Tucker Ellis LLP

eDiscovery

Overview

Increasingly more prevalent in modern litigation, eDiscovery can significantly increase litigation costs and provide opposing counsel a potential avenue to create case controversy where none exists. A leader in eDiscovery, Tucker Ellis minimizes potential eDiscovery issues so that our clients can focus on litigating the case. Our eDiscovery Group successfully navigates the eDiscovery landscape for our clients, making the often complicated process of eDiscovery not only manageable, but seamless.

We successfully handle the eDiscovery process in matters of every size – ranging from small cases for privately held businesses to large litigations to complex class action lawsuits and multidistrict litigation involving Fortune 500® companies, including pharmaceutical companies and product manufacturers. We provide the full scope of services for all phases of eDiscovery, with a focus on developing efficient, cost-effective, and defensible eDiscovery plans, including ESI preservation and litigation hold management; identifying and conducting custodial interviews; managing the collection of ESI; drafting, testing, and negotiation of ESI search terms; negotiation of ESI protocols; preparing and managing large-scale document reviews; and coordinating the production of documents.

Our team includes senior attorneys, technology professionals, and experienced staff trained in managing all aspects of our eDiscovery process, which is designed to minimize potential eDiscovery disputes, as well as reduce the scope and costs. We combine our knowledge and resources to counsel clients in the development of economical eDiscovery plans that not only provide a defensible eDiscovery process, but prevent opponents from forcing unreasonable obligations and expense. We also offer eDiscovery training and guidance for our clients.

Actively involved in the eDiscovery community, our team members stay abreast of the latest trends and case law affecting eDiscovery through important participation in The Sedona Conference – Working Group 1, which develops principles, guidance, and best practice recommendations for information governance and electronic discovery in the context of litigation, dispute resolution, and investigations. We frequently write and provide published expert analysis and commentary and speak both locally and nationally on eDiscovery issues. Our team also shares an annual close analysis of the latest in eDiscovery with our “Year in Review,” posted publicly on our website.

AREAS OF EMPHASIS

- Legal hold and ESI preservation management – notification, identification, and interviews of custodians and identification of ESI for preservation

- Data mapping and coordination of ESI collection for litigation
- Development and negotiation of ESI Protocols and ESI search terms for the efficient, cost-effective and defensible administration of eDiscovery
- Document review – implementation, training, and management
- Document production management
- Assist litigation counsel related to discovery disputes, eDiscovery meet & confer process, and issues related to discovery-on-discovery issues
- Data management and eDiscovery policy development

2019 YEAR IN REVIEW

2019 was a consequential year for eDiscovery developments. Courts throughout the country, both at the state and federal level, analyzed and decided important legal issues that will continue to impact discovery and production for years to come. These cases involve a wide array of topics, from preserving text messages, to carefully crafting objections, to the always-important issue of discovery on discovery. The Tucker Ellis eDiscovery Group has compiled a list of significant and representative eDiscovery cases from 2019 to provide insight and guidance as we study these new developments. Click here to access the 2019 Year in Review.

Speaking Engagements

- "ESI Case Law in 2023: Key Trends and Developments," Tony Petruzzi, The Sedona Conference Working Group 1 Midyear Meeting 2023, Portland, Oregon (April 2023)
- "Ohio Civ.R.37(E) and Failure to Preserve Electronically Stored Information (ESI)," Tony Petruzzi, Advanced Appellate Advocacy Seminar, Case Western Reserve University School of Law (October 2022)
- "eDiscovery Overview and Hot Topics," Tony Petruzzi, Commercial Dockets Program, The Supreme Court of Ohio Judicial College, Cleveland, Ohio (October 2022)
- "Overcoming the Challenges of Modern Discovery," Tony Petruzzi, Association of Certified E-Discovery Specialists (ACEDS) Ohio Chapter, Cleveland, Ohio (October 2022)
- "eDiscovery Case Law Update: The Beat Goes On," Tony Petruzzi, The 15th Annual Sedona Conference Institute: Pre-Trial Practice in a Post-Pandemic World" (May 2022)
- "Commentary on the Need for Guidance and Uniformity in Filing ESI and Records Under Seal," Tony Petruzzi, Webinar, The Sedona Conference (January 2022)
- "Our Quest for Best Practices and Uniformity in Filing ESI Under Seal," Tony Petruzzi, The Sedona Conference Working Group 1 Mid-Year Meeting 2021 (April 2021)

- "Our Quest for Best Practices and Uniformity in Filing ESI Under Seal," Tony Petruzzi, The Sedona Conference Working Group 1 Annual Meeting 2020 (October 2020)

Publications

- eDiscovery: 2019 Year in Review, contributors Tony Petruzzi and Jeff Sindelar
- "Record Keeping and Forum Selection Can Limit ESI Requests" by Tod Northman and Dan Schiau, *Law360* (March 2019)
- E-Discovery: 2018 Year in Review, contributors Tony Petruzzi and Stephanie Rzepka
- "E-Discovery 'Self-Collectors' Beware: New Federal Rule Could Pose Problems," Tucker Ellis Client Alert (February 2017)
- "The Current Legal Landscape for 'Discovery on Discovery,'" Materials prepared for ABA Environmental & Energy, Mass Torts, and Products Liability Litigation Committees' Joint CLE Seminar (January 2017)
- "E-Discovery Best Practices," by Michael Anderton, *Inside the Minds*, published by Aspatore Books (2008)

Media & News

- "Legal Tech's Predictions for E-Discovery in 2020," quotes by Tony Petruzzi and Jeff Sindelar published in Legaltech News (December 2019)
- "Tucker Ellis Submits Comments in Support of Proposed Amendments to Ohio Rule of Civil Procedure 26(B)(1)" (November 2019)
- "Legal Tech's Predictions for 2019 in E-Discovery," quotes by Tony Petruzzi and Stephanie Rzepka published in Legaltech News (December 2018)
- "Rob Hanna Quoted in Mimecast Blog on the Importance of Email Search Speed in Client and Court Requests," (October 2017)

Experience

- Managed eDiscovery process and collaborated with trial counsel to identify key documents in preparing the defense of a high-profile case involving over a million documents
- Manage eDiscovery process for contract manufacturers of personal care products in major litigations, including class actions and multidistrict litigation
- Conducted eDiscovery project management for a telecommunications company in a multimillion-dollar commercial dispute involving millions of electronic documents in multiple languages and across multiple platforms
- Conducted eDiscovery project management for major pharmaceutical companies in complex and multidistrict litigations involving millions of documents