



eDiscovery and Information Governance

The Williams Mullen Edge

The growth in the variety and volume of electronic information can create significant eDiscovery burdens, but our eDiscovery and Information Governance (EDIG) attorneys also understand that this information provides an opportunity to conduct litigation more efficiently and effectively. An organization exists to carry out certain purposes, and it does so through the actions and decisions of its constituent managers, employees or members. In our electronic age, the vast majority of these actions and decisions are effectuated or evidenced by electronic means. This provides a rich repository of electronic information that, when skillfully targeted, can provide critical information about an organization's position in the early stages of litigation. Our EDIG team has proven experience in targeting a client's electronic information to get to the critical answer of what happened and why early in litigation, and using this information to drive the strategy of the case. The information economy has changed the world, and our EDIG attorneys understand this and use these changes to conduct more efficient and effective litigation.

Williams Mullen offers clients a team of attorneys and technology professionals dedicated to electronic discovery, information governance and high technology issues. We regularly assist companies in conducting information governance and litigation readiness reviews and developing appropriate defensible policies, procedures and practices. Our team is adept at working with clients' data through all phases of discovery - identification, preservation, collection, processing, review, analysis, production and presentation - and helps decrease the overall costs of eDiscovery.

Incorporating Effective Information Governance and Risk Management Into Your Corporate Governance

Skillfully governing a business requires skillfully governing its information, leveraging it for best use, and avoiding the risks that it can create. Information governance is the creation of enterprise-wide policies, procedures and practices that define the life cycle of information. It encompasses enterprise risk management, information technology, record management, knowledge management, privacy and security, business continuity/disaster recovery, electronic discovery and archiving. What distinguishes information governance from mere information management is that information governance determines why a business creates and uses information, not just how.

In today's business world, information is being created in increasingly variant forms - email; electronic documents such as those created using Word, Excel, and PowerPoint; web pages, internal wikis or other knowledge management platforms; social media; and collaboration site content, and new

information technologies continue to emerge. The ease of creating electronic information often leads to the retention of massive volumes of information, with the typical worker creating or handling 1.6GB, or the equivalent of 100,000 pages of printed text, every day. It is not unusual for a business to experience 30%, 50% or even 100% annual growth in data volumes. Understanding and managing how all of this information is created, moved, stored and discarded is critical to the success of any company, and, to the extent a business does not purposefully control its information, it faces potentially serious risks.

Williams Mullen's EDIG team features attorneys well-versed in the field of eDiscovery and information governance who work with clients to analyze the purposes of and risks associated with each process and related organizational unit within their businesses. We then assist client-companies in developing policies regarding the creation, maintenance, retention and removal of information to accomplish each business purpose, satisfy legal requirements, and reduce risks with over- and under-retention of data.

Bringing You Uniform eDiscovery Strategies to Reduce Risk and Cost While Increasing Efficiency

One important aspect of effective information governance is the establishment of uniform, reasonable, repeatable and defensible eDiscovery policies, practices and protocols. But even when these are in place, it is critical to employ them strategically in any particular litigation with an eye toward how they might affect other pending or future litigation. Williams Mullen acts as National eDiscovery Counsel for several clients, providing guidance in crafting defensible and uniform approaches to records management and retention, litigation hold implementation, legacy and obsolete data disposal and migration, and outside vendor relationships and costs. We provide strategic uniform advice across all of a client's litigation matters to reduce the risk created by variation in practices among matters.

Our experience serving as lead eDiscovery counsel also increases efficiency and reduces the burden of eDiscovery for our clients by leveraging our knowledge gained in one litigation for use in another. Williams Mullen's EDIG team can track and maintain information gathered in one matter for use in another.

