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E-DISCOVERY

Spreadsheets, emails, text messages, and more — the volume and variety of electronically stored information (ESI) that might be discoverable in litigation continue to keep pace with the multiplication of ways and methods that we communicate and store data digitally. The growing demands of e-discovery — locating, preserving, reviewing, and sharing ESI — constitute one of the most important trends in litigation. More pressingly, if not properly understood and managed, e-discovery can balloon a client's legal spending, strain and distract owners and executives from day-to-day operations, and affect long-term business goals.

While most boutique and Big Law firms alike are ill-equipped to advise on or handle serious e-discovery, Goldberg Segalla offers a dedicated E-Discovery team's nearly two decades of experience managing and improving e-discovery practices in high-stakes litigation for clients across a variety of industries. We have experience utilizing the latest technologies and best techniques for controlling and effectively using e-discovery. That means that beyond the basic services of ESI management and litigation support, clients also benefit from our deep understanding of questions of privilege and relevance, our grasp of long-range trends in technology and e-discovery rules, and our experience applying our knowledge in the context of proactive and pre-litigation risk management.

We understand the complexities of the civil rules applying to e-discovery, as well as corporate IT infrastructure, backup protocols, and database creation and storage, with hands-on experience working with a multitude of major programs and applications. We partner with our clients and work quickly to understand their systems and processes and identify relevant data sets and sources, as well as the potential admissibility challenges that, as a firm of trial lawyers, we regularly handle during litigation.

Proven Cost-Saving E-Discovery Techniques

With 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. Our tactics for lowering e-discovery-related legal spending include:

- 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 the most advanced and vetted analytical programs to help reduce the volume of relevant data
- Selecting the most cost-effective vendor for the collection and production of ESI

Proactive Preparation, Cost-Effective Defense

Most reported e-discovery sanctions result from the failure to preserve relevant electronic evidence, typically following an event that triggers an organization's duty to preserve the same. 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 virtually anywhere. 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 us to identify, collect, preserve, catalogue, and analyze relevant materials for litigation purposes and applicable privileges; produce the same as litigation requires; and ultimately select material for use at depositions and trial.