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## eDiscovery

*Assisting clients and law firms with all aspects of electronic discovery, information governance, and litigation readiness and planning.*

Electronically stored information (“ESI”) is the lifeblood of most businesses today. From e-mail and data storage to cloud computing resources and social networking, companies rely on electronic information to conduct, record and drive their business transactions.

At the same time, the courts are becoming increasingly stringent in their requirements to produce ESI during the discovery phase of litigation. Businesses must carefully manage where and how electronic information is stored, establish information governance programs that comply with potential litigation discovery obligations, privacy obligations and data security expectations.

Electronic discovery (“eDiscovery”) is a significant concern of businesses when faced with litigation and government investigations. If not properly controlled, the costs, burdens and risks of eDiscovery can overshadow the substantive issues involved. Recognizing the overwhelming risks that come with the mismanagement of ESI, Farrell Fritz has devoted a substantial amount of attention to assisting clients in the area of eDiscovery.

### Services

Farrell Fritz offers clients an array of services, including litigation readiness planning, and all aspects of electronic discovery and information governance, including traditional collection, processing, and review services as well as litigation support, including motion practice and trials. The firm efficiently provides services through the use of state-of-the-art technologies and dedicated, knowledgeable individuals.

### Litigation Readiness

Companies often overlook the importance of putting proper procedures and protocols in place prior to becoming involved in a litigation and/or investigation. Farrell Fritz can work with clients to design response plans for litigation, government, or regulatory investigations that are tailored to their business, records, and litigation needs.

We take a holistic approach that stresses the design of reasonable, defensible processes regarding responses to litigation, data preservation, collection, and the review of relevant information for production.

### **Electronic Discovery**

In recent years, there has been a rise in the number of cases involving sanctions and “adverse inference” instructions levied against companies and their counsel for failure to adequately preserve and produce potentially relevant electronic data. Clients face dangers associated with both the over- and under-preservation of data. Realizing the expense and burden that is associated with eDiscovery, our attorneys design client specific “best practice” protocols to protect clients from these pitfalls.

From initial data preservation, through custodian interviews, document collection, filtering, review, analysis and production, Farrell Fritz can assist and provide guidance. In cases where Farrell Fritz is not primary litigation counsel, attorneys with the firm can serve as Special Discovery Counsel to assist other law firms in helping their clients achieve quality, cost savings and consistency in their discovery practices.

Farrell Fritz takes a reasonable and targeted approach that ensures clients preserve sources of relevant information without preserving every piece of paper or otherwise bringing the entire company to a halt. We use industry-leading technologies provided through outside vendors along with internal resources to ensure the integrity of our clients’ data and provide tailored, proportionate, and defensible preservation processes.

We collaborate with clients and their primary counsel to develop tailored, cost-efficient, reasonable and defensible plans to respond to the discovery needs of each matter, including the efficient use of technology tools, tested workflows, and specially trained, eDiscovery attorneys to efficiently perform both electronic and hard copy reviews. We can also assist clients and primary counsel in other phases of discovery and case preparation, ranging from initial party and court conferences, to written discovery, motions practice, depositions and trial.

We counsel clients and their attorneys on litigation-related issues such as:

- the development of plans for retaining and preserving electronic and hard copy documents
- the collection and processing of electronic and hard copy data
- the review and analysis of electronic and hard copy data, including the management of off-site document review projects
- the production of e-data
- responding to written discovery and motion practice

Our depth of knowledge allows us to tailor our approach to the specific needs of each individual matter. We leverage our relationships with industry leading third-party eDiscovery vendors to ensure our clients receive the most responsive, cost-effective and productive eDiscovery solutions. This customized approach results in increased efficiency and significant cost savings for our clients.