

Services & Industries

eDiscovery

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.

Led by Day Pitney's dedicated eDiscovery Counsel, Cliff Nichols, the team harnesses the best technology with efficient and repeatable workflows and process. Cliff has over 14 years of experience working on complex litigation matters and for over half of that time he has focused his practice exclusively on effective electronic discovery. The team also 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. eDiscovery Counsel, Cliff Nichols, is often invited to teach others how to use Predictive Coding and he has testified in court concerning its use and effectiveness. 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.

INSIGHTS

"AI Can See Clearly Now: Innovative Integration of Images," ILTACON 2022

August 23, 2022

Day Pitney Attorney Ashley Picker Dubin spoke at ILTACON 2022 on a panel titled, "AI Can See Clearly Now: Innovative Integration of Images," on August 23. The topic was on how AI-driven technology is evolving the way images are processed, analyzed, and tagged.

Demystifying Computer Assisted Discovery

November 8, 2017

On November 8, Cliff Nichols will discuss artificial intelligence (AI) and predictive coding at a Hartford County Bar Association event, "Demystifying Computer Assisted Discovery."

Use of Predictive Coding for Records Management and eDiscovery

May 25, 2017

Cliff Nichols, along with data scientist Brent Stanley, authored a chapter titled "Use of Predictive Coding for Records Management and eDiscovery" for the 2017 edition of West's eDiscovery for Corporate Counsel.

Authenticating Social Media Evidence in NJ Courts

March 6, 2017

Mark Salah Morgan, Maureen C. Pavely and Michael L. Fialkoff authored an article, "[Authenticating Social Media Evidence in NJ Courts](#)," which was published by the *New Jersey Law Journal*.

Mobile Device Investigations: From Android to iPhone and Back

February 1, 2017

Clifford Nichols will be a featured speaker on a panel discussion of discovery and data collection from mobile devices, titled, "Mobile Device Investigations: From Android to iPhone and Back," during LegalTech New York on February 1.

NEWS

Legal Research Tools Are Changing Law Practices—to a Point

August 27, 2019

Senior counsel Cliff Nichols was quoted in an article, "[Legal Research Tools Are Changing Law Practices—to a Point](#)," published by ALM's

Legal Research Tools Are Changing Law Practices?to a Point

August 27, 2019

Senior counsel Cliff Nichols was quoted in an article, "**Legal Research Tools Are Changing Law Practices—to a Point**," published by ALM's *LegalTech News*

John Cerreta Talks Clerking for Alito, Commercial Litigation Changes

January 12, 2017

John Cerreta was quoted in an article, "**John Cerreta Talks Clerking for Alito, Commercial Litigation Changes**" in the *Connecticut Law Tribune*.

3 Ways FRCP Amendments Could Affect Companies

December 1, 2015

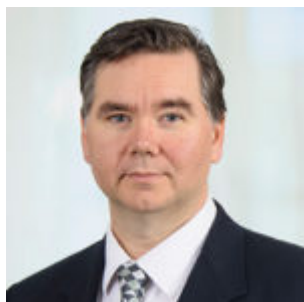
Clifford Nichols and Georgia Thompson were quoted in an article, "**3 Ways FRCP Amendments Could Affect Companies**," in *Corporate Counsel*. The article is about how the first amendments to the Federal Rules of Procedure in almost a decade are now operational. Nichols comments that the less talked about changes to Rule 34 will have significant impact because they seek to do away with boilerplate objections and require that the objecting party disclose whether responsive information is withheld.

68 Day Pitney Lawyers Named to 2016 Best Lawyers List

August 24, 2015

Stamford, Conn., August 24, 2015 - Day Pitney is pleased to announce that 68 attorneys have been selected for inclusion in the 2016 Best Lawyers in America. Best Lawyers ranks lawyers through peer-review surveys, and has been published annually since 1983.

CONTACTS



Clifford E. Nichols III
Stamford, CT
cenichols@daypitney.com
T: (203) 977 7307