A Team with Proven Experience in Reducing the Burden of eDiscovery Through Skillful Advocacy and Advanced Technology

A significant number of sanctions are awarded each year for failing to adequately preserve, identify, review and produce relevant documents and data in litigation. However, sanctions can be avoided if counsel has a sufficient understanding of eDiscovery obligations and how to fulfill them. Williams Mullen recognizes that eDiscovery can impose significant burdens on our clients and frequently works with clients to refine eDiscovery protocols to reduce those burdens and to include protective mechanisms to limit the scope of preservation and discovery and safeguard privileged or protected information.

In addition, Williams Mullen EDIG attorneys stay abreast of developments in eDiscovery law and advances in technology to reduce the risk of discovery failures. Our EDIG team continually evaluates the latest search and review technologies, and their application, and thus can assist clients in conducting less expensive, more efficient and, most importantly, compliant document reviews.

Experience

- Serve as National eDiscovery Counsel for a railroad company. Provide high-level eDiscovery and records management consulting, as well as matter-specific eDiscovery consulting, wherein members of the eDiscovery and Information Governance Team oversee and coordinate the identification, preservation and collection of the client's data for cases pending across the country. Williams Mullen technology specialists process the client's data using state-of-the-art litigation support tools and provide access to the processed data to merits counsel across the country via a web-based document review and management solution.
- Serve as eDiscovery counsel for a concrete and building materials supplier involved in class-action antitrust litigation. We are working closely with merits counsel to oversee and coordinate the entire discovery process, including interviewing dozens of custodians, crafting keyword and concept searches, processing terabytes of data, overseeing and managing the review of that data, and producing responsive information to dozens of parties.
- Assisted Williams Mullen's Labor and Employment Team with an unlawful termination suit pending in state court against a wholesale chemical distributor. The EDIG Team negotiated with opposing counsel to avoid discovery disputes that could arise from navigating the tricky waters of collecting data from European employees, and then worked with the client's privacy officer to collect the data in a manner that complied with the EU Privacy Directive.
- Represented transportation company that suspected an employee of fraud. As part of a rapid response team, Williams Mullen's eDiscovery and Information Governance team engaged a certified forensic expert and supervised critical data collection within 48 hours of being contacted. Williams Mullen's technology specialists processed and searched the data to provide the Williams Mullen White Collar and Corporate Investigations Team with pertinent information to confront the employee.

Related News

- [Client Alert: Limiting eDiscovery in Advance in Material Contracts](#)
- [\\$1.7 Million HIPAA Settlement Reinforces Importance of Effective Information Governance of Electronic PHI \(ePHI?\)](#)
- [Are You Sure You Want Those Documents? Then You Might Have to Pay for Reviewing Them.](#)
- [Using Contract Terms to Get Ahead of Prospective eDiscovery Costs and Burdens in Commercial Litigation](#)
- [Court Allows Discovery Directly to Third-Party IT Outsourcer Because Of Party's Inadequate Information Governance Practices; Awards Adverse Inference and Costs & Fees for Spoliation](#)
- [Recent HHS Settlement with Phoenix Cardiac Surgery Highlights HIPAA Risks Of Electronic PHI](#)
- [Predictive Coding: E-Discovery Technology Is Not Just For E-Discovery Anymore](#)
- [Information is Your Company's Most Valuable Asset - Are You Treating it That Way?](#)

