

## E-DISCOVERY

Some reports estimate that 90% of all business records are created electronically, yet fewer than 30% of these are ever printed to paper. Knowing the rules that apply to the exchange of electronically stored information (ESI) has never been more critical to the success of litigation, especially since the electronic discovery amendments to the Federal Rules of Civil Procedure and various state counterparts took place in 2006. Attorneys today must not only understand the complexities of the civil rules but also comprehend corporate IT infrastructure, backup protocols, and database creation and storage, along with a multitude of word processing, spreadsheet and e-mail applications.

As a firm of trial lawyers, we continually face admissibility challenges posed by electronic evidence. We understand that the core purpose of all discovery is to identify and exchange the evidence that is critical to telling your story in a meaningful way during a trial; the last thing any case needs is to be bogged down in discovery about the discovery.

### *Helping our clients save time and money*

By having an intimate knowledge of the applicable state and federal e-discovery rules, we can provide cost-effective (and time-saving) advice, while removing gamesmanship throughout the litigation lifecycle. At Goldberg Segalla, we always keep our clients' bottom line in mind. Here are just a few ways we respect your budget:

- Taking steps early in litigation to avoid sanctions
- Developing creative ways to review documents
- Cooperating with opponents in setting up joint document repositories
- Limiting the scope of discovery during a Rule 26(f) Meet and Confer conference
- Using Federal Rules of Evidence Rule 502 and Federal Rules of Civil Procedure Rule 16 orders to protect the attorney-client privilege during e-discovery
- Negotiating reductions in the scope of a legal hold
- Reducing the scope of ESI relevant to a matter
- Effectively using state-of-the-art analytical programs to help reduce the volume of relevant data
- Selecting the most cost-effective vendor for the collection and production of ESI

### *Our e-discovery philosophy*

Most reported e-discovery sanctions result from the failure to adequately preserve electronic evidence, typically following an event that triggers an organization's duty to preserve relevant evidence. We partner with e-discovery vendors that can provide forensic collection of electronically stored information, including imaging hard drives and network drives. Similarly, we can arrange for review and analysis to be performed by teams of corporate and/or outside counsel at secure review stations, which can be set up anywhere that access to the Internet exists. We have conducted reviews using vendors, contract attorneys, associates and other members of our team, depending on the experience needed.

Our e-discovery support goal is to identify the requirements of your project at the onset, and then work with your information technology staff and available litigation support services. Together, we will focus on developing a solution that will permit relevant materials to be identified, preserved, collected, catalogued in a database, analyzed for litigation purposes and applicable privileges, produced as required by litigation and ultimately selected for use at depositions and trial.

