Managing Law Firms “Cost of Risk”
Associated with E-Discovery Issues

September 29, 2010
Independence Chapter
Association of Legal Administrators

Anthony K. Greene – Director
Certified Risk Manager
Certified Insurance Counselor
Herbert L. Jamison & Co., LLC
Law Firms “Cost of Risk”
Associated with E-Discovery

- MANAGEMENT COMMITTEE, GENERAL COUNSEL, PRACTICE GROUP LEADERS, LAWYERS, ADMINISTRATORS, IT MANAGERS, OTHER MANAGERS & STAFF TIME AND DOLLARS SPENT ON DEVELOPING & OR UPDATING POLICIES AND PROCEDURES RELATED TO MANAGING ELECTRONIC DOCUMENTS
- COST OF SERVICES PROVIDED BY E-DISCOVERY ATTORNEYS, OUT-SIDE COUNSEL (GC), RECORDS MANAGEMENT VENDORS, LITIGATION SUPPORT VENDORS, COMPUTER FORENCIC VENDORS, E-DISCOVERY VENDORS, RISK MANAGEMENT CONSULTANTS, BROKERS & OTHER VENDORS IN DEVELOPING & OR UPDATING THE AFOREMENTIONED POLICIES AND PROCEDURES
- COST OF LEGAL SERVICES PROVIDED BY LAW FIRMS IN HANDLING LITIGATION STEMMING FROM E-DISCOVERY RELATED PROFESSIONAL LIABILITY CLAIMS
- LOSS OF ASSETS AND COST OF PAYMENTS MADE TO THIRD PARTIES FOR JUDGMENTS, SETTLEMENTS & PENALTIES IN CONNECTION WITH E-DISCOVERY RELATED PROFESSIONAL LIABILITY CLAIMS
- COST OF PROFESSIONAL LIABILITY INSURANCE
ELECTRONIC DISCOVERY RELATED LAWYERS PROFESSIONAL LIABILITY RISKS

- When representing clients in litigation, lawyers errors in communications with client, counsel and/or court that lead to: sanctions for spoliation such as an adverse inference, monetary penalties or even judgment on the merits for your adversary.

- “Before” a malpractice claim is made against the firm, a lack of appropriate policies and procedures in connection with: Email Usage, Internet Usage and/or electronic discovery preservation and processing protocol (Shoemakers children with holes in their shoes).
LAWYERS PROFESSIONAL LIABILITY TRENDS IMPACTING ON LAW FIRMS “COST OF RISK”

Consider

- AMENDMENTS TO FEDERAL RULES OF CIVIL PROCEDURE IN CONNECTION WITH DISCOVERY OF ELECTRONICALLY STORED INFORMATION
- 60% GROWTH IN CLAIMS VALUED AT MORE THAN $2,000,000
- GROWTH IN % OF CLAIMS IN CONNECTION WITH LITIGATION RELATED ACTIVITIES
- GROWTH IN % OF CLAIMS IN CONNECTION WITH PERSONAL INJURY DEFENSE PRACTICE
- SHARING INFORMATION WITH UNDERWRITERS ABOUT FIRMS POLICIES AND PROCEDURES THAT MITIGATE ABOVE EXPOSURE – THAT ARE NOT REQUESTED IN APPLICATIONS – WILL IMPROVE COST AND BREATH OF COVERAGE AVAILABLE TO LAW FIRMS WHEN LAWYERS PROFESSIONAL LIABILITY RENEWS
### Electronic Discovery Model - 7 Step Process

**Checklist:**
- Create Your E-Discovery Plan
- Preserve Plan for Preservation order
- Identify Collection - Maintain chain-of-custody
- Collect -Potentially responsive data
- Analyze then Process
- Review –Use Internal or External Solutions
- Production – Caution in assuring proper segmentation

### Step 1 - Create Your E-Discovery Plan
- **Scope & Define Data Management Needs & Gather Client Requirements**
- Develop Focused Strategic Electronic Discovery Plan
- Collect Data from all relevant systems, applications and stored data
- Analyze Data - “Pre-Process” to identify file types, proper handling and related issues

### Step 2 - Preserve Plan for Preservation order
- Be preemptive. Assure hold on back-up tape rotation
- Implement On-going Preservation
- Preserve Relevant Legacy Data