- Health Insurer's Costly Privacy Breach Provides Guidance For Managing HIPAA Risks Associated With Electronically-Stored PHI
- A Cautionary Tale for All Litigators and a Must Read for Virginia Attorneys
- Will Federal Circuit's Model Order in Patent Cases Solve the eDiscovery Problem??
- ?No harm, no foul? No way.?
- Anticipating Litigation Before a Lawsuit is Filed
- e-Discovery: What Litigation Lawyers Need to Know by Monica McCarroll
- Arbitration Provisions Containing Class Action Waivers: Avoiding Financial Risk and Cost
- Avoiding Contempt: Responding to Non-Party Subpoenas
- eDiscovery & Information Governance ? What Is ?the Cloud? and Should I Store My Company's Data There?
- North Carolina Adopts Rules To Govern Electronic Discovery
- Significant New Electronic Discovery Legislation in North Carolina Likely To Become Law
- Understanding and Mitigating The Legal Risks of Cloud Computing
- eDiscovery & Information Governance ? Tips for Effectively Managing Your Email
- Why Document Review is Broken
- Four Years Later: How the 2006 Amendments to the Federal Rules Have Reshaped the E-Discovery Landscape and are Revitalizing the Civil Justice System
- Electronic Discovery Legislation Introduced in North Carolina
- Social Media and E-Discovery: How to Win Friends and Preserve Your Data (and Your Dignity)
- Sanctions Down; Cooperation Up; Preservation, Privacy and Social Media Remain Challenging.
- The Demise of Linear Review E-Discovery Alert
- eDiscovery & Information Governance - Do You Know Where Your Email Is?
- What Not To Do When Served With A Rule 45 Subpoena In The Age of E-Discovery
- Brian Vick Quoted in Triangle Business Journal Article
- Brian Vick quoted by the Triangle Business Journal
- Williams Mullen Hires New eDiscovery Center Technology Director
- Monica McCarroll and Steve Test offer guidance on "E-Discovery in the Information Age"
- Does Your Contract Help You Control Dispute Resolution Costs?
- Information Governance (IG) Programs
- Williams Mullen Construction Industry Newsletter - Spring/Summer 2013
- OCR Announces \$1.7 Million HIPAA Settlement with Health Plan for Passive Breach of Online ePHI
- Discovery and the Duty of Competence
- Williams Mullen Construction Industry Newsletter - Spring/Summer 2014
- Monica McCarroll featured in Law360's Female Powerbrokers QandA
- Monica McCarroll quoted in Richmond Times-Dispatch about cybercrime
- Monica McCarroll quoted in Virginia Lawyers Weekly article about e-discovery

- Williams Mullen's Litigation Practice Honored by Benchmark Litigation
- 56 Williams Mullen Attorneys Named 2016 Virginia Super Lawyers; 22 Named 2016 Rising Stars
- Preservation: Competently Navigating Between All and Nothing
- 54 Williams Mullen Attorneys Named to 2017 Virginia Super Lawyers List; 21 Named 2017 Rising Stars
- Williams Mullen's Litigation Practice Recognized in 2018 Edition of Benchmark Litigation
- 53 Williams Mullen Attorneys Named to 2018 Virginia Super Lawyers List; 20 Named 2018 Rising Stars
- 47 Williams Mullen Attorneys Named to 2019 Virginia Super Lawyers List; 17 Named 2019 Rising Stars
- 35 Williams Mullen Attorneys Named to 2020 Virginia Super Lawyers List; 13 Named 2020 Rising Stars

Related Events

- eDiscovery Lessons from the Mueller Report
- Getting Ahead of e-Discovery Costs and Burdens in Commercial Litigation Through Pre-Litigation Contracts
- Hot Topics in eDiscovery
- Technology Disruption in the Practice of Law
- 128th Annual Meeting of The Virginia Bar Association
- Data Retention: Risks & Mitigation - Virginia Bankers Association's Enterprise Risk Management Workshop
- Seminar: Technology as a Component of Strategic Planning and Risk Avoidance
- Technology and IP Forum Boot Camp: Cloud Services and Vendor Management
- Protecting Work Product in the Age of Electronic Discovery
- JOLT Symposium - Preservation: Competently Navigating Between All and Nothing
- eDiscovery Speaker Series - Important eDiscovery Cases from 2015
- e-Discovery: A Year in Review and Looking Ahead - NCBA 2015 Annual Review
- Seminar: Emerging Trends in Cybersecurity
- e-Discovery Clauses in Commercial Contracts
- Legal Technology 2011 Summit
- Seminar: Emerging Trends in Cybersecurity
- Spring Executive Council Meeting for the Young Lawyers Division of the Virginia Bar Association
- Corporate eDiscovery Breakfast
- Emerging Trends in Cybersecurity
- Electronic Discovery and Data Retention

Related Attorneys

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