



# ELECTRONIC DISCOVERY AND DIGITAL EVIDENCE

Leveraging law and technology to deliver sound solutions

Nixon Peabody offers the focus of an eDiscovery law boutique with the international reach and capabilities of a “Global 100” law firm.

**REQUESTS FOR ELECTRONIC DATA DISCOVERY HAVE BECOME COMMONPLACE** as companies store more than 95% of their information electronically and wrestle with the advances in cloud computing. Today, eDiscovery is often the single most significant expense in large cases. By combining appropriate legal, technical, and project management resources, Nixon Peabody helps ensure that eDiscovery is planned and managed efficiently, and in a way that protects our clients from the risk of discovery sanctions. We work collaboratively with our clients during all phases of discovery, including eDiscovery planning, data collection, electronic review database design, electronic document review, and production of electronic documents.

Our team brings deep experience working with and advising FORTUNE 500 clients on the complexities surrounding electronic discovery. This experience includes case-specific representation on litigation and investigation-related matters, including those involving civil and criminal litigation, internal investigations, government investigations, and white collar defense. In addition, we can also provide counsel on global issues involving electronically stored information and discovery outside of the United States.

Many law firms claim to have some level of electronic discovery and digital evidence capabilities, but few have a sophisticated understanding of the need for practical and sound advice in this sphere, or the ability to leverage the combination of law and technology to meet client needs. Similarly, many consulting firms offer services in the area, but few have experienced litigators fielding the questions, and none can offer attorney-client privileged advice.

## eDISCOVERY TEAM

The unique makeup of our team includes experienced lawyers, paralegals, and technical specialists who allow us to provide the focus of an electronic discovery law boutique with the international reach and capabilities of a “Global 100” law firm. Through a combination of internal and outsourced eDiscovery services, our team can implement the full range of solutions to meet the needs of lawyers and clients during document review and production.

### eDiscovery preparedness

Nixon Peabody offers a wide range of legal consulting services that provide our clients with defensible processes for the implementation of the preservation, collection, and production obligations of electronically stored information. These include:

- › Electronic discovery knowledge sharing sessions
- › Electronic data management planning
- › Advise clients with respect to cloud computing agreements and legal requirements
- › Creation of electronic discovery related policy documents
- › eDiscovery vendor selection and management

### eDiscovery legal and technology counsel

Once a company suspects or has been notified of pending litigation, Nixon Peabody attorneys work with clients to:

- › Prepare key employees to carry out their electronic discovery obligations
- › Notify the necessary IT and records management
- › Provide advice to company management of the time to issue a data preservation notice to employees
- › Select and train an IT or records management liaison to serve as the company’s 30(b)(6) witness
- › Send a preservation letter to opposing counsel when requesting electronic data in discovery
- › Document details of costs, efforts, and deadlines associated with preservation, collection, filtering, processing, review, and production

### eDiscovery counsel and management services during litigation

Once litigation has begun, and the discovery of electronic documents is required, Nixon Peabody has the legal and technical resources to assist our clients throughout all phases of eDiscovery:

- › eDiscovery planning
- › Identification of document custodians, and types and location of data
- › Data collection and preparation for electronic review
- › Electronic review of potentially relevant electronic documents
- › Production of electronic documents



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