### Step 3 - Identify Collection
- Maintain chain-of-custody. Determine forensic issues or needs
- Collect - Potentially responsive data
- Inventory collection

### Step 4 - Collect
- Potentially responsive data
- Inventory collection

### Step 5 - Analyze then Process
- De-Duplicate, refine and cull - via keywords, issues and date parameters

### Step 6 - Review
- Use Internal or External Solutions
- Secure Web Repository

### Step 7 - Production
- Caution in assuring proper segmentation of data (privileged from non-privileged)

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**Legend:**
- **Create Discovery Plan:** Identify Data Sources - Maintain Chain-of-Custody, Assess Forensic Need
- **Preservation:** Preserve Relevant Legacy Data
- **Processing:** Apply or adjust De-Duplication algorithms and search criteria
- **Review:** De-Duplicate, search, annotate load data to Review Platform-In-house or Hosted
- **Analysis:** Prepare Review Strategy. Perform Online Review
- **Production:** Produce responsive data in requested format. Generate Report for Audit trail
- **Defense of Process:** Prepare for potential Defense-of-Process Train potential witnesses
Electronic Discovery Implications for Insurers: Entity Risk & Operational Risk

- **Entity Risk** = Insurer party to litigation or regulatory investigation - potential for non-compliance with e-discovery obligations

- **Operational Risk** = Insured's' e-discovery duties, exposure and responsibilities of insurers via contract coverage obligations

- UBS and its counsel take "all necessary steps to guarantee that relevant data was both preserved and produced." Id. at 7
- monitor compliance;
- familiar with retention policies and architecture;
- advise about "litigation hold";
- communicate directly with "key players";
- instruct employees to produce e-data; and
- ensure that back-up tapes are preserved
Coleman(Parent) Holdings Inc., v. Morgan Stanley & Co., Inc Case No.502003 (March 1, 2005 15th Jud. Cir. Fla.)

- Accounting fraud
- Problems with Morgan Stanley’s production
- Certification -- 1,600 backup tapes surfaced
- Court found “offensive” and grossly negligent
- Adverse inference instruction
- RESULT - $1.45 billion award

Morgan Stanley stated publicly that it may sue its former counsel for the $1.5 billion verdict it suffered because the court determined that its law firm did not respond appropriately to discovery requests for electronically stored documents.
U.S. Magistrate Judge Barbara L. Major sanctioned Qualcomm for “suppressing” approximately 46,000 electronic files. The court also sanctioned six counsel retained by Qualcomm. Major found misconduct by several attorneys:

- Retained attorneys turned blind eye to evidence, or choosing not to look in proper locations and accepted “the unsubstantiated assurances of an important client that its search was sufficient”

- Retained attorneys failed to conduct reasonable inquiry into Qualcomm’s discovery production before making specific factual and legal arguments to the court.

- Experienced Retained attorneys should search thoroughly and novice attorneys should seek help from supervisors.
The court identified the following e-discovery failures as sufficient to show gross negligence:

- Failure to issues a written litigation hold at time when duty to preserve documents first attached
- Failure to identify the key players and to ensure that their electronic and paper records are preserved
- Failure to cease the deletion of email or to preserve the records of former employees and reserve backup tapes when they are the sole source of relevant information or relate to key players
- Failure to sufficiently supervise or monitor their employees document collection
Network Computing Services Corp. v Haynsworth Sinker Boyd et al., Civil Action No. 08-CP-40-4233

A Richmond County circuit court has ordered one of South Carolina’s largest law firms to pay a $12,000 fine for misconduct in electronic discovery in an action over alleged legal malpractice and breach of fiduciary duty:

The Courts Jan. 11 order followed a September hearing on NCSC’s motion to further compel and its motions for contempt and discovery sanctions.

In the order Judge Russo said he imposed the sanction because the firm had violated a May 2009 order to produce electronically stored information.

Managing director of the law firm said the deviation from the e-discovery order was highly technical and was necessary to meet the substance of plaintiff’s discovery request.

