WINSTON & STRAWN LLP

Bobby Malhotra

Partner
Chair, eDiscovery and Information Governance Practice

Los Angeles
+1 213-615-1313

Bobby is a member of Winston's Artificial Intelligence (AI) Strategy Group and focuses on navigating complex eDiscovery, digital forensics, cross-border, and data privacy issues in high-stakes litigation and investigations using his unique combination of both hands-on technical skill and two decades of business and litigation experience. A true "techno" lawyer, he uses his technical knowledge and legal expertise to serve clients across numerous sectors and industries. Bobby serves as a trusted eDiscovery advisor to Fortune 500 clients, and in this role, he provides counseling and guidance in connection with legally defensible and standardized company-wide discovery practices.

Bobby develops innovative, cost-effective, and defensible strategies for the preservation, collection, review, and production of electronically stored information. He advises clients on issues related to eDiscovery preparedness, planning, and execution, as well as information privacy and data security. Bobby regularly serves as lead discovery counsel on large-scale matters and manages all aspects of national and international eDiscovery. His extensive experience includes counseling financial institution clients on the unique eDiscovery challenges they face in high-exposure matters, as well as leading training on eDiscovery platforms and workflows and providing advice on eDiscovery vendor management and budgeting.

Bobby is a globally recognized thought leader on the application of artificial intelligence (AI) and analytics to the practice of law. In 2024, *The Daily Journal* named him to its list of California's Top AI Lawyers and *Lawdragon* recognized him as one of the "500 Leading Global Cyber Lawyers." In 2022, *Relativity* named him an AI visionary for spearheading the adoption of AI in legal practice, and he was nominated for Relativity and Text IQ's "AI Catalyst Award" in 2021. Bobby's AI counseling practice encompasses drafting comprehensive AI policies and procedures tailored to either entire organizations or specific departments, negotiating and reviewing AI contracts, updating vendor master services agreements and engagement letters to address AI issues, vetting and deploying AI technologies, providing strategic guidance on data security and collection, and advising on algorithm training. Bobby is also a frequent speaker and author on eDiscovery, information governance, data security, and other legal technology topics. He has been published and quoted in numerous legal and eDiscovery publications and information outlets, including *ALM's Business Crimes Bulletin*, *Cybersecurity Law & Strategy Newsletter*, *ABA Journal*, *Legaltech News*, ABA's Sound Advice Podcast, *ABA's Class Action & Derivative Newsletter*, *ABA Law and Practice Today*, and Thomson Reuters Institute Podcast.

Prior to joining Winston, Bobby served as of counsel and co-leader of the information governance and eDiscovery practice at an Am Law 200 firm. He has also worked as a senior discovery consultant for multiple top-tier eDiscovery service providers. During law school, Bobby served as a judicial extern for the Honorable Blanche M. Manning of the United States District Court for the Northern District of Illinois. Prior to his legal career, Bobby acquired nearly five years of technical experience in the areas of network engineering, firewall administration, technology consulting, and computer programming. A true "techno lawyer," Bobby's technology experience dates back to his first job in college building and configuring Novell NetWare and Windows NT applications and file servers. He has multiple computer certifications, including the CompTIA A+ computer hardware certification.

Bobby is a member of the International Legal Technology Association, American Bar Association's Section of Litigation, and Sedona Conference Working Group on Electronic Document Retention and Production. He also serves on the client advisory board of Prosearch and Relativity.

Key Matters

- Advising on all aspects of eDiscovery as outside eDiscovery Counsel to a Fortune 500 company, including implementing major overhaul of eDiscovery protocols and workflows, revising BYOD and electronic data usage policies, presenting trainings to in-house legal personnel and outside vendors, developing workflows for treatment of new and evolving data sources, and implementing the use of artificial intelligence (AI) models for document review and privilege and confidential documents identification.

- Advised an oil and gas company on unique discovery challenges in climate cases, including planning for the eDiscovery process across multiple jurisdictions.

- Represented and assisted ultra-high-net-worth founders of major technology companies in preserving electronically stored information (ESI) and responding to discovery requests, while providing white-glove service minimizing intrusion, data leakage concerns, and disruption.

- Represented a construction company in all aspects of discovery associated with securities and derivative litigation and related regulatory investigations.

- Advised a financial institution client for more than a decade in responding to discovery requests in multijurisdictional RMBS litigation, including eDiscovery strategy around preservation, collection, scope of discovery, and technology-assisted review.

- Counseled global hospitality and entertainment company in quickly preserving and assessing ephemeral and key data sources in anticipated and filed mass torts litigation.

- Assisted multiple Fortune 500 clients in navigating emerging eDiscovery issues, including mobile device management, digital forensics, ephemeral data, collaboration platforms, and data stored in the cloud.

