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# The New E-Discovery Paradigm: Are You Prepared For The Challenges?


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Arthur S. Linker concentrates his practice in the areas of general litigation, securities litigation, accountants' liability and intellectual property law. He has litigated a broad variety of securities, corporate and partnership, financial, accounting and auditing, RICO, creditors' rights, antitrust, trusts and estates, defamation, real property and commercial cases, in addition to copyright, trademark and unfair competition and other intellectual property cases. His antitrust experience includes the litigation of price fixing, tying and dealer termination claims, as well as counseling clients.



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Harrison J. Dossick is a member of the Firm's Entertainment and Litigation Practices. He focuses his practice on litigating and resolving a wide range of disputes in the motion picture, television and music industries. The types of matters he typically handles include defending creators, producers and distributors of television programs and motion pictures from idea submission and copyright infringement claims, representing studios and production companies in profit participation disputes, handling matters involving the formation and interpretation of complex motion picture and television agreements, representing clients in claims involving the acquisition, production and/or distribution of motion pictures and television series, and resolving claims over the rights to exploit a range of intellectual property. In addition, he represents entertainment and other clients in trademark matters, Internet and e-commerce disputes, and has counseled clients in assuring compliance with state and federal law in connection with the marketing and advertising of products and services.

Part One:

## Be Prepared: Developing a Defensible Response Plan



Martin Tully, Chicago

## Amended Federal Rules Framework

- **FRCP 16(b)** encourages initial scheduling order to include provisions for addressing e-discovery disclosures and discovery.
- **FRCP 26(a)(1)(B)** adds “ESI” to the list of required initial disclosures.
- **FRCP 26(b)(2)(B)** draws distinction between accessible and inaccessible data and creates cost-shifting opportunities.
- **FRCP 26(b)(5)(B) & 26(f)(4)** authorize “claw back” and “quick peek” provisions in discovery orders.
- **FRCP 26(f)** adds e-discovery disclosure and discovery to the list of topics to be discussed at the initial planning conference.
- **FRCP 34(b)** establishes protocols regarding the form of production of ESI.
- **Form 35** adds a description of the parties’ e-discovery proposals.
- **FRCP 37(f)** says ESI lost as result of routine, good faith operation of an electronic information system should not result in sanctions.
- **FRCP 45** clarifies that records subpoenas include ESI.



## Understanding the Amended Federal Rules Is Only The First Step

- Some federal courts, like those in Maryland, Delaware, Kansas, and New Jersey, have even more detailed protocols or procedures regarding disclosure and discovery of ESI.
- Many state courts have since adopted rules similar to the federal amendments or plan to issue guidelines to state court judges.
- Other sources of recommended “best practices” include the Sedona Conference Working Group materials.
- The new e-discovery paradigm has given rise to some important lessons on preparing for, responding to, and conducting electronic discovery.

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## It pays to be prepared -- and it can cost you if you're not.

- Mishandling e-discovery or failing to properly preserve relevant ESI can lead to sanctions – or worse.
  - *Coleman v. Morgan Stanley*
  - *Qualcomm v. Broadcom*
  - *In re Hawaiian Airlines*
- Advance planning and preparation will equip you to more efficiently navigate the e-discovery rules and can give you the upper hand in pursuing e-discovery.

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## **E-discovery “preparedness” is mostly about:**

- Surveying and understanding your company's information technology and records management operations and environment;
- Being able to accurately and consistently describe and document them in required meet & confers and disclosures; and
- Developing and effectively implementing a defensible litigation response plan.

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## **Assemble an E-Discovery Response Team**

- Identify the key IT and RM personnel that Legal must partner with.
- Legal must learn how to communicate with IT.
- IT must recognize that Legal is a “customer.”
- Identify persons most knowledgeable about information management and the storage and retrieval of electronically stored information.
- Outside counsel must also understand and be fluent with their client’s IT systems and data repositories.

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## Develop a Comprehensive and Accurate Data Map

- What potentially relevant systems, applications, data repositories, and other sources of ESI are there?
- Where are they? Who controls them?
- What types of ESI reside there and in what forms?
- Under the new rules, there are no more disputes about what constitutes a “document.” ESI can come in many forms.
- ESI = “any information created, stored, or best utilized with computer technology of any type.”