Judge Russo said the defendants practice of deleting emails was “astonishing.”
Relative Environment for Risk Management

Sources of Risk
- Internal to the Organization
- Suppliers
- Clients
- Compliance
- Competitors
- Management
- Training & Supervision
- Client & Matter Intake
- Conflict Avoidance & Docket Control
- Technology
Technology – Data Management

“A computer lets you make more mistakes faster than any invention in human history – with the possible exceptions of handguns and tequila”

Mitch Radcliffe
Internet and Media Consultant
Key Electronic Discovery Risks

- (Mis)Use and improper retention of electronic mail
- Improper definition and retention of backup tapes
- Uncontrolled volume and distribution of data
- The lack of a defined litigation response plan that addresses, preservation and defense-of-process
- Outdated records management programs that do not properly incorporate electronic data
POTENTIAL SOURCES OF EVIDENCE

- EMAILS & METADATA
- VOICEMAIL
- IM – INSTANT MESSAGING
- FILE SERVER \ DEPARTMENT SHARE DRIVES
- DOCUMENT MANAGEMENT SYSTEMS
- HUMAN RESOURCES INFORMATION AND RATING SYSTEMS
- POLICIES AND PROCEDURES
- INTERNET CACHE AND HISTORY (AKA REPLICANT DATA)
- COOKIES & EMBEDDED DATA
- BACKUP DATA (ARCHIVED VS. DISASTER RECOVERY RULES-BASED)
- REMOVABLE DATA – PORTABLE STORAGE DEVICES
- HANDHELD DEVICES
- FORENSICALLY RECOVERABLE DATA
Key Electronic Discovery Risks

- (Mis)Use and improper retention of electronic mail
- Improper definition and retention of backup tapes
- Uncontrolled volume and distribution of data
- The lack of a defined litigation response plan that addresses, preservation and defense-of-process
- Outdated records management programs that do not properly incorporate electronic data
IN
OUT
DESTROYED WITHOUT MY KNOWLEDGE

SIPRESS
<table>
<thead>
<tr>
<th>Year</th>
<th>1985</th>
<th>1995</th>
<th>1999</th>
<th>2003</th>
<th>2007</th>
<th>Error Type</th>
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<td>Administrative Errors</td>
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<td>19%</td>
<td>15%</td>
<td>11%</td>
<td>Client Relations</td>
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<td>11%</td>
<td>9%</td>
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<td>10%</td>
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<td>Most Common Errors</td>
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<tr>
<td>1985</td>
<td>10% Failure to Know / Properly Apply Law</td>
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<td>1995</td>
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<td>1999</td>
<td>9% Planning Error / Procedure Choice</td>
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<td></td>
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<tr>
<td>2003</td>
<td>9% Inadequate Discovery \ Investigation</td>
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<td></td>
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<tr>
<td>2007</td>
<td>12% Failure to Calendar Properly</td>
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<tr>
<td>2007</td>
<td>7% Failure to Know / Ascertain Deadline</td>
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<td>4% Fraud</td>
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<tr>
<td>2007</td>
<td>9% Failure to Obtain Consent Inform Client</td>
<td></td>
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<tr>
<td>2007</td>
<td>3% Conflict of Interest</td>
<td></td>
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<tr>
<td>2007</td>
<td>5% Procrastination in Performance \ Follow-up</td>
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<tr>
<td>Year</td>
<td>Claims</td>
<td>Practice Area</td>
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<tr>
<td>1985</td>
<td>29,227</td>
<td>Personal Injury-Plaintiff</td>
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<tr>
<td>1995</td>
<td>19,158</td>
<td>Real Estate</td>
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<td>1999</td>
<td>36,844</td>
<td>Personal Injury - Defense</td>
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<td>2003</td>
<td>29,637</td>
<td>Collection and Bankruptcy</td>
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<td>2007</td>
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<td>Estate,Trust &amp; Probate</td>
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<td></td>
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<td>Criminal</td>
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<td>Corporate/Business</td>
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<td>Organization</td>
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### AMERICAN BAR ASSOCIATION
#### LAWYERS PROFESSIONAL LIABILITY STUDY
#### BREAKDOWN OF CLAIMS BY AREA OF LAW

