

EDISCOVERY AND DATA MANAGEMENT



Virtually all business information is now stored electronically – whether on corporate or web-based e-mail systems, on server-based voice mail, on instant messaging and text messaging systems, on proprietary databases, or on back-up media. Paper documents are rapidly becoming a thing of the past.

Lewis Roca is exceptionally qualified to advise our clients on the treatment of electronic data both before and during litigation. We have handled large-scale lawsuits involving millions of pages of electronic data, and we know how to navigate the many pitfalls involved in e-data preservation, collection, processing, and production. Our eDiscovery lawyers frequently speak and write about cutting-edge e-discovery topics. We have spoken at national legal conferences and participate in the Sedona Conference's e-discovery working group. Our lawyers have testified before Rules Advisory Committees on e-discovery amendments to the Federal Rules of Civil Procedure and proposed amendments to the Federal Rules of Evidence. And we proposed e-discovery amendments to Arizona's Rules of Civil Procedure which were adopted by the Arizona Supreme Court in 2007.

Our group provides the following services:

- Before litigation is anticipated, we counsel our clients to develop effective records retention and destruction policies that comply with controlling statutes and regulations
- We advise clients on preserving electronic data once litigation is anticipated, minimizing the risk of harsh sanctions for spoliation of evidence
- We work closely with in-house personnel and outside consultants to collect, process, and produce vast amounts of electronic data. For example, we collected more than a terabyte of data from our client in a recent case, and worked with consultants to process, review, and produce nearly 3 million pages of data. Using

Related Services

- Data Protection and Cybersecurity

search techniques and other analytical tools, we identified key documents from a 5 million page electronic database, and used those documents to prepare for depositions and a successful mediation

- We work closely with specialists who perform forensic analysis of hard drives and other storage media
- We negotiate with opposing counsel to minimize the risks involved in the production of electronic data – and to keep costs down. For example, we have used agreed-upon search terms to reduce the amount of data to be processed and reviewed, leading to substantial cost savings. We have also negotiated “clawback agreements” to reduce the risk of waiving the attorney-client privilege in a large-scale production
- Recognizing that there is no “one size fits all” approach to data management, we work closely with information technology personnel and outside consultants to design cost-effective solutions
- Finally, when appropriate, we litigate e-discovery issues before courts or discovery masters