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## Determine How and When ESI is Retained or Destroyed

- Are any of the ESI systems or repositories subject to auto-delete functions, overwriting, recycling, archiving, etc.?
- If so, who and what is necessary to promptly suspend those operations when litigation appears imminent?
- Who will monitor and ensure continued compliance with preservation directives over the course of the litigation or hold period?

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## **Determine if the Sources of ESI are Reasonably Accessible**

- Reasonably accessible ESI follows standard discovery rules, with the responding party bearing costs of production.
- Not reasonably accessible ESI is not typically searched or produced, but may need to be preserved.
- Burden is on responding party to show that sources of ESI are not reasonably accessible because of undue burden or cost.
- Requesting party can still discover inaccessible sources for “good cause,” although costs may be shifted.

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## **Review Applicable Records Management Requirements, Policies and Practices**

- Are they well-documented? Are they accurate? Are they ever audited? Are they routinely updated?
- Are they followed? Are they followed consistently?
- There should be a matching inventory of the applicable RM policies and procedures.
- Incorrect accounting of the policies can result in potentially relevant ESI being inadvertently overlooked or disposed of, which may have serious consequences.

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## Consider Reducing What You Have To Account For

- Do you really need to keep it? Can it be purged?
- Clearly define and differentiate between business and casual documents
- Better define ESI lifecycles and data deletion policies.
- Inventory and properly label back-up tapes.
- Consider placing limits on what and where ESI can be created and stored.
  - Appropriate forms of archiving
  - Media storage policy
  - Unofficial uses of company systems

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## All Company Functions Need to Know their Role in the Face of Likely or Actual Litigation

- Centralize knowledge of potential disputes.
- Who is authorized to issue a “litigation hold”? Who must respond, when, and how?
- Need to be able implement response plan promptly, effectively and consistently.
- When implementing the response plan, act reasonably, transparently, and document actions taken.

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Part Two:

## Tips For Navigating The Amended E-Discovery Rules

Arthur Linker, New York



## Navigating the Amended ESI Rules

- Basic Approach: Learn And Follow The Amended Rules
- Courts “Referee” ESI Discovery Disputes by Enforcing the “Rules of the Game” set out in the Amended Rules
- If You Don’t Follow The Rules, You May Not Get What You Want
- If You Violate the Rules, You May Be Penalized (Sanctions)



## ESI Rules – What are the Issues?

- Avoid Spoliation -- Litigation Hold
- Rule 26(f) – Meet and Confer
- Scope of Production
- Form of Production and Metadata
- Privilege



## Avoid Spoliation – Litigation Hold

- Key issues:
- *When* does the duty to preserve attach?
- *What* evidence must be preserved?
- *Counsel's role* in overseeing compliance



## Duty to Preserve Not Triggered By Equivocal Demand Letter

- *Cache La Poudre Feeds, LLC v. Land O'Lakes, Inc.*, 2007 WL 68401, 2007 U.S. Dist. LEXIS 15277 (D. Colo. March 2, 2007)
  - Trademark infringement plaintiff's demand letter provided notice of trademark rights but stated that "[t]he second purpose of this letter is to determine whether this situation can be resolved without litigation"
  - Court held that "duty to preserve evidence must be predicated on something more than an equivocal statement of discontent"

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## Duty To Preserve Also Extends To Documents in Possession of Non-Parties Where There Is "Control"

- *In re NTL, Inc. Securities Litigation*, 244 F.R.D. 179 (S.D.N.Y. 2007)
  - Defendant's operating assets were transferred to non-party ("New NTL").
  - Pursuant to a "DeMerger Agreement," defendant had a contractual right of access to New NTL's documents.
  - Because defendant "had the legal and/or practical ability to obtain documents (including e-mails) from New NTL," sanctions granted for failure to preserve New NTL documents.

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## Counsel's Role – More Than Merely Issuing a Litigation Hold Notice

- In the seminal pre-amendment ESI case, *Zubulake*, Judge Scheindlin held it insufficient for counsel merely to notify all employees of a litigation hold and expect that the client will then retain and produce all relevant ESI – counsel must take “*affirmative steps*” to monitor compliance”
- In *NTL*, sanctions were imposed where hold memos were issued but were subsequently ignored without counsel taking any action.
- In *Land O'Lakes*, a monetary sanction was granted where defendant's General Counsel relied on employees to locate relevant documents without taking any independent action to validate their actions.

