



SMOKING GUNS

Looking for evidence and overcoming hurdles in legal document review and translation

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OVERVIEW OF THE DISCOVERY PROCESS

- ✦ What is discovery?
- ✦ How long does it take?
- ✦ What types of cases does it involve?

DISCOVERY: THEN AND NOW

- ✦ From manual to digital
- ✦ Databases
- ✦ e-discovery

DISCOVERY: FROM MANUAL TO DIGITAL



AUDIENCE QUESTION

- ✘ Please select the most appropriate answer from the choices below.
 - a. I conduct document review as a part of my translation work
 - b. I currently do not conduct document review but would like to take on such work

FUNDAMENTALS OF DOCUMENT REVIEW

- ✘ Obtain a broad picture of what the case involves
- ✘ Know what the expectation is
- ✘ Protective Orders/Retainers
- ✘ Obtain information on the technology
- ✘ Get training on the database or document review platform

FUNDAMENTALS OF DOCUMENT REVIEW (2)

- ✘ What will the case involve?
 - + What type of case is it?
 - + Who are the parties in the lawsuit?
 - + What is the timeline?
 - + Who are your key contacts?

FUNDAMENTALS OF DOCUMENT REVIEW (3)

- ✘ What is the expectation?
 - + Where will the document review take place?
 - + Will the review be conducted as a team?
 - + How many hours will you be expected to work per day/week?
 - + How will you get support?

FUNDAMENTALS OF DOCUMENT REVIEW (4)

- ✘ Protective Orders
- ✘ Retainers
- ✘ Agreements
- ✘ Conflicts check

FUNDAMENTALS OF DOCUMENT REVIEW (6)

- ✘ Get training on the database or document review platform
 - + IT staff, helpdesk
 - + Foreign language support (fonts)
 - + Creating/searching folders
 - + Cheat sheets

EXAMPLE OF A CHEAT SHEET

CHEAT SHEET

Cheat sheet for [Name of person that will use the cheat sheet]

The case is [Name of the case taken from the Protective Order]

The technology in question is:

Describe the technology (use an applicable claim from a related patent or write down the explanation given by the Technical Advisor or knowledgeable attorney)

Types of documents that may be especially useful:

Agreements/Contracts (契約/協定)

Who are the parties of the agreement?
What is the date?
What is the term (from what date to what date)?
What documents are being disclosed?
Is there an indemnity clause (in other words, is one party holding the other party responsible for any damages caused by patent infringement)?

Specifications (仕様書)

Any sections that talk about (key elements of the technology)

Engineer Notes (メモ、説明書)

List what key elements the engineers may be discussing or writing about in their notes

Meeting Notes

Meeting that talks about product development.
Meetings to discuss the technology in question
Meetings that talk about technology transfer.

Emails

Same as meeting notes

THE LINGUISTS ROLE IN LEGAL DOCUMENT REVIEW

- ✘ Bridge between cultures
- ✘ Educate the client
- ✘ Communicate with your client
- ✘ Create glossaries/cheat sheets/conversion charts
- ✘ Always be neutral

BRIDGE BETWEEN CULTURES

- ✘ Cultural specific information
 - + Tendencies
 - + Norms/standards
 - + Behavior

EDUCATE THE CLIENT/COMMUNICATION

- ✘ Realistic schedules
- ✘ Meetings
- ✘ Follow-up
- ✘ Corporate/law firm culture
- ✘ Contact person/backup
- ✘ Machine translation

CREATING GLOSSARIES/CHEAT SHEETS/CONVERSION CHARTS

- ✘ Terminology glossaries
- ✘ Acronyms
- ✘ Names
- ✘ Key word sheets
- ✘ Conversions

AUDIENCE QUESTION

- ✘ What types of obstacles or challenges do you face when reviewing documents?
 - a. Language specific (word order, lack of subject, gender, acronym usage, plural vs. singular, colloquialisms, slang)
 - b. Communication with client or contact person
 - c. Deadlines (time restraints) or client expectations
 - d. Document-related problems (illegible text, poorly written document, poor quality copy)
 - e. Lack of knowledge in the subject matter

OVERCOMING HURDLES IN DOCUMENT REVIEW

- ✘ Volume and time
- ✘ Communication
- ✘ Language-related
- ✘ Document-related
- ✘ Technology

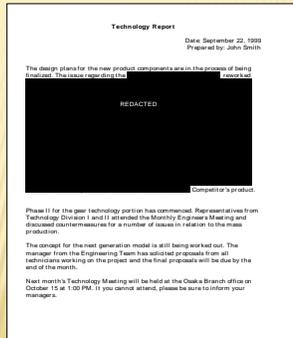
FINDING THE EVIDENCE, CONT

- ✘ Be patient and tenacious

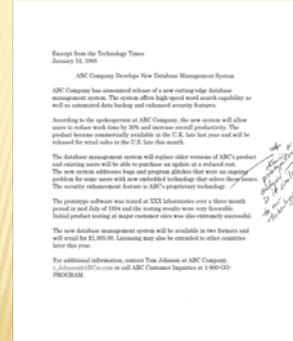
THE SMOKING GUNS

- ✘ Hidden pages/omitted pages/redactions
- ✘ Handwritten text
- ✘ E-mails
- ✘ Patents
- ✘ Preformatted documents
- ✘ Perspective

REDACTIONS



HANDWRITTEN TEXT



PATENT BLOG

www.patenttranslations.wordpress.com

QUALIFIERS

The Plural form of Foreign Borrowed Words ("Katakana")

ENGLISH	JAPANESE
Title → Titles	タイトル → タイトル
Program → Programs	プログラム → プログラム

複 (fuku) = duplicate
数 (suu) = number

The Plural form of Nouns/Pronouns

ENGLISH	JAPANESE
Child → Children	子ども → 子ども達
He → They	彼 → 彼等

A suffix such as ら (ra) or たち (tachi) is added.

両親 (Ryo-shin) = Parents
両 (ryo) = Both / 親 (shin or oya) = parent

EXAMPLE OF A PREFORMATTED DOCUMENT

File Number _____

ABC Company

研究報告書 / 技術報告書				
Research Report / Business Tech Report				
品名				
Subject				
品目				
Product Type				
品名				
Date				
品名				
Date of Report				
品名				
Person in charge				
品名				
Report written by				
目的				
Purpose				
概要 (課題と今後の予定)				
Summary (Issue and Action Items)				
キーワード				
Keywords				
技術的種類				
Type of Technological Concept				
所属部署	File Number	頁数	頁数	備考
所属部署	Number of app.			

SUMMARY

- ✘ Be inquisitive
- ✘ Know the red flags
- ✘ Remain neutral and be persistent
