



Practices & Industries

Discovery

Overview

From implementing a document review protocol for a single subpoena response to the establishment of a company-wide litigation hold plan, Day Pitney has your DP Discovery solution. The Day Pitney eDiscovery Team creates and implements practical solutions for clients from Fortune 500 companies to individual cases. We can also create practical company-wide data preservation or litigation hold plans, consult on data retention issues and strive to keep discovery proportional and under control.

The DP Discovery team harnesses the best technology with efficient and repeatable workflows and process. The team consists of Litigation Technology Specialists, Litigation Paralegals, Contract Attorneys and Day Pitney Attorneys. Each litigation matter is staffed and budgeted so that technology specialists and paralegals are leveraged to their highest value.

Philosophy

The DP Discovery philosophy is based on experienced use of the best technology at predictable discovery costs. Day Pitney partners with leading discovery vendors to make the most advanced tools available for your matter. Every discovery engagement utilizes capped contracts with limited bundled line items to minimize uncertainty and avoid cost overruns. Collectively, the DP Discovery team has decades of experience creating intelligent discovery plans that work within - rather than take over - the case budget. **Alternative Fee Structures** We welcome and encourage alternative fee arrangements such as fixed or flat fees. We have created complete litigation hold compliance plans and protocols for fixed amounts based on the scope of potential discovery. We will conduct your entire discovery project inclusive of all costs - attorney time, technology, logistic, material and administrative - for fixed fees based on the number of documents reviewed. This allows for virtually complete control over discovery costs, all based on a metric that clients can readily appreciate. We will also create fixed fee plans that include only technology and contract attorneys or any combination of needed services. There is not a fixed fee approach that we do not embrace. **Predictive Coding** DP Discovery implements artificial intelligence, machine learning, technology assisted review and Predictive Coding on every matter where these techniques will reduce cost or lead to a better result. Our Team has used nearly every available technology and knows where each works best. The judge in that matter found that the DP Discovery Team's use of this technology "enabled the reviewers on the document analysis teams to work more efficiently with the documents and identify potentially relevant information with greater accuracy than standard linear review. More importantly, the judge confirmed that this approach avoided "the need for prolonged and extensive discovery. **Industry and Matter Specific** The DP Discovery Team knows that not every discovery matter is alike and, although repeatable processes can lead to positive results, we will not apply a cookie-cutter approach to your matter that ignores its unique characteristics. Below are a few examples:

- **Higher Learning Institutions:** The DP Discovery Team created a preservation program that recognized the benefits and risks of educational cloud-based computer systems and leveraged third party storage. We also addressed the heightened sensitivity of tenured faculty data and student data that may not be properly within the scope of discovery.
- **Healthcare:** Perhaps no other industry creates such vast amounts of discoverable data and is so heavily regulated. Healthcare matters require extreme focus on discovery scope and data security and attention to privacy. The DP Discovery Team applies proven review methods aided by machine learning technology to minimize the risk of unintended disclosure and to keep these matters under control.

- Financial Institutions: Financial institutions also create massive amounts of sensitive data. For these clients, the Day Pitney Discovery Team utilizes direct interviews and advanced communication analysis to identify the key players and data sources early. For internal investigations, this can lead to quick results. For government investigations or civil claims this approach keeps the discovery process proportional.
- Employment Litigation and Social Media: For employment matters, the DP Discovery Team uses purpose-designed social media tools to preserve and analyze publically available social media information. This can help the client get out in front of the discovery process, and preserve its own information at the same time.
- Government Investigations: The DP Discovery Team has convinced government regulators to accept subpoena responses based on expert implementation of predictive coding, significantly decreasing response costs.
- Class Actions: In class actions, relevant data is often buried inside gargantuan proprietary databases that track the operations of an entire company. The DP Discovery Team works directly with client database administrators to extract this data in usable formats that can be reviewed for production.