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## Must Prevent “Wiping” Hard Drives By Employees or Others

- \$80 million default judgment granted where defendant's EVP-CFO “wiped” hard drive, allegedly to conceal having viewed “adult content” on his computer. *In re Hawaiian Airlines, Inc.*, 2007 WL 3172642, 2007 Bankr. LEXIS 3679 (Bankr. D. Haw. October 30, 2007).
- Adverse inference instruction where defendant's spouse destroyed hard drive. *World Courier v. Barone*, 2007 WL 1119196, 2007 U.S. Dist. LEXIS 31714 (N.D. Cal. April 16, 2007).

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## Preserve Allegedly Failed Hard Drives To Enable Forensic Examination

- Conclusive adverse fact findings on certain issues where defendant, who claimed that computer repair shop told him that “the ‘mother board’ and ‘hard drive’ were shot, and the computer was not worth fixing,” threw away computer in construction site dumpster within days after receiving notice of lawsuit. *APC Filtration, Inc. v. Becker*, 2007 WL 3046233, 2007 U.S. Dist. LEXIS 76221 (N.D. Ill. October 12, 2007).
- Adverse inference instruction where plaintiff discarded computer that “crashed” allegedly because of hard drive failure without taking it to computer professional to determine if it could be repaired. *Teague v. Target Corp.*, 2007 WL 1041191, 2007 U.S. Dist. LEXIS 25368 (W.D.N.C. April 4, 2007).

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## “Good Faith” Exception In Rule 37(f) – Beware Of Its Limitations

- To take advantage of the “routine, good faith operation of an electronic information system” exception, party must *suspend* the information deletion functions as part of litigation hold:
  - Adverse inference instruction where party continued routine “scrubbing” of departing employees’ hard drives. *Doe v. Norwalk Community College*, 2007 WL 2066497, 2007 U.S. Dist. LEXIS 51084 (D. Conn. July 16, 2007).
  - Party required to search backup tapes where it failed to suspend routine purging of e-mails every 60 days. *Disability Rights Council of Greater Wash. v. Wash. Metro. Transit Auth.*, 2007 WL 1585452, 2007 U.S. Dist. LEXIS 39605 (D.D.C. June 1, 2007)

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## Rule 26(f) – Meet and Confer

- The Maryland district court's *Suggested Protocol for Discovery of ESI* provides a helpful outline of steps to be taken prior to the Rule 26(f) conference and the issues to be addressed during the conference, including:
  - Anticipated scope of requests for, and objections to, production of ESI;
  - Form of production (e.g., native file, static image or searchable non-native format);
  - Whether metadata is sought or should be produced;
  - Accessibility and preservation of ESI;
  - Preservation of privilege and use of “claw back” or “quick peek”

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## Scope Of Production – Access To Adverse Party’s Hard Drive or System

- The Advisory Committee Notes to the 2006 Amendments caution that Rule 34 does not provide for “a routine right of direct access to a party’s electronic information system, although such access might be justified in some circumstances.”
- Recent cases have followed pre-amendment cases, and generally have disallowed inspection of a mirror image of an adversary’s hard drive unless the computer was used in the course of the alleged wrongdoing or discrepancies in document production suggested improper deletion of documents. *See, e.g., Calyon v. Mizuho Securities USA Inc.*, 2007 WL 1468889, 2007 U.S. Dist. LEXIS 36961 (S.D.N.Y. May 18, 2007); *Scotts Co. v. Liberty Mut. Ins. Co.*, 2007 WL 1723509, 2007 U.S. Dist. LEXIS 43005 (S.D. Ohio June 12, 2007) (forensic search of computer systems, network servers and databases based on “mere suspicion ... that defendant may be withholding discoverable information”).

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## Form Of Production – Rules 26(f) & 34 Provide The “Road Map”

- Rule 26(f):

[T]he parties must, as soon as practicable . . . confer . . . to discuss any issues relating to preserving discoverable information, and . . .

(3) any issues relating to **disclosure or discovery of electronically stored information**, including the **form or forms** in which it should be produced;

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## Form of Production – Rule 34: The “Road Map” Continued

- Rule 34(b):
  - “The request may specify the **form or forms** in which electronically stored information is to be produced.”
  - “[A]n **objection** to the requested form or forms for producing electronically stored information [shall state] the reasons for the objection. . . . If **objection** is made to **the requested form or forms** for producing electronically stored information -- **or if no form was specified** in the request -- **the responding party must state the form or forms** it intends to use.”

