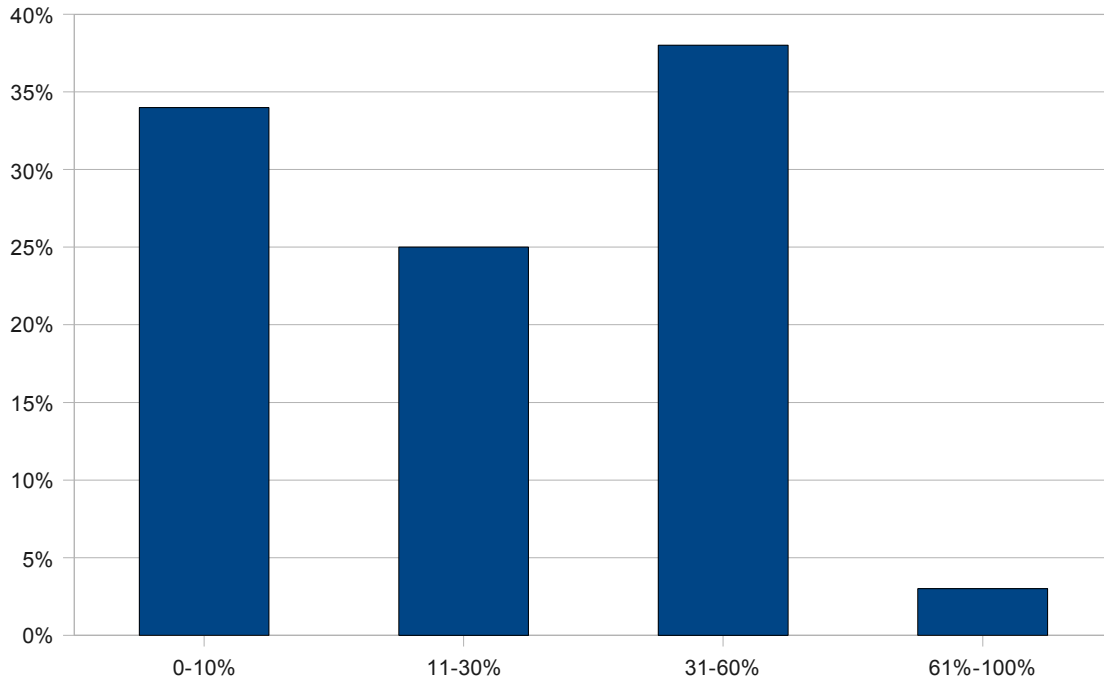
Note: The survey sample was size 32 persons, all of whom were senior litigation practitioners in South Africa. Results have been rounded to whole percentages.

1. In your opinion, do the words “documents and tape recordings” as used in Rule 35 of the Uniform Rules of Court include emails and instant messages?