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<tr>
<td>1985</td>
<td>3%</td>
<td>.04%</td>
<td>2%</td>
<td>.50%</td>
<td>1%</td>
<td>2%</td>
<td>1%</td>
<td>.11%</td>
</tr>
<tr>
<td>1995</td>
<td>11%</td>
<td>1%</td>
<td>2%</td>
<td>1%</td>
<td>1%</td>
<td>2%</td>
<td>1%</td>
<td>.23%</td>
</tr>
<tr>
<td>1999</td>
<td>4%</td>
<td>.02%</td>
<td>1%</td>
<td>1%</td>
<td>2%</td>
<td>1%</td>
<td>2%</td>
<td>.26%</td>
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<tr>
<td>2003</td>
<td>3%</td>
<td>.04%</td>
<td>2%</td>
<td>2%</td>
<td>1%</td>
<td>1%</td>
<td>2%</td>
<td>.13%</td>
</tr>
<tr>
<td>2007</td>
<td>5%</td>
<td>2%</td>
<td>1%</td>
<td>2%</td>
<td>1%</td>
<td>1%</td>
<td>1%</td>
<td>.13%</td>
</tr>
</tbody>
</table>

All other areas of practice represented less than 1% of Claims
ALAS STUDIES OF CLAIMS AGAINST FIRMS WITH 35 OR MORE ATTORNEYS
FREQUENCY ANALYSIS

<table>
<thead>
<tr>
<th>Area of Practice</th>
<th>2001</th>
<th>2008</th>
<th>% Increase</th>
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</thead>
<tbody>
<tr>
<td>Patent\Trademark\</td>
<td>147</td>
<td>282</td>
<td>91%</td>
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<tr>
<td>Copyright</td>
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<td></td>
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<tr>
<td>Estate &amp; Trust</td>
<td>505</td>
<td>731</td>
<td>45%</td>
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<tr>
<td>Litigation</td>
<td>2,979</td>
<td>4,169</td>
<td>55%</td>
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<tr>
<td>Bankruptcy</td>
<td>219</td>
<td>306</td>
<td>40%</td>
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<tr>
<td>Corporate</td>
<td>2,503</td>
<td>3,222</td>
<td>29%</td>
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<tr>
<td>Securities</td>
<td>360</td>
<td>450</td>
<td>25%</td>
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### ALAS STUDIES OF CLAIMS AGAINST FIRMS WITH 35 OR MORE ATTORNEYS

#### AVERAGE PER CLAIM SEVERITY BY PRACTICE AREA

<table>
<thead>
<tr>
<th>Area of Practice</th>
<th>2001</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
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<tr>
<td>Banking</td>
<td>$1,336,737</td>
<td>$1,390,090</td>
<td>$1,470,100</td>
<td>$1,436,400</td>
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<tr>
<td>(including S &amp; L)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative</td>
<td>$1,015,677</td>
<td>$500,847</td>
<td>$1,035,200</td>
<td>$1,343,400</td>
</tr>
<tr>
<td>Securities</td>
<td>$872,757</td>
<td>$833,729</td>
<td>$891,500</td>
<td>$801,900</td>
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<tr>
<td>Corporate</td>
<td>$462,225</td>
<td>$677,592</td>
<td>$625,300</td>
<td>$585,400</td>
</tr>
<tr>
<td>Patent Trademark</td>
<td>$1,308,539</td>
<td>$580,679</td>
<td>$560,200</td>
<td>$624,000</td>
</tr>
<tr>
<td>&amp; Copyright</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Litigation</td>
<td>$110,626</td>
<td>$123,356</td>
<td>$122,500</td>
<td>$104,900</td>
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</table>
Intellectual Property Issues: Retention and Preservation

Scientist’s Notebooks
- They never throw them away…they take them home
- Changing format from paper to electronic
- When is litigation reasonably anticipated?
- Change focus from retention to preservation

Electronic Mail
- What do I need to keep?
- Is this a “record”? RMP controls
- If not “record”, then can destroy it in ___ days
- Suspend destruction if litigation pending or threatened
## AMERICAN BAR ASSOCIATION
### LAWYERS PROFESSIONAL LIABILITY STUDY

### TYPE OF ACTIVITY GIVING RISE TO CLAIMS

<table>
<thead>
<tr>
<th>Year</th>
<th>Claims</th>
<th>Type of Activity</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>22%</td>
<td>16%</td>
</tr>
<tr>
<td>Prep, Filing &amp; Transmittal Documents</td>
<td>8%</td>
<td>13%</td>
</tr>
<tr>
<td>Pre-Trial, Pre-Hearing</td>
<td>26%</td>
<td>29%</td>
</tr>
<tr>
<td>Commencement Action/Proceeding</td>
<td>11%</td>
<td>12%</td>
</tr>
<tr>
<td>Advice</td>
<td>8%</td>
<td>11%</td>
</tr>
<tr>
<td>Settlement/Negotiation</td>
<td>7%</td>
<td>7%</td>
</tr>
<tr>
<td>Trial or Hearing</td>
<td>5%</td>
<td>1%</td>
</tr>
<tr>
<td>Title Opinion</td>
<td>5%</td>
<td>1%</td>
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## LITIGATION RELATED ACTIVITY GIVING RISE TO CLAIMS