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## Form of Production – Rule 34: The “Road Map” Continued

- Rule 34(b) continued:
  - “Unless the parties otherwise agree, or the court otherwise orders:
    - “(ii) if a request does not specify the form or forms for producing electronically stored information, a **responding party must produce the information in a form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable**; and
    - “(iii) a party need not produce the same electronically stored information in more than one form.”

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## Form Of Production – Courts Enforce The “Rules of the Road”

- Where party requests production in “native” electronic format, court is likely to enforce the request.
  - *Auto Club Family Ins. Co. v. Ahner*, 2007 U.S. Dist. LEXIS 63809 (E.D. La. Aug. 29, 2007) (pdf images insufficient where responding party fails to show that native file production would be unduly burdensome).
  - *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation*, 2007 U.S. Dist. LEXIS 2650 (E.D.N.Y. Jan. 12, 2007) (TIFF images with accompanying searchable text files without metadata insufficient where production in native format requested).

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## Form Of Production – Courts Enforce The “Rules of the Road”

- Where requesting party fails to specify a form of production, responding party gets the right to choose
  - *Schmidt v. Levi Strauss & Co.*, 2007 WL 2688467 (N.D. Cal. Sept. 10, 2007) (denying motion to compel production in electronic format where request did not specify form of production and ESI produced in hard copy format).
- However, notwithstanding responding party’s right to choose in this situation, whether hard copy is a “reasonably usable” form is questionable. *Scotts Co. v. Liberty Mut. Ins. Co.*, 2007 WL 1723509, 2007 U.S. Dist. LEXIS 43005 (S.D. Ohio June 12, 2007) (may be inadequate where cannot be searched for metadata); *3M Co. v. Kanbar*, 2007 WL 1723509, 2007 U.S. Dist. LEXIS 45322 (N.D. Cal. June 14, 2007) (reproduction in electronic form required where “not onerous”).

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## Form Of Production – Courts Enforce The “Rules of the Road”

- Production in “reasonably usable form” does not require production in the format in which the responding party stores the ESI
  - *Pace v. Int’l Mill Service, Inc.*, 2007 WL 1385385, 2007 U.S. Dist. LEXIS 34104 (N.D. Ind. May 7, 2007) (pdf or tiff images sufficient absent special request for metadata and a reasonable basis to conclude that metadata is relevant)
  - *Williams v. Sprint/United Mgt. Co.*, 2006 WL 3691604 (D. Kan. Dec. 12, 2006) (denying motion to compel production of e-mails in native format where not originally requested and responding party produced e-mails and attachments separately but with report that cross-referenced e-mails to attachments).

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## Form Of Production – Courts Enforce The “Rules of the Road”

- Production in “as kept in the ordinary course of business” or “reasonably usable form” requires:
  - E-mails must be produced with their corresponding attachments. *PSEG Power New York, Inc. v. Alberici Constructors, Inc.*, 2007 U.S. Dist. LEXIS 66707 (N.D.N.Y. Sep. 7, 2007) (where e-mails and attachments produced separately, responding party required to match attachments with corresponding e-mails).
  - Tiff images must be in “usable” or “reasonably accessible” format (including Bates numbered pages and load file). *In re Seroquel Prods. Liability Litigation*, 2007 WL 2412946 (M.D. Fla. Aug. 21, 2007).

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## Production of “metadata”

- “Embedded data” such as draft language, editorial comments and deleted matter retained in an electronic file that are not necessarily apparent to the reader and other non-visible Information describing the history, tracking or management of an electronic file are often referred to as “metadata.”
- Neither the Amended Rules nor the Advisory Committee Comments directly address the extent to which metadata would be required to be produced in a particular case.

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## Production of “metadata”

- Some cases deny production of metadata and permit production of pdf or tiff image files in lieu of native files unless the requesting party can demonstrate a particularized need for the native format including metadata.
  - *Michigan First Credit Union v. Cumis Ins. Society, Inc.*, 2007 WL 4098213, 2007 U.S. Dist. LEXIS 84842 (E.D. Mich. Nov. 16, 2007) (citing “the relative lack of worth of metadata”)
  - *Kentucky Speedway, LLC v. Nat’l Ass’n of Stock Car Auto Racing, Inc.*, 2006 U.S. Dist. LEXIS 92028 (E.D. Ky. Dec. 18, 2006) (“In most cases and for most documents, metadata does not provide relevant information”)
  - *Wyeth v. Impax Laboratories, Inc.*, 2006 WL 3091331, 2006 U.S. Dist. LEXIS 79761 (D. Del. Oct. 26, 2006) (“Most metadata is of limited evidentiary value, and reviewing it can waste litigation resources”)

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## Production of “metadata”

- Cases denying production of metadata typically rely on the pre-amendment case *Williams v. Sprint/United Mgt. Co.*, 230 F.R.D. 640 (D. Kan. 2005),
- in *Williams*, the court stated, “emerging standards of electronic discovery appear to articulate a general presumption against the production of metadata, but provide a clear caveat when the producing party is aware or should be reasonably aware that particular metadata is relevant to the dispute.”

