

# Electronic Discovery & Practice Advisory Services

The proliferation of electronically stored information (ESI) has made it infinitely more difficult for businesses to manage, index, access, and preserve their own data. Employees routinely work on personal devices and essential business data is no longer centrally controlled. While the portability of data enhances operating flexibility and communication, it can also lead to enormous problems when a business becomes involved in litigation. Case outcomes increasingly turn on electronic evidence, and courts have recently issued large penalties against companies that were not able to properly respond to requests for electronically stored data. Given the importance of e-discovery in today's digital marketplace, companies must have experienced and sophisticated e-discovery counsel.

The firm represents a wide variety of public and private companies on the full range of e-discovery issues. Cozen O'Connor attorneys provide comprehensive litigation readiness counseling, which means that we help clients get their electronic houses in order before being confronted with an actual claim. We map the location of critical data; establish policies for collection, retention, destruction, and extraction of data; perform e-discovery fire drills; and train employees in best practices. We also advise clients on the preservation, collection, review, protection, and production of electronic data in the context of active litigation or government investigations. We not only help clients respond efficiently to e-discovery requests, we also craft e-discovery strategies that affirmatively place clients in the best possible position.

Cozen O'Connor is one of the few large firms in the country that combines cutting-edge technological savvy with an immense amount of hands-on trial experience. Being able to accurately anticipate how evidence will be used and perceived at trial is essential when making critical early decisions about e-discovery strategy. Whether interviewing custodians of relevant data, drafting litigation holds, presenting the court with a preservation and protection plan, or advocating for a particular set of e-discovery parameters, Cozen O'Connor's lawyers bring their well-known trials skills to bear.

## OUR ATTORNEYS

Our attorneys stand at the lead of the emerging e-discovery field. Members of our team have served on the electronic discovery advisory panel for ARMA (the international trade association representing records and information managers); served on the board of the Defense Research Institute's E-Discovery Committee; been active participants in The Sedona Conference, a research and educational institute dedicated to the advanced study of law and policy; and are Certified Information Privacy Professionals (CIPP/US) through the International Association of Privacy Professionals. Cozen O'Connor attorneys frequently speak at national conferences on e-discovery and digital forensics, and have published numerous articles concerning electronic discovery and practice and advisory services.

## SERVICE AREAS

- Advise on all aspects of e-discovery in the context of active litigation and government investigations, including methods for preservation, collection, review, protection, and production of electronic data
- Negotiate with adversaries over the scope and format of electronic productions
- Draft and manage "litigation holds" to avoid allegations of spoliation and potential sanctions
- Investigate alleged improper access of electronically stored information (ESI)
- Supervise review of electronic records by e-discovery vendors and contract attorneys



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## Related Practice Areas

- Commercial Litigation
- Cyber Solutions & Data Strategies
- Privacy & Data Security

## Industry Sectors

- Food & Beverage
- Insurance

- Work closely with computer forensics experts in electronic information investigations
- Develop best practices governing the retention, storage, collection, destruction, and extraction of ES
- Advise on software to improve tracking, retention, organization, and archiving of data
- Lead interdisciplinary teams of IT and records management specialists, vendors, consultants, and in-house counsel to ensure the use of proper document-retention policies
- Train clients on e-mail use, document retention, and other records retention issues
- Develop pilot programs to audit internal e-discovery processes and identify problem areas
- Conduct review of and apply data analytics to electronic records

## **TECHNOLOGY PROFESSIONALS**

Our technology professionals have decades of experience collecting and managing electronic evidence for service providers, government agencies and law firms. They are active members of the International Legal Technology Association (ILTA ) community and hold Certified Administrator and Certified User certifications issued by the leading document review platform in the legal space, Relativity.

## **SERVICE AREAS**

Our team manages data in-house utilizing the industry's leading technologies to provide efficient and expert information management services, including:

- Mapping the location of critical data, including identifying custodians
- Preserving potentially relevant data sources
- Coordinating the collection of data sources and custodians with clients
- Collecting, processing and hosting data
- Employing data analytics early-on to assess the magnitude and composition of a data set
- Identifying the scope of data that needs to be reviewed
- Leveraging technology to assist with review (e.g. Conceptual Searching and Active Learning)
- Conducting early discrepancy searches to identify issues that need swift resolution
- Imaging, Bates-numbering, and encrypting documents in preparation for production
- Discussing threading, analytics, and production options to meet the needs and budget of the client