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</thead>
<tbody>
<tr>
<td>Pre-Trial , Pre-Hearing</td>
<td>8%</td>
<td>13%</td>
<td>8%</td>
<td>19%</td>
<td>17%</td>
</tr>
<tr>
<td>Commencement Action\Proceeding</td>
<td>26%</td>
<td>29%</td>
<td>16%</td>
<td>16%**</td>
<td>17%</td>
</tr>
<tr>
<td>Settlement/Negotiation</td>
<td>8%</td>
<td>11%</td>
<td>6%</td>
<td>8%</td>
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<tr>
<td>Trial or Hearing</td>
<td>7%</td>
<td>7%</td>
<td>5%</td>
<td>5%</td>
<td>6%</td>
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<tr>
<td>Appeal Activities</td>
<td>3%</td>
<td>3%</td>
<td>1%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Post Trial or Hearing</td>
<td>3%</td>
<td>3%</td>
<td>1%</td>
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* Increase in claims from this activity is unprecedented in 20 year history of ABA Study
Litigation Related Professional Liability Claims to Consider

Firm represented a contractor in a complicated construction dispute. **Associate left in charge of discovery, missed several deadlines, resulting in sanctions, the inability to defend the underlying action and waiver of potential recovery items.** Claimant brought a malpractice action alleging $14M in damages. Recent events, including an adverse appellate decision, lead to insurer increase of reserves from $1M indemnity/$100k expense to $4.25M indemnity/$750k in expense. The case is still pending, but liability is established.
Amendments to the FRCP Concerning Electronic Discovery Address Five Issues

- Rules 16 & 26(f) encourage early attention & discussion during discovery planning conference of electronic discovery issues
- Rule 26(b)(5) addresses issue of asserting privilege over documents inadvertently disclosed during discovery
- Rule 26(b)(2) places limits on discovery of electronically stored information that is “not reasonably accessible because of undue burden and cost” – “Two Tier” approach
- Rules 33 and 34 address the mechanics of requesting and producing electronic data
- Rule 37 creates “safe harbor” from sanctions under the Rules for the destruction of electronic evidence occurring in the routine, good-faith operation of an electronic information system and “absent exceptional circumstances”
An associate, who was left in charge of discovery, missed several deadlines, resulting in sanctions against the claimant, the inability to defend the underlying action and waiver of potential recovery items. Claimant brought a malpractice action alleging $14M in damages. Recent events, including an adverse appellate decision, lead to lawyers professional liability insurer increase of reserves from $1M indemnity/$100k expense to $4.25M indemnity/$750k in expense. The case is still pending, but liability is established and the dispute rests entirely on damages, which will be substantial.
Law firm hired to defend a client in a wrongful death action. **Claims included allegations that the firm mishandled discovery** resulting in exclusion of crucial defense evidence, that through the firm's negligence the answer was stricken resulting in serious compromise to their settlement position. They also alleged that the firm missed several good settlement opportunities through various forms of negligence. **Payout: $8.5 million indemnity/$1.3 million in expenses and fees.**
Relative Environment for Risk Management

Suppliers

Internal to the Organization

Compliance

Clients

Competitors

Sources of RISK
- Management, Training & Supervision
- Client Intake
- Conflict Avoidance & Docket Control
- Records Management
- Efficient Use of Technology
If firm waits until litigation begins to identify privileged documents the following steps will mitigate risks of involuntary disclosure:

- Lawyers should meet with all legal and non-legal staff who will be reviewing documents to tell them how to recognize privileged documents.

- Once all privileged documents are set aside, an experienced lawyer should review the documents and make the final determination about which documents, or portions of documents, should be designated as privileged and not subject to production.

- After all privileged documents are identified, other non-privileged recipients of the documents should be identified and copies of such documents retrieved or marked as privileged.

