

John Rosenthal Discusses Winston's eDiscovery Practice with *The National Law Journal*

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Winston's eDiscovery & Information Management Practice Chair John Rosenthal was the focus of *The National Law Journal's* "E-Discovery Unit Thrives in Washington Under Winston & Strawn" article published on February 2, 2016. The article reviews the history of the firm's practice, which launched in 2008, and looks at the future of the eDiscovery industry.

The article notes that Winston had relied on 110 different outside companies to provide eDiscovery services prior to Mr. Rosenthal's arrival. The firm's service now handles almost 90 percent of the eDiscovery and data work for its clients and is staffed by career associates and other in-house employees rather than short-term contractor attractors, which is the norm in the wider industry.

Winston has invested millions of dollars in its eDiscovery practice. Although the practice is priced below what non-law firm competitors charge and despite a major capital upgrade last year for a second data center, it turns a profit.

"(Sixty) percent of corporate litigation cost is related to discovery," Mr. Rosenthal said. "It's a market differential for us."

Winston hosts each client's electronic information behind the firm's data firewall so that the data stays centralized and streamlined from case to case. After the electronic information is collected, processed, and stored, the firm uses predictive coding, analytical engines, and attorney-reviewers to parse through documents.

There's undeniable growth potential in eDiscovery. According to research group Gartner Inc., the industry will be worth somewhere in the \$10 billion range by 2017.

Mr. Rosenthal notes that a litigation environment where discovery is not used as a deterrent to avoid trials would ignite the industry even further.

"It's really a question of continuing to keep costs under control. The reality is we try less than one percent of the cases" in federal court, he said. "I personally believe that has to do with the cost of discovery."

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