

ELECTRONICALLY STORED INFORMATION (ESI) PRACTICE GROUP

In the age of digital information, both clients and their attorneys face new challenges. At Duane Morris, our continually evolving practice has adapted to the transition from paper-based information to **ELECTRONICALLY STORED INFORMATION (ESI)**. We have earned a strong reputation for our ability to manage the legal issues attendant to the preservation, discovery, authenticity and admissibility of all types of ESI, as well as the myriad and evolving laws, regulations and best practices that govern ESI handling. Our attorneys are frequently called upon to serve as special masters and experts for ESI, and we have been instrumental in the Sedona Conference® Working Group. Working with our sophisticated technical staff, we offer a collaborative legal and analytical approach to solving the most difficult ESI challenges. We endeavor to ensure that our clients' use of ESI meets regulatory and best-practices standards and to balance legal defensibility with cost-effectiveness.

LITIGATION READINESS

By proactively devoting time, effort and resources to developing consistent, defensible practices and procedures before litigation arises, businesses can reduce the disruption and expense of having to respond to requests for ESI. With strategic preparation, clients are also best positioned to address and favorably resolve questions about the integrity of their data and the means employed to legally preserve it. Our services include:

- Development of legal hold policies and procedures
- Data mapping
- Service provider evaluation and selection
- Evaluation and utilization of digital forensic investigative techniques
- Responding to governmental agency ESI demands
- Computer forensics consulting and data collection

EXAMPLES OF OUR WORK

- Development of a comprehensive manual for a national bank to facilitate compliance with applicable legal obligations and provide a consistent approach to record preservation, ESI collection, production and handling of common E-Discovery disputes.
- Development and response to preservation letters and demands to forensically examine business and personal digital devices and databases housed on both public and private cloud-based platforms.

E-DISCOVERY SERVICES

At the onset of litigation, the need for experienced ESI counsel is paramount. Our lawyers and highly skilled technical staff have extensive experience in handling all aspects of E-Discovery, including but not limited to:

- Oversight and coordination of ESI collection, review and production
- Design and implementation of E-Discovery protocols
- Recommendation of ESI search and review methods
- Preparation and conduct of meet-and-confer and Rule 26(f) conferences
- Taking and defending ESI-related depositions
- Preparing and responding to ESI-related discovery and motions
- Preparing and defending ESI spoliation and sanctions claims
- Addressing cross-border discovery and data transfer issues
- Establishing the authenticity and admissibility of ESI evidence
- Early data assessment

EXAMPLES OF OUR WORK

- Acted as a special master assigned by several federal courts to assist the court and aid in the resolution of E-Discovery disputes.
- Handled the production of ESI accumulated over a number of years at both domestic and foreign locations while addressing concerns about cross-border discovery and data transfer issues.

TECHNOLOGY USAGE

To address the challenges of E-Discovery, Duane Morris combines legal insight with technical knowledge. Our proactive, technology-based approach helps ensure that our clients have a defensible position for the integrity of their data. Based on the specific needs of a case, we carefully select technology that maximizes efficiency and minimizes the overall costs of E-Discovery.

EXAMPLES OF OUR WORK

EARLY DATA ASSESSMENT

- Proven use of tools that allow for a quick view of collected data for filtering and search term analysis reporting. Our Early Data Assessment allows us to accurately estimate budgets and schedules; aids in identifying gaps or missing custodians; and can help to formulate keywords, privilege terms and other substantive issues concerning the case.

PREDICTIVE CODING AND CONTENT ANALYTICS

- Our predictive coding/computer-assisted review software allows our lawyers to leverage advanced analytic features to save both time and money while quickly identifying and segregating relevant data and improving review accuracy and consistency during document reviews.

DOCUMENT PROCESSING AND REVIEW

- Our industry-standard processing software and repository platforms offer unique functionality to assist with document reviews, from early data assessment to domain culling to streamlined productions. We currently host approximately 1,500 cases and more than 18 TB of data internally.

OPTIONAL CLOUD-BASED HOSTING SOLUTIONS

- We have created partnerships with trusted vendors to provide cloud-based hosting solutions.

INFORMATION AND RECORDS MANAGEMENT

Duane Morris provides a full range of information and records management services to help clients efficiently manage corporate data. We offer:

- Records inventory
- Development of records retention policies and schedules
- Data management
- Evaluation of backup and archival storage practices

EXAMPLES OF OUR WORK

- Development of written document retention policies and guidance on what documents can be destroyed and the appropriate method of destruction.
- Advised clients regarding the nature and scope of backup and archival storage policies required for their electronic data.

TO LEARN MORE ABOUT THE DUANE MORRIS ESI PRACTICE GROUP

FOR MORE INFORMATION, PLEASE CONTACT



Sandra A. Jeskie

215.979.1395

Jeskie@duanemorris.com



Joseph M. Burton

415.957.3014

JMBurton@duanemorris.com