

## Discovery Management & E-Discovery

### Related Practices

Antitrust & Trade Regulation  
 Bankruptcy, Insolvency & Creditors' Rights  
 Business & Commercial  
 Class Action Defense  
 Entertainment, Media & Sports  
 Government Investigations and Corporate Compliance  
 Intellectual Property Litigation  
 International Law & Trade Regulation  
 Labor & Employment  
 Litigation  
 Mergers & Acquisitions  
 Product Liability  
 Product Safety

### Related Industries

Automotive Industry Group  
 Automotive, OEM & Supplier Litigation  
 Insurance Industry Group

## Overview

Discovery—an unavoidable part of most litigation—is a major source of expense and risk. The cost and disruptive nature of this pretrial activity have the potential to cripple strategy and compromise claims or defenses in a case. Adversaries know this, and they exploit it. Getting discovery under control—and making it work for you—is crucial to controlling litigation expenses and pursuing successful strategies. Dykema's Discovery Management and E-Discovery team can help you do just that. In addition to supporting Dykema's litigation efforts, clients routinely retain these teams in national matters to serve as outside discovery counsel and to work alongside in-house personnel and other law firms.

Building on decades of experience in large, discovery-intensive cases, Dykema's group of lawyers, legal specialists and legal technologists understands and excels at the strategic and technical aspects of developing and executing a class-leading discovery effort. Dykema's key capabilities include:

- Designing the right discovery processes for the case or investigation. Not every matter is the same, and Dykema strives to create the most efficient overall process based on the type of matter, the exposure, the opposition's strategy and capacity, and other crucial conditions. Dykema's "measure twice, cut once" ethic helps eliminate expensive midcourse corrections later.
- Taking an active role in early case assessment (ECA) and determining the correct data sources and parameters for data review (e.g., timeframe, custodians, keywords, use of artificial intelligence filtration, and others). Such careful control and attention at the outset pays dividends in efficiencies through the end of the discovery process.
- Executing a targeted and efficient discovery effort, combining appropriate overall discovery limitations at the outset (obtained through agreement or court intervention), the most efficient platform for the job, appropriate reviewer training, data prioritization and a high-quality, highly supervised review conducted by the appropriate level of professional reviewers.
- Helping clients develop sound everyday information management practices that help prevent or mitigate future problems, greatly minimizing costs of future discovery. Litigation is almost inevitable for enterprises, and outdated or suboptimal record and information management practices are a major cause of discovery costs and possible sanctions down the road. Implementing sound information management practices saves money on an ongoing basis as well.

Dykema team members work with a wide array of experts, consultants and vendors who handle forensic capture, large-scale information filtration and processing, review hosting, litigation support and staffing. For example, with global legal staffing company Lumen Legal, Dykema established Dykema-Lumen Discovery Management Solutions. Through this collaboration with Lumen, Dykema offers a flexible, unbundled approach to discovery management: directing processes to those professionals best-suited to execute them, at the lowest cost. This drives significant efficiencies and savings by using thoroughly trained and closely supervised Lumen contract attorneys for most document review and

coding work, with Dykema attorneys providing strategic direction, sound processes, and quality control.

Dykema's approach—building the most efficient *system* from the optimal combination of components and processes—has proven to be more efficient and cost effective than the more conventional approach to discovery management. Dykema's methods, starting with critical definition of project goals, brings better organized datasets, faster results, and documented cost savings of up to 60-70 percent over the traditional model.

## Publications

"Price Fixing: 'It Was the Machines, Sarah!'"

March–April 2019

*The Journal of Robotics, Artificial Intelligence & Law*, Vol. 2, No. 2, Full Court Press

"Prevent Litigation From Becoming A Threat To Data Security"

July 29, 2016

*Law360*

" Nine Tips For Controlling Discovery Expenses And Risks"

August 25, 2014

## Speaking Engagements

Social Media, Email, Texts and Video Evidence: What to Look For, Where to Find It and How to Get It Admitted

August 28, 2018

*Introduction to E-Discovery*, Guest Lecturer, Michigan State University School of Law

October 12, 2015

*Impending Changes to the Federal Rules of Civil Procedure and Their Impact on E-Discovery*, FBA, E.D. Michigan, Seminar on Discovery of Electronically Stored Information, Detroit, Michigan

February 10, 2015

*Business Perspectives on eDiscovery, Subpoenas and Resolving Litigation*

January 15, 2009