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## Production of “metadata”

- However, the *Williams* court actually held that “that when a party is ordered to produce electronic documents as they are maintained in the ordinary course of business, the producing party should produce the electronic documents with their metadata intact, unless that party timely objects to production of metadata, the parties agree that the metadata should not be produced, or the producing party requests a protective order. The initial burden with regard to the disclosure of the metadata would therefore be placed on the party to whom the request or order to produce is directed.”

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## Production of “metadata”

- The *dictum* in *Williams* regarding the so-called “emerging standards” was based on the Principle 12 of the July 2005 *Sedona Principles* (1st ed.), which provided, “Unless it is material to resolving the dispute, there is no obligation to preserve and produce metadata absent agreement of the parties or order of the court.”
- However, in light of the 2006 Amendments to Rule 34, Principle 12 was revised in the June 2007 *Sedona Principles* (2d ed.) to provide a more neutral view of the need for metadata production, stating that, absent party agreement or court order, the form of production should “***tak[e] into account the need to produce reasonably accessible metadata that will enable the receiving party to have the same ability to access, search, and display the information as the producing party*** where appropriate or necessary in light of the nature of the information and the needs of the case.” (emphasis added).

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## Production of “metadata”

- Likely that courts will find guidance in revised *Sedona Principle 12*.
- Comments to revised *Sedona Principle 12* indicate that native format production would not necessarily be required, and that the goals of Principle 12 could be satisfied by pdf or tiff images with load files containing electronically searchable text and selected system and application metadata.
- The comments also recommend the routine preservation of metadata pending agreements or decisions on the ultimate form of production.

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## Privilege Issues

- Amended Rules 16(b)(6) and 26(f)(4) permit the parties to enter into “claw-back” agreements
- Parties should be cautious regarding the steps required properly to assert attorney-client privilege claims, particularly with regard to e-mails.
  - *Muro v. Target Corp.*, 243 F.R.D. 301 (N.D. Ill. 2007) (attorney-client privilege waived where privilege log did not identify and describe separately each message within e-mail string).

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**Part Three:**

**Using E-Discovery  
To Your Advantage**

**Harrison Dossick, Los Angeles**



**Developing a plan**

- Preservation notices
- Initial disclosures
- Requests for Production
- Overcoming objections
- Lost or deleted data
- Intrusive measures
- Using consultants
- Controlling costs



## Preservation Notices

- *Zubulake v. UBS Warburg*, 220 F.R.D. 212 (S.D.N.Y. 2003)
  - Duty to preserve ESI commences when litigation is “reasonably anticipated”
- So, why bother to send a preservation notice?
  - *Zubulake* not binding precedent
  - “reasonably anticipated” is subjective
  - opportunity to identify important ESI
  - first step in creating a record
- Other factors to consider
  - Nature of the dispute
  - Polarizing effect/impact on pre-dispute resolution

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## Determine What’s There

- Start at the beginning
- Take full advantage of the rules governing initial disclosures
- Initial obligations require disclosure of discoverable ESI
- FRCP 16(b) -- requires disclosure of a party’s IT and RM architecture and environment at the very beginning of the lawsuit
- FRCP 26(f) – ESI disclosure and discovery now on list of topics discussed at initial planning conference
- Judicial attitudes are changing. Perfunctory discussions are insufficient
- Be prepared and aggressive

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## Determine What's There (continued)

- Know what to expect
  - Determine from your client what forms of relevant *should* be there – e.g., emails and other communications, documents drafted or exchanged, data, programs, applications, etc.
  - Remember, ESI lives in many places other than central servers – PDAs, cell phones, home computers, external hard drives, flash drives, etc.
- Prepare a comprehensive list of questions for use during initial planning conference

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## Demand ESI as Part of Initial Disclosures

