

HUSCH BLACKWELL

E-Discovery

Husch Blackwell's E-Discovery practice group focuses on efficient and cost-effective solutions for addressing our clients' electronic discovery needs. Our dedicated interdisciplinary team of attorneys and technology professionals manages all aspects of e-discovery, protects our clients' business and litigation interests, and reduces the cost associated with e-discovery. We leverage our experience and substantial resources to make e-discovery an advantage in litigation, rather than an expensive distraction.

Our E-Discovery team consists of experienced litigation attorneys with knowledge of both the legal and technical aspects of e-discovery; information technology professionals who have in-depth knowledge of the ever-changing technology our clients use; and litigation support professionals who are dedicated exclusively to handling electronic data from the beginning of a matter to the end.

We tackle e-discovery in complex litigation early in the life of the case, starting with developing a disciplined, targeted and defensible plan for data identification, preservation, and targeted collection. We then employ the latest technology to organize, search, review and produce the data. We craft an e-discovery approach that is not only highly efficient and cost effective, but also one that is tailored for each client's business and case.

Our E-Discovery team coordinates with our Information Governance attorneys to provide clients with exceptional document and data management strategies long before the prospect of litigation arises. Our Information Governance attorneys develop and institute appropriate and defensible document and data retention programs, information management systems and procedures, and counsel clients regarding data privacy and security. Together our E-Discovery and Information Governance practice groups are positioned to assist clients with all aspects of document and data management, both outside of the litigation context and throughout the life of one case or a series of related cases.

Protecting Our Clients' Interests

Our dedicated e-discovery teams utilize our in-house expertise and resources to develop and execute an e-discovery plan that is best-suited to the individual needs of the client and the matter at hand.

- **Best Practices.** We have developed firm-wide best practices for preservation, collection, processing, search, review and production of electronic data.
- **Dedicated Teams.** We have dedicated e-discovery teams of IT and litigation support professionals who assist our litigators in working with your IT personnel to identify data sources, offer preservation and collection expertise and communicate with opposing counsel concerning all aspects of e-discovery.
- **Discovery Planning.** The implication that electronic evidence has been mishandled can change the focus of a case and drive costs higher; therefore, we work diligently to develop a defensible e-discovery plan early on so the focus stays on winning your case. Our staff of litigation support specialists offers strategic advice and assistance from the initial identification phase through presentation at trial. Case managers coordinate support needs to make sure every project is handled efficiently and effectively.
- **Cutting Edge Technology.** We recognize the importance of and have invested in the latest industry-leading software tools. We routinely review new e-discovery products as they are developed to plan for changes and investment in new technology. These tools enable us to work with data in an efficient and cost-effective manner. Tools such as NUIX and IPro's E-Capture allow our E-Discovery team members to investigate and mine electronic data to gain an in depth understanding of what's in your data early on. This allows us to craft effective search terms and facilitates an efficient review and production of data. Our investment in the industry-leading review software tools such Relativity further enhances our productivity.

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Value-Added Services

We have developed the depth, resources and expertise needed to make e-discovery a valuable tool in litigation.

- **Resources.** We have the staff and the technology resources, both hardware and software, to handle large volumes of e-discovery completely in house. Our investment in the latest technology not only enhances our ability to use e-discovery as an advantage in your case, but it also increases efficiency and results in lower e-discovery costs. We have firm-wide document imaging capabilities with the capacity to handle large scale projects quickly and cost effectively. We also have robust in-house document hosting, filtering, processing and production capabilities and we can provide these services at lower rates than outside vendors in most instances. We hosts the vast majority of document review databases on site at no additional fee. This amounts to huge cost savings for our clients by not incurring monthly per gig data hosting or user access fees that other firms pass on to the client.
- **Creativity & Planning.** Our litigation support staff works with our trial teams to investigate data in-house by using tools such as Forensic Tool Kit and EnCase before deciding whether expert forensic work is a beneficial expenditure. We use in-house search tools to craft search terms that are reasonable, defensible and effective before we start applying search terms to your data because we understand the importance of managed e-discovery. We will not outsource your data to forensic experts or vendors before we determine if it is the most efficient, economic and reasonable plan for your case.
- **Vendor Relationships.** Where necessary and appropriate, we partner with the most experienced and well-regarded e-discovery vendors. We have preferred relationships with e-discovery vendors and forensic specialists in all cities in which we office and beyond. We have developed our own proprietary Preferred-Vendor Calculator that allows us to enter the data requirements of your specific matter and carefully compare the relative costs among preferred vendors to determine which preferred vendor will provide the best value for your specific needs.
- **In-House Document Capabilities.** We have robust in-house document hosting, filtering, processing and production capabilities and we can provide these services at lower rates than outside vendors in most instances. We often provide internal data/database hosting at no charge as an additional client value.
- **Highly Competitive Rates.** In addition to our competitive billing rates, we have the flexibility to craft alternative fee and cost structure arrangements for document review and processing.
- **Depth.** We have the ability to quickly tailor our review teams, protocols and tools to meet the demands of your case. We have the staff available to handle even the largest document review projects in a timely fashion and we have the software and hardware tools available to support such projects. We provide education and training for all attorneys, paralegals and litigation support personnel firm-wide, focused on efficient and cost-effective e-discovery.
- **Cost-Effective Review and Data Hosting.** Our teams are trained not only to use the latest e-discovery tools, but to recognize which tools are best suited for your specific needs. Attorneys and paralegals work closely with our litigation support specialists on design of databases and protocols for the most efficient processing, culling, review and production of electronic data. In many cases, we handle the production process entirely internally.
- **Trial Presentation.** We have experienced trial technology consultants who work with our trial teams to manage all courtroom technology needs. Our trial support professionals can wire courtrooms, design and operate complex evidence presentations and set up complete mobile office environments for 'war room' trial support. We have the equipment on-site for fast deployment, quick set-up and cost-effective solutions.

Electronic Discovery of the Opposing Party

E-Discovery is not a one-way street. When a dispute is likely to develop into litigation or has resulted in the filing of an adversarial proceeding, we focus on developing a strategy for pursuing reasonable electronic discovery from the opposing party and non parties who are likely to have relevant information within the framework of the pertinent rules and regulations.

- **Pre-litigation Litigation Hold Demands.** The process may begin by placing the opposing party on notice of the types of information/documents and the subject matter that is likely to be relevant to the issues, for which the opposing party has a duty to preserve.

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- **Well-Reasoned, Targeted Discovery.** We focus on developing a proposed strategy for electronic discovery that will not unduly burden our client, while generating meaningful and cost effective discovery from the opposing party. We recognize that a strategy for e-discovery is fluid; the focus may change upon review of initial documents or data. Hence, we continuously review documents and data produced by the opposing party to ensure that we are capturing relevant information from key sources.
- **Early Assessment of Opponents E-Data Resources.** Some cases require that we depose an opposing party early on concerning their systems architecture, proprietary and enterprise databases and software, retention and destruction policies, backup and archival systems, etc. In preparation for these types of depositions, which can be highly technical in nature, our attorneys work closely with our in house IT experts.
- **Exploring/Challenging Claims of Inaccessible Data.** There are instances in which data may be inaccessible, either because it no longer exists or circumstances render retrieval very costly. In instances where an opposing party objects to production of data on the grounds that it is inaccessible, we review the various factors to determine the best course of action. We also work with a team of outside vendors to determine to what extent “inaccessible” data may be effectively restored and produced.
- **In-House Review.** Once received from opposing counsel/party, as described above, we have the in-house capabilities to store, search and organize documents for meaningful attorney review, analysis and ultimately trial presentation.