

E-Discovery and Information Governance Practice Chair John Rosenthal Provides 2021 Predictions to Legaltech News

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Electronic discovery might not have been front and center for much of this topsy-turvy year, but the changes felt by corporate legal departments and law firms alike had massive ramifications for the data collection and review process. As the e-discovery industry adjusted on the fly to rapidly shifting litigation demands, out went on-premise collection and review centers, and in came remote review and collaboration tools.

How much of that will continue into 2021? John Rosenthal, Partner in Washington, D.C. and Chair of Winston & Strawn's E-Discovery and Information Governance Practice weighed in with the following prediction:

"I predict the normalization of technology-assisted review. The use of TAR engines for prioritization and review are finally becoming commonplace in complex civil cases. We will see even broader use and adoption of this technology in 2021. With that broader use and adoption, courts will be less inclined to entertain motions or request for complex orders/protocols regarding TAR's use, reverting back to the bedrock that governs civil discovery set forth in Sedona Principle 6—responding parties are best situated to evaluate the procedures, methodologies, and technologies appropriate for preserving and producing their own ESI. See, e.g. *Livingston v. City of Chicago*."

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John Rosenthal