

Sample Rule 30(b)(6) Deposition Questions

Counsel will have his/her own style for framing questions of the Rule 30(b)(6) deponent. Here are some suggested subject areas to address during the Rule 30(b)(6) deposition:

1. Qualifications and Organizational Structure:
 - a. Education, training or experience of the deponent [particularly experience or training in handling and investigating computer evidence; IT personnel are trained to provision systems and lack training in forensics].
 - b. Where in the organization does the deponent sit – to whom does the deponent report and who reports to the deponent.
 - c. The company's use of consultants or outside vendors for maintenance and service of computer systems (hardware, software, and networks).
 - d. The role/responsibility the deponent has (or will have) in responding to discovery requests seeking production of electronic documents, such as information created, stored, and/or utilized using computer technology.
 - e. Steps taken by deponent to prepare for deposition, including document review.

2. Information about the party's systems:
 - a. Duties of system administrators
 - b. Use of passwords by users, sharing of passwords, access to passwords by system administrator(s)
 - c. Details about hardware used by deponent's employer (may include model numbers and/or hard drive capacity)
 - d. Networking of desktop computers
 - e. Information about operating systems for network servers, including model versions
 - f. Details about creating, storing and retrieving of back up tapes (hard drives, servers, e-mail system)
 - g. Details about disaster recovery procedure (software is used to convert back up tapes into usable format)

- h. Details about facsimile machines used by deponent's employer and the procedures to use fax machines (e.g., fax logs, memory of fax machines)

3. Software and E-Mail:

- a. Details about application software used on desktops and laptops (including company standard software, such as Word, Excel, Power Point; length of time this software was company standard, what version)
- b. Details about company-approved/standards for personal digital assistants (e.g., hand-held devices such as Palm Pilot)
- c. Details about e-mail system(s) used by deponent's employer (retention period, use of files, deletion procedures)

4. Record Management and Document Preservation:

- a. Notification and instructions about preservation of documents due to the lawsuit (who provided the notification, how was it communicated)
- b. Details of any deletion of documents since commencement of lawsuit or since deponent received notification about lawsuit or reasonable possibility of lawsuit
- c. Details about company's record management policy (when instituted, when electronic documents became part of this policy, who is responsible for ongoing management of this policy, provide copy during deposition)
- d. Determine if he/she has examined any computers since learning of this lawsuit; if yes, establish details about protocol IT person used

5. Alternative sources of electronic information:

- a. Identify any locations outside deponent's employer where electronic documents are regularly sent
- b. Names (and location, etc.) of persons who would have knowledge about 3rd party's computer systems
- c. Details about Internet site of employer (access by 3rd parties, content, who develops content, intervals for revision)

6. Backup Procedures:

- a. Details about company's backup procedures (including intervals, medium for backup, reuse of backup medium, location of backup)

- b. Since filing of lawsuit, has any backup tape been reused or otherwise erased (details about this)

7. Production of electronic documents in other lawsuits:

- a. Details about electronic production in other lawsuits (what cases, what was produced, format of production)
- b. Information about use of this electronic documentation in other litigation (at depositions, to support motions, at trial on merits)

8. Hardware:

- a. Details about disposal/recycling/sale of hardware (including what happens to hard drives)

9. Legacy Systems:

Details about software used for backup media or archived documentation (include information whether deponent retains legacy software and manuals)