

Ballard Spahr
LLP



E-Discovery and Data Management

Managing Litigation
in the Digital Age

Every day, 12 billion corporate e-mails are created. That number doubles annually.

Litigation success starts with a sound eDiscovery and data management strategy.

The costs and potential liability arising from eDiscovery-related issues are areas of increasing concern. Experience matters.

CHARTING A COURSE FOR SUCCESS

We reviewed the global IS infrastructure of a major international pharmaceutical company and produced a roadmap for electronic discovery that covered technology systems, functionality, and assets likely to be areas of focus during eDiscovery. The map was designed as a living, working document that could be continually updated and referred to during active litigation and for the future.

STRUCTURING SOLUTIONS IN COMPLEX SITUATIONS

A manufacturer of military vehicles asked us for guidance on electronic and paper record storage and retention for its operations nationwide. We reviewed existing retention policy, developed a protocol and information collection procedure for interviewing custodians, assessed existing record stores and analyzed record types to revise the retention schedule, and trained the teams that would lead and conduct the records analyses. We also guided the formation of litigation hold teams in each business unit and conducted an educational program on the litigation process and eDiscovery procedures and requirements.

BUILDING A CASE WHEN THE STAKES ARE HIGH

The Special Litigation Committee of a real estate finance investment trust's Board of Trustees called on us to assist in its investigation of, and response to, derivative litigation claims brought against its directors and officers. The claims arose from the trust's investment in securities issued by real estate companies that became devalued during the collapse of the real estate and credit markets. We conducted a 10-month investigation that included the collection and review of more than 400,000 primarily electronic documents that covered a three-year period and a broad range of subjects, including highly technical accounting issues. Working with a forensic computer consultant, we collected electronic documents from e-mail accounts, network servers, and file servers from offices in three countries. We also conducted more than 30 witness interviews. Finally, we prepared a report in which the committee concluded that the allegations had no merit and filed a motion to dismiss. The parties reached a settlement.

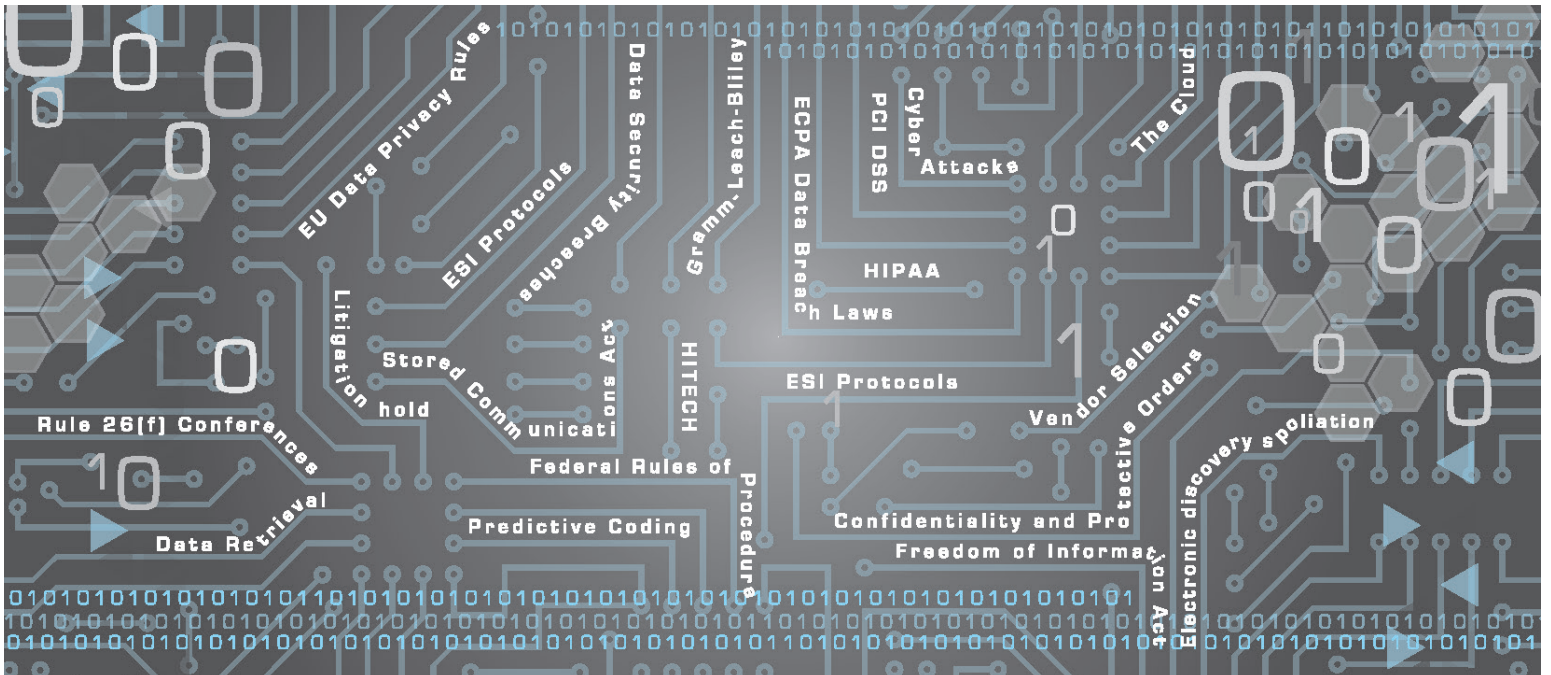
IDENTIFYING OBSTACLES AND INCREASING EFFICIENCY

We helped a national company in a software patent dispute identify data sources, resolve retrieval issues with archived data, and track down data held by another company. The resulting data set included several hundred thousand loose files. Through searches and data restrictions, we reduced the number of loose files that needed to be added to the review set and processed, resulting in significant cost savings. The subsequent review involved more than 800,000 e-mails and attachments.



OUR CLIENTS

- Pharmaceutical and medical device
- Chemical
- Financial services
- Software
- Automotive
- Construction
- Health care systems
- Education
- Manufacturing
- Utilities
- Real estate
- Accounting
- Technology



Our E-Discovery and Data Management lawyers are seasoned litigators who understand how to build a case, contain costs, identify potential pitfalls, and navigate the maze of data laws.

We have experience helping clients both before and during litigation:

- Serve as **national discovery counsel**
- Draft **document retention and records management policies** that reduce costs
- Develop **litigation hold policies and legal preservation requirements**
- Negotiate **cloud computing** contracts
- Create litigation-friendly data maps and implement defensible **data retrieval and processing procedures**
- Advise on **foreign data privacy laws** and requirements
- Represent clients in **Rule 26(f) conferences**
- Defend IT professionals in **30(b)(6) depositions**
- Conduct **internal investigations and compliance audits**
- Negotiate ESI protocols and **confidentiality and protective orders**
- Defend clients in **spoliation and sanctions hearings**
- Counsel clients on **Freedom of Information Act** and other right-to-know acts
- Assist in **vendor selection**
- Draft and advise on **social media policy**
- Manage **data breaches**

OUR TEAM

Attorneys from the following practices work together to advise our E-Discovery and Data Management clients:

- Antitrust
- Construction Dispute Resolution
- Consumer Class Action Litigation
- Consumer Financial Services
- Intellectual Property
- Life Sciences/Technology
- Mortgage Banking
- Privacy and Data Security
- Product Liability and Mass Tort
- White Collar/Investigations

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