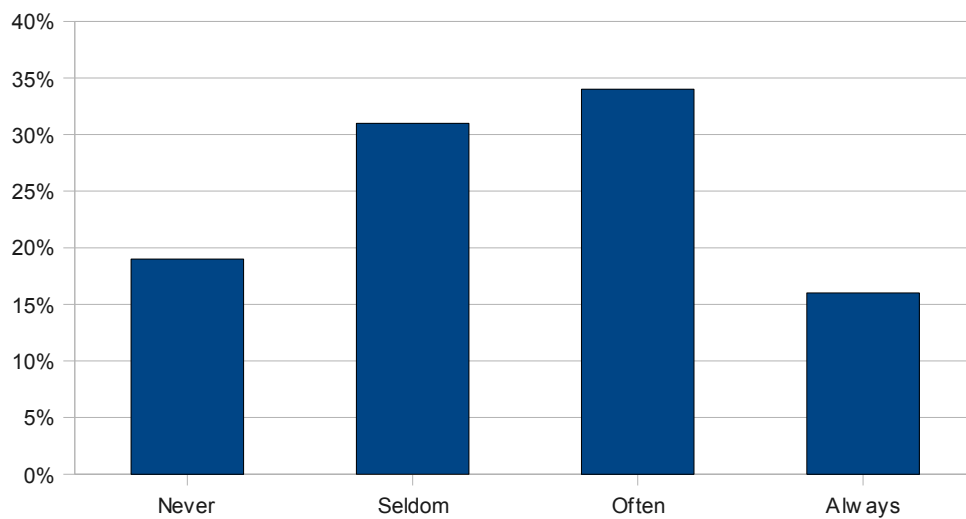




2. In your estimation, what percentage of documents discovered in litigation are email messages?

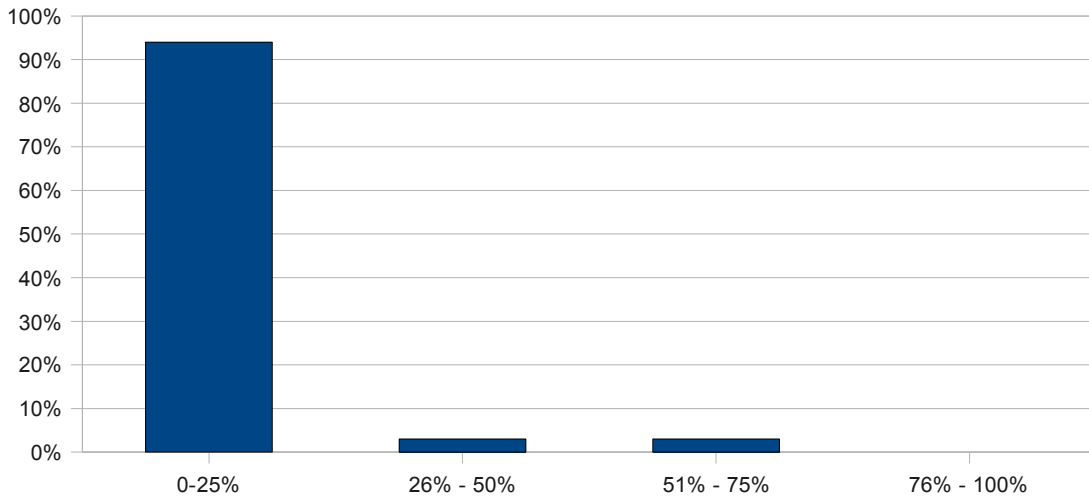


3. When making a request for further and better discovery, do you specifically request production of email correspondence or instant messages?

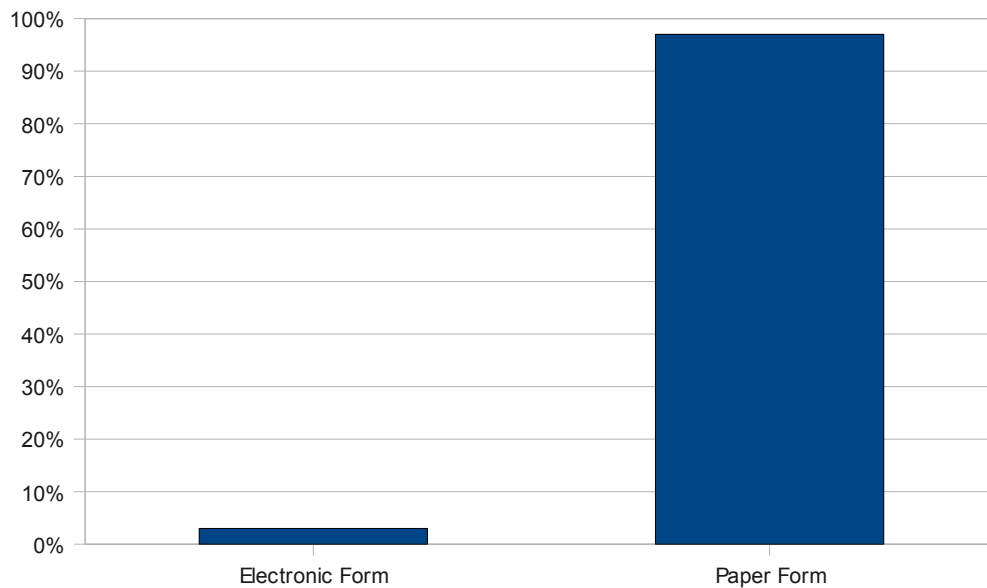




4. When discovered documents are produced for inspection, what percentage are produced in electronic format rather than paper format?