- FRCP 26(a)(1)(B) requires the other side to disclose *and* produce ESI it intends to use to support its claims or defenses before a formal request is served
- Use the initial disclosures to obtain as much “free discovery” as possible
- FRCP 26(f) requires parties to discuss the form of the production and encourages stipulations as to form
  - Important when metadata is relevant
  - Failure to specify form gives opponent control
- FRCP 34(b) provides process to resolve disputes as to form

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## If You Don't See It . . . Ask For It

- Review initial disclosures
  - Compare production and expectations
  - Look for gaps, missing data
- Are they complete?
- If not sure, include specific requests in RFP (FRCP 34)
  - Be comprehensive and specific
  - Cover known and perceived gaps
- Ask for live, deleted, wiped, unallocated and slack space data

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## Serve RFP With Reasonable Parameters

- Even if initial disclosures appear complete, serve RFP to cover ESI needed to:
  - establish your claims or defenses
  - Negate opponents claims or defenses
- Again, be thorough and specific
  - Who – list of people
  - What – carefully define types of ESI
  - Where – specify all hardware and devices where ESI may be found
  - When – provide relevant date range
  - How – specify form of production

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## Break Boilerplate Logjams

- FRCP revisions leave less room for boilerplate objections
- Burden is assumed and outweighed by need for production
  - “Reasonably accessible” data must be produced
  - Data not reasonably accessible still discoverable, based on need, subject to cost shifting
- Use protective orders to overcome claims of privacy, confidentiality, etc.
- Consider a stipulation with “sneak peek” or “clawback” protections to counter delays caused associated with privilege and work product

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## Don't Take “No” For An Answer

What if the other side claims “it's gone?”

- Dig deeper – “deleted” data often is recoverable
  - How? Take IT deposition
- Seek order permitting more invasive discovery measures
  - e.g., inspection/imaging of servers, hard drives, etc.
- Move for sanctions
  - Not all loss is sanctionable (FRCP 37(f) Safe Harbor)

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## What You Don't Know Can Hurt You

- Know what you do not know
- Hire a consultant?
  - Most often, issue is when, not whether
- At the outset
  - Comparative sophistication
  - Size/age of case
  - Complex technological issues
  - Massive amounts of data
  - Data recovery issues

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## What You Don't Know Can Hurt You (continued)

- Once ESI is produced
  - Review/process large amount of ESI
  - Substantiate improprieties
- Before trial
  - Goal is not just to get ESI, but to get it admitted at trial
    - Preserve chain of custody
    - Assure proper authentication
    - Explain evidence to jury

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## Some Words of Wisdom

- Remember, it's a 2-way street
- What goes around, comes around
- Better have your ducks in a row



## More Words of Wisdom – Be Careful What You Wish For

- Use common sense
- Overkill is not a virtue
- This easily can get VERY expensive
- The more there is to get, the more there is to review
- Assume total cost may be double what you spend to get the information
- Consider sensible stipulation at the beginning to control costs
- Remember to factor costs and risks into settlement matrix



## Conclusion

- Be proactive and persistent
- Take full advantage of initial disclosures
- Serve targeted RFP
- Anticipate and overcome objections
- Create record to support more intrusive measures/sanctions
- In most cases, hire a technical consultant
- Be judicious and control costs

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**If you have additional questions for any of the presenters please contact them via phone or e-mail.**

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**About Katten**

- Katten Muchin Rosenman LLP is a full-service law firm with offices in the nation's largest centers of business, government, finance and technology and an affiliated entity in London, England. With over 650 attorneys in more than 40 areas of practice, Katten provides timely and cost-effective counsel to clients in numerous industries. Katten provides advice for a wide range of public and private companies – from entrepreneurial, emerging-growth, and middle market firms to global Fortune 100 corporations – as well as government entities, institutions of higher learning, museums and a host of other charitable and cultural organizations.

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## About Our Electronic Discovery and Evidence Practice

- The Electronic Discovery and Evidence Practice is comprised of experienced, “e-savvy” Katten attorneys who strive to stay ahead of the curve with respect to the evolving law, best practices, and technologies concerning a host of electronic discovery (e-discovery) and evidence issues. The Practice advises and counsels clients on cost-effective strategies for achieving and maintaining e-discovery preparedness. We also guide and assist in navigating state and federal court requirements and disputes regarding e-discovery, including the identification, collection, preservation, processing and production of substantial volumes of electronically stored information.