

Discovery Practice

King & Spalding pioneered our dedicated document review facility in 1995, and it has been in continuous operation ever since. Based on our two-plus decades of working closely with some of the world's largest companies on their most sensitive investigations, disputes and transactions as well as their day-to-day discovery of electronically stored information (ESI) and hard-copy documents and due diligence needs, we remain at the forefront of innovation and execution across all facets of e-discovery.



KING & SPALDING

Our Discovery Practice is led by attorneys recognized domestically and internationally by Chambers in e-discovery and staffed by more than 180 full-time King & Spalding discovery lawyers. Our over 50 staff attorneys have the longest tenure in the industry – an average of nine years. Whether advising on BYOD or email retention policies, developing litigation readiness tools and resources, negotiating ESI protocols, conducting a multilingual document review spanning jurisdictions around the globe, reviewing vendor contracts, or performing due diligence for complex transactions, our Discovery Practice is relied on by clients as “sure hands” that provide sophisticated and fully scalable, cost-effective solutions worldwide to ensure that discovery does not become a sideshow in our clients’ matters.

Our successes include the following:

- 1 Serving as national discovery counsel for Toyota for unintended acceleration and product liability litigation in over 80 related matters, including congressional and NHTSA investigations; multidistrict litigation proceedings; state, federal and Canadian governmental investigations; an SEC investigation; securities litigation; and numerous individual product liability cases. Over the past six years, the Discovery Practice has analyzed over 10 million documents for production, coordinated trial and witness preparation materials, coordinated defense against privilege log challenges, created production sets, developed a model response library, logged entries for over 175,000 privileged documents, and coordinated the migration of millions of documents between litigation technology providers.
- 2 Acting as national e-discovery counsel to UPS for over a decade, including developing UPS’s litigation protocol and tools for handling the e-discovery process, providing e-discovery counseling and managing document reviews for all matters involving more than five custodians. The Discovery Practice has saved UPS over 50 percent on its document review fees and over \$750,000 by negotiating

“[The Discovery Practice] has done more than cut costs ... It’s given UPS predictability and budget certainty ... And the savings speak for themselves.”

—UPS General Counsel Norman Brothers.

e-discovery vendor contracts and reviewing vendor invoices. The cost savings UPS achieved as a result of its partnership with King & Spalding was featured in Corporate Counsel magazine.

- 3 Representing a large international manufacturer as e-discovery counsel in connection with multiple state, federal and Canadian governmental investigations and multidistrict litigation proceedings. Discovery Practice attorneys have advised the client on international e-discovery matters and provided guidance on collection and preservation issues, including the litigation hold process; participated in the Rule 26(f) conference and other meet and confers; assisted with the implementation of data transfer agreements; drafted and negotiated ESI protocols; drafted protocols to handle foreign data privacy law requirements; established satellite document collection, review and production centers in Europe at the client’s headquarters; and coordinated the review of approximately 2 million documents, including 1.8 million foreign-language documents, and over 100 productions in multidistrict litigation proceedings and state, federal and Canadian governmental investigations as well as an SEC investigation and individual product liability cases.

Our Services



Information Governance and E-Discovery Counseling

Develop litigation protocols

Map infrastructure inventory/data

Develop email, IM, mobile device and social media policies

Review retention policies

Provide guidance on defensible deletion of email, IM and orphaned ESI

Provide guidance on purchase or migration of legal hold, email and ECA technology

Administer RFP processes

Develop policies and practices to handle former employees and third parties on legal hold

Manage legal hold technology

Train IT staff on preservation processes

Record custodian witness training

Provide global e-discovery issue counseling

Review and negotiate e-discovery vendor contracts; review invoices

Develop processes for handling third-party discovery requests



E-Discovery Services

Identify and preserve potentially responsive ESI

Manage legal hold process

Evaluate and recommend vendors; negotiate contracts

Attend Rule 26(f) and meet-and-confer conferences

Conduct preservation and collection interviews

Conduct companywide collections or targeted sweeps

Perform collection oversight and tracking

Develop protocols for search terms, sampling and TAR; manage entire process

Provide dedicated team for search, TAR, sampling and early case assessment

Conduct first- and second-line document review

Produce documents

Prepare and defend privilege logs

Coordinate and prepare responses to discovery

Prepare/brief/argue discovery issues, including responses to motions to compel

Defend e-discovery practices by appearing in court, providing deposition testimony or submitting affidavits

Prepare witnesses for deposition on ESI issues



International Document Review and E-Discovery Services

Provide staff and office space for review in Europe and APAC regions

Establish satellite collection, processing, review and production centers

Develop and implement protocols to comply with foreign data privacy law requirements

Handle all logistics (e.g., ensuring compliance with HR and tax laws, hiring and managing vendors)

Provide experienced foreign-language document review services

Incorporate machine translation software into workflow

Develop protocols for subject access requests

Our Numbers

0

Zero sanctions have been granted against our clients. We have 0 contract attorneys.

21

We have been in continuous operation for 21 years.

180

We have over 180 full-time, dedicated e-discovery attorneys.

800k

We have drafted over 800,000 privilege log entries.

9

The average tenure for our staff attorneys is 9 years.

50

In more than 50% of our matters, we serve as e-discovery counsel and are not lead counsel.

330

We have provided services to more than 330 companies, including over 50 U.S. Fortune 500 companies.

100m

We have screened and reviewed for production over 100 million documents.

Our Clients

Toyota

GlaxoSmithKline

Purdue Pharma L.P.

UPS

Progressive

Bass Pro

Bristol Myers Squibb

Abu Dhabi
Atlanta
Charlotte
Dubai
Frankfurt
Geneva
Houston
London
Los Angeles
Moscow
New York
Paris
Riyadh
San Francisco
Silicon Valley
Singapore
Tokyo
Washington, D.C.

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