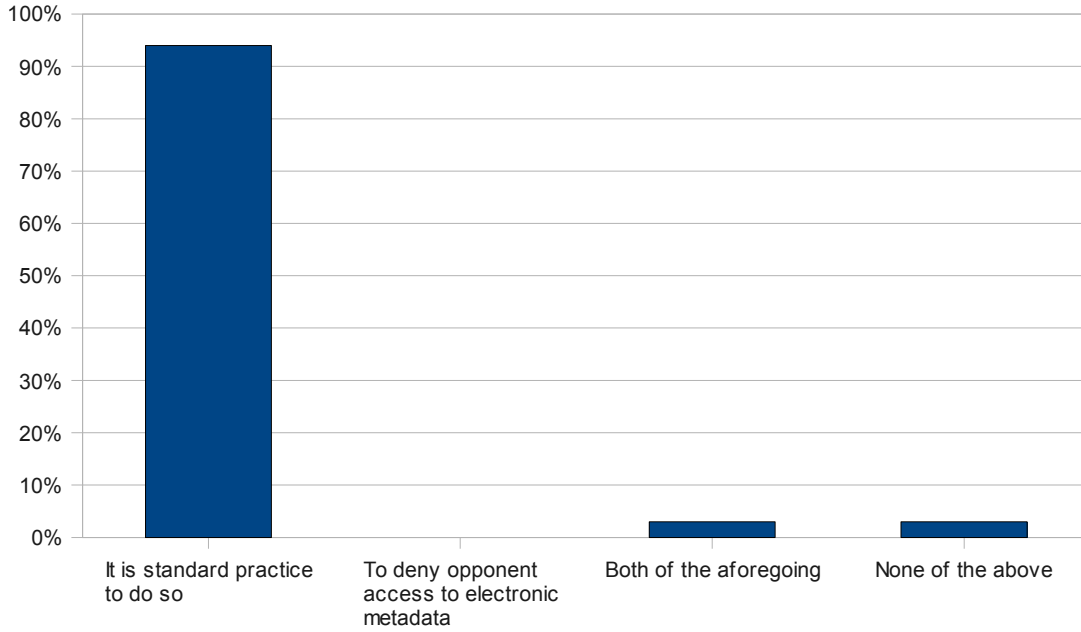


5. (a) When presenting a document to Court, and where the original document was created electronically and is still available in electronic form, would you normally present it to Court in electronic form or in paper form?

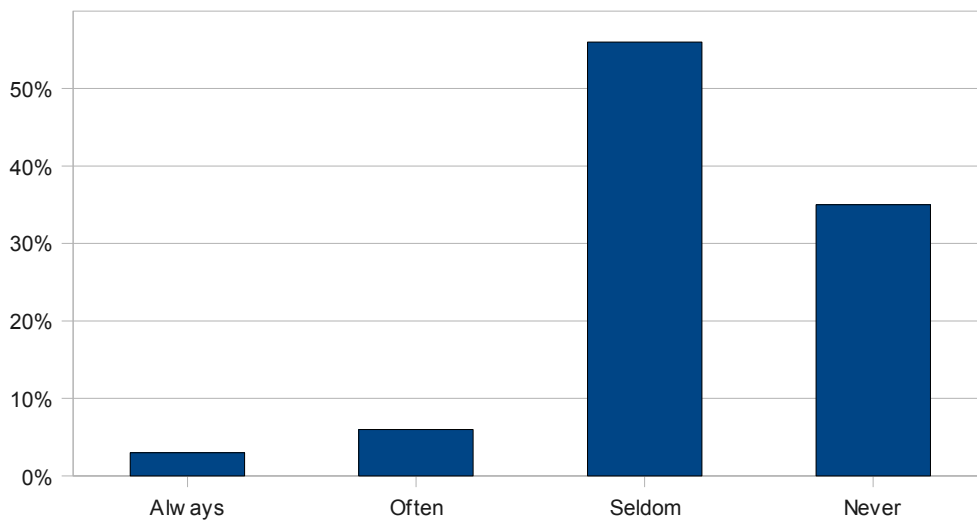




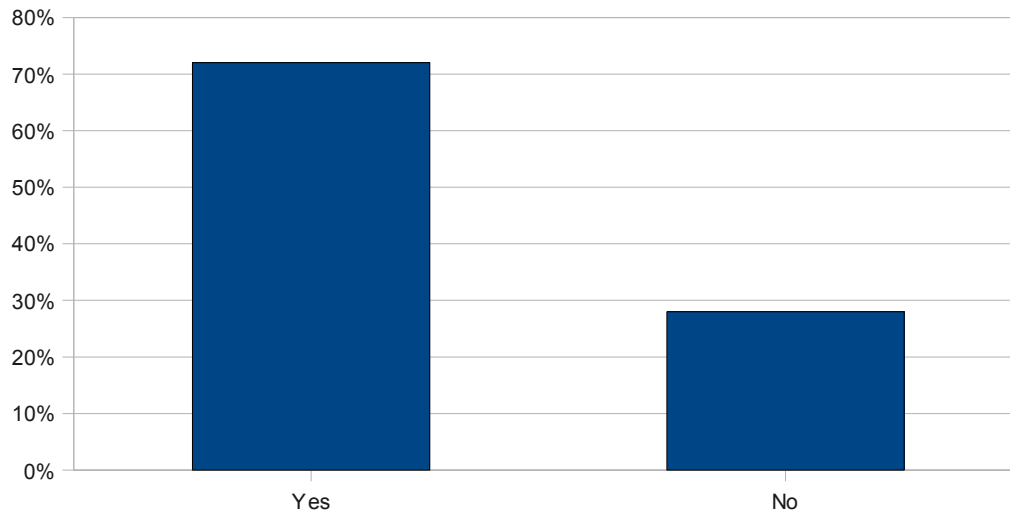
5. (b) If in paper form, do you do this because:



5. (c) If in electronic form, do you ever attack the evidential weight of the document on technical grounds?



5. (d) If in paper form, do you anticipate any shift towards producing documents electronically to Court in the next 5 years?



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