- Privileged documents should be clearly marked as such, entered on a privilege log, and set aside, removed from documents that will be produced. Hours of labor can be undone in a matter of minutes if privileged documents are stored side-by-side with discovery material.
Sources of Risk

Internal to the Organization

Suppliers

Clients

Compliance

Competitors

• New employees
• Lateral Hires
• Mergers
• Acquisitions
Louis Harris & Associates Study of 224 Large Firm

- 35% of these claims involved acts of a lateral hire or lawyer from an acquisition.
- 47% of the above claims arose out of activities in the previous firm.
- 27% of the above claims arose from client brought to the new firm from the prior firm.
- 7% of the above claims arose from a new practice area the lateral developed at firm.
Sources of Risk to the Organization

- Clients
- Compliance
- Competitors
- Suppliers
  - Temporary Agencies & Part-time Document Reviewers
  - Litigation Support Vendors
  - Document Management Vendors
  - E-Discovery Vendors
  - Local Counsel or Lead Counsel
  - Computer Forensic Vendors or Other Software/Hardware Vendors
Potential Expert Testimony in Malpractice Cases Alleging Law Firm Failure to Outsource E-Discovery

“The vast majority of lawyers are not experts in computers or electronic storage media. Even if they were, they do not have the familiarity with the client’s systems necessary to fully understand at an early stage of the case, if ever, the myriad of ways in which electronic records are stored across the company. Indeed, given the various formats and platforms in which electronic records are stored, merely locating potentially relevant material can itself sometimes be a real challenge”

G. Weiner, E-Discovery: It’s Getting Scary out There, Business Law Today
March/April 2005 (ABA 2005)
Potential Expert Testimony in Malpractice Cases Alleging Law Firm Failure to Outsource E-Discovery

“Prudent counsel also need to ensure that the obligations relating to preservation of evidence are fully understood by the actual users of client’s IT system, especially the key players in the events that resulted in the litigation. If outside counsel communicate only with in-house corporate or government counsel and IT managers, there is real risk that the very people for whom it is most important not to delete or destroy information will not be fully aware of their preservation responsibilities.”

P. Grimm (USMJ), Ethical Issues Associated with The Duty To Preserve Electronically Stored Evidence
ALI- ABA Course of Study, 210 (ALI 2006)
Potential Plaintiff Theories in Malpractice Cases Alleging Law Firm Failure to Outsource E-Discovery

- **NEGLIGENCE**
  - Law Firm vs. Outside Consultant

- **BREACH of FIDUCIARY DUTY / GREED**
  - Law Firm vs. Outside Consultant
  - Failure to Advise
  - Ethics?

- **FRAUD**
  - Representations Regarding Capabilities
E-DISCOVERY RELATED MISTAKES TO AVOID

- Failure to advise client of need to impose proper preservation holds in pre-litigation setting

- Using the legend, “Attorney Work Product” when no litigation is anticipated and then claiming a protection from discovery of documents so marked in later litigation, thereby establishing the date on which a records hold should have been implemented.

- Failure to involve information technology personnel early enough in the discovery process

- Failing to comprehend the universe of electronically stored information

- Failing to comprehend the auto-delete or recycling processes in electronic information systems.
E-DISCOVERY RELATED MISTAKES TO AVOID

(continued)

- Failing to adequately identify “key” players, failing to identify the storage habits of key players and then failing to secure storage media of key players

- Failing to follow up with key players to ensure that preservation orders are being followed.

- Failing to produce electronic information in timely manner

- Making unilateral decisions in producing electronic information, particularly with respect to form of production and metadata

- Failing to communicate early and clearly with client, with opposing counsel and with the court regarding e-discovery issues.
• Clearly Defined Scope of Services
• Due Diligence
• Indemnification and Hold Harmless
• Proof of Insurance
Time’s up!!
ANTHONY K. GREENE – CRM, CIC

Anthony is a Director at Herbert L. Jamison & Co., L.L.C., which has offices in Illinois, New York, New Jersey, Pennsylvania and Washington DC. He is a graduate of New York Military Academy and holds a Bachelors Degree in Business Administration from St John’s University School of Risk Management and Actuarial Science. Anthony is a "Certified Risk Manager" and "Certified Insurance Counselor".

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He is a member of the Professional Liability Underwriting Society and American Bar Association National Legal Malpractice Data Center. In addition Anthony currently serves as President of the Insurance Brokers Association of New York and on the Board of Directors of the Minority Corporate Counsel Association.

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