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KATHRYN C. COLE

Farrell Fritz, P.C.

Kathryn “Katy” C. Cole is counsel in Farrell Fritz, P.C.’s commercial litigation practice group and a founding member of the firm’s eDiscovery group. Cole’s experience with commercial litigation cases – including claims related to contracts, product liability, torts, consumer and securities class-actions – spans the federal and state court systems, federal agencies, regulatory bodies, and arbitration and mediation forums.

In 2013, Cole was installed as the first female president of the Federal Bar Association’s Eastern District of New York Chapter, in which she remains active. She is a member of The Cowen Group’s “Legal Innovation 2020,” an invitation-only working group focusing on independent studies of significant developments influencing the legal technology, eDiscovery, and information governance industry.

Issues relating to eDiscovery have been some of the largest, most expensive challenges for litigants, Cole said.

“There are many trends that I have my eye on for 2016, including the varying judicial interpretations of the proportionality language of FRCP 26(b)(1) and the expanding trend of technology-assisted review becoming more a necessity than a choice, given ever-increasing data volumes and data review costs,” she said. “But the issue that particularly piques my interest is the benefits and pitfalls of ‘Bring Your Own Device (BYOD) v. Company Owned, Personally Enabled (COPE).”

This issue affects every company with employees who use mobile devices for both



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personal and work purposes, Cole noted. “While BYOD raises security and manageability concerns — including hackers, phishing scams, lost devices, etc. — COPE may be financially infeasible for many companies,” she explained. “Irrespective of whether a company embraces BYOD or COPE, there are critical issues companies must consider including who owns the device and who

owns the data (and what happens to the data when the employee leaves the company); what data can be stored and shared on the device (does purely personal email have any business being on COPE device?); and what is the acceptable use of the mobile device and who can control it?”

“Today, as we are all on our mobile devices, often handling professional and personal matters, these issues are likely to become increasingly relevant for businesses,” Cole said.

Cole is vice president of St. John’s University School of Law Alumni Association Board and a member of Colgate University’s President’s Club. She has performed extensive pro bono work, leading her to be named to The Special Commission on the Future of New York State Courts and The Fund for Modern Courts’ Task Force on the Family Courts.

Her judicial profiles, notes and legal commentaries can be found in *The Federal Lawyer*, *The Nassau Lawyer*, in various law reviews and on the firm’s All About eDiscovery law blog.

With 90 attorneys, the law firm of Farrell Fritz handles legal matters in the areas of arbitration and mediation; bankruptcy and restructuring; business divorce; commercial litigation; construction; corporate and finance; eDiscovery; emerging companies and venture capital; eminent domain; environmental law; estate litigation; health law; labor and employment; land use, municipal and zoning; not-for-profit law; real estate; tax planning and controversy; tax certiorari, and trusts and estates for corporations, not-for-profit organizations and individuals.

The firm, with offices in Uniondale, Hauppauge, New York City and Water Mill, is recognized for providing high quality legal services, practical advice and responsiveness. It is also known for its deep commitment to the local community.



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