BENEFITS OF HAVING AN EDISCOVERY DEPARTMENT IN A LAW FIRM

Is your firm stuck in the past or looking towards the future?

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About 20 years ago, an electronic revolution forced litigators to assess how to handle the growing data volumes leading to a new niche in the legal industry called eDiscovery. Particularly over the last five years, data has been growing exponentially as people create enormous amounts of electronic information. Although only a small percentage of data is stored into a subsequent year, the installed base of storage capacity, according to Statista, "is forecast to increase, growing at a compound annual growth rate of 19.2 percent over the forecast period from 2020 to 2025."

In the early stages of this digital deluge, large firms realized the intricacy of eDiscovery and the need for specialized attorneys as they encountered the overlapping worlds of technology and the law. However, midsize (and some larger) firms used patchwork efforts and service providers to fill voids in the processes. At Berger Singerman, we recognize that the future is now, and the past can be as recent as yesterday. The firm established its in-house Discovery team in 2018 and continues to evolve with time and the additions of other eDiscovery attorneys and support staff.

Discovery attorneys wear many hats, including consultant, analyst, project manager, and document review attorney, while interacting with many other internal teams. Litigation attorneys need to consider eDiscovery in every case now. Every client has an email address, server space, and a smartphone. In complex litigation, there can be dozens of custodians and hundreds of potential sources of electronically stored information ("ESI"). Not understanding your obligations concerning document preservation, collection, review, and production could lead to severe consequences for a firm and eventually a client.

One of the advantages of having a specialized Discovery Department is that it acts as its own business unit. Like any other department, it needs to function efficiently as a crucial resource within a firm. The department also serves as the bridge between in-house attorneys and multiple eDiscovery vendors. Also, Discovery Attorneys know the lifecycle of a project regarding how documents should be collected, processed, hosted, reviewed, and produced. Finally, there is an inherent need for Discovery Attorneys to have a 'lifelong learning' mindset. Given the speed at which technology changes, Berger Singerman supports the perpetual learning of new software and resources for the team, and industry certifications to stay ahead of the technology curve.

One way Berger Singerman's Discovery Department embraces the future is by implementing Artificial Intelligence and Machine Learning tools (when possible) to dramatically reduce the volume of documents for review, which has saved clients hundreds of thousands of dollars in review time. This is a generally accepted practice in federal cases and is gaining significant traction and acceptance in state cases.

Berger Singerman's Discovery Department can advise you on the best way to handle your ESI, draft an ESI protocol, and conduct a cost-effective internal investigation or document review during litigation. We know that

when it comes to law and technology, the future is now. No client wants a firm stuck in yesterday.

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