Recognitions

- Named by *The Daily Journal* to its list of California's Top AI Lawyers (2024)

- Named one of *Lawdragon's* "500 Leading Global Cyber Lawyers" (2024) and "100 Leading AI & Legal Tech Advisors" (2025)

- Recognized by *The Legal 500* as a "Key Lawyer" for eDiscovery (2023–2024)

- Named an "AI Visionary" (2022)

- Nominated for the "AI Catalyst Award" (2021)

Activities

In addition to his law practice, Bobby is very active in community projects and bar organizations that promote public interest initiatives. Bobby is a founding member of Legal Data Intelligence, a new framework launched to provide guidelines for legal departments to identify and use data to complete legal tasks in a more efficient way. He is the immediate past co-president of the South Asian Bar Association of Southern California (SABA-SC) Public Interest Foundation. In this role, he helped to oversee and lead the foundation, which serves as the nonprofit affiliate of SABA-SC, with the goal of organizing, supporting, and promoting public interest activities for the benefit of the South Asian and Southern California community at large. He is also actively involved with the Los Angeles Food From The Bar campaign—a four-week campaign held in the spring where law firms and legal offices engage in friendly competition to raise funds, donate food, and volunteer at local food banks.

Credentials

EDUCATION

Bobby received his J.D. from DePaul University College of Law in 2006, and a B.S., *cum laude*, in telecommunications from DeVry Institute of Technology in 2001.

ADMISSIONS

- California

- Illinois

Related Insights & News

MEDIA MENTIONS

- "Election 2024: Where Harris, Trump stand on AI regulation," CIO Dive, Media Mention, Oct. 17, 2024

- "Legal Industry Experts Launch 'Legal Data Intelligence' With Help From Relativity," Law.com, Media Mention, May 9, 2024

- "Law Firm, Corporate Leaders Introduce Legal Data Framework," Law360, Media Mention, May 9, 2024

PUBLICATIONS

- "Navigating California's SB 1047: Implications for AI Regulation and Industry Impact," The Recorder, Co-author, Sept. 20, 2024

- "Check Your Unread Messages—Court Papers Could Now Slide Into Your DMs," LegalTech News, Quoted, Sept. 13, 2023

- "All AI Isn't Generative AI: Lawyers See Court AI Disclosure Rules as Too Broad," LegalTech News, Quoted, June 30, 2023

- "Signal, Slack, GIFs & GPT—Do You Know Where Your E-Discovery Data Is?" LegalTech News, Quoted, March 21, 2023

- "Accountable AI is Here to Stay, and Big Law Has Taken Notice," The American Lawyer, Quoted, March 15, 2023

- "Growing Data Makes AI Use Necessary For Attys, Experts Say," Law360, Quoted, March 10, 2023

- "What Companies Can Learn From Google's Chats Blunder," Law360, Quoted, Feb. 24, 2023

- "A Bankruptcy Court Served a Subpoena Via Twitter. Will This Catch On?" Legaltech News, Quoted, Feb. 6, 2023

- "New Winston & Strawn E-Discovery Partner: Approaches to Communication Apps 'Fraught With Risk'," LegalTech News, Quoted, Nov. 29, 2022

- "AI Reflections: 5 Artificial Intelligence-Related Themes of Legalweek 2022," Legaltech News, Co-author, March 2022

- "E-Discovery Meet and Confer Preparation: Practical Considerations for Class Actions," Author, ABA Class Action & Derivative Newsletter, Winter 2022

- "Sorting Through the Trump Financial Documents: How Prosecutors Will Search for Clues," ALM's Law Journal Newsletters Business Crimes and Cybersecurity Law & Strategy Bulletin, Q&A, Aug. 2021

- "Discovery Practices Are Big Business," ABA Law and Practice Today, Quoted, Nov. 2019

- "But Their Emails! Some of the Most Contentious Political Issues are e-Discovery Disputes," *ABA Journal*, Quoted, Dec. 2018

- "Will DNC Civil Suit Against Trump, Russia Lead to an E-Discovery Battle?" Legaltech News, Quoted, April 27, 2018

- "A Sample Solution: Exploring Sampling as a Technique for Validating Categorical Privilege Logs," Legaltech News, June 2017

- "Key Considerations for Handling Structured Data in the Discovery Process," ABA Sound Advice Podcast, Dec. 2015

- "Siri for Lawyers – How May I Help You?" Law Technology News, Oct. 2011

- "Don't Confuse Oranges with Apples: E-Discovery on Macintosh Systems," Corporate Counsel, Aug. 2011

- "Manage and Mitigate EDD Costs with Microsoft Exchange Server 2010," Corporate Counsel, April 2011

- Showcase: "Cracks in the Windows?" Law Technology News, Feb. 2011

- "A Lawyer's Guide to Electronic Discovery Potentially Privileged Searches," Encore Discoveries Whitepaper, 2008

- "E-Discovery: Two Key Decisions," Encore Discoveries Online Newsletter, 2007

- "Keyword Culling: A Best Practice Approach," Encore Discoveries Online Newsletter, 2007

SPEAKING ENGAGEMENTS

- "Lightning talks: US litigation landscape in 2024 and beyond," IAM Live: Trade Secret Strategy USA 2024, Panel Speaker, Sept. 25, 2024

- "HSU Untied Interview with Bobby Malhotra," HSU Untied Podcast, Aug. 2024

- "AI: Balancing Benefits, Risks, and Reality across the Legal Landscape," Webinar Speaker, May 15, 2024

- "The GAI Paradox: Torn Between Fear and Desire," LegalWeek 2024, Panel Speaker, Jan. 30, 2024

- "The Path from GenAI to Next Gen Discovery," The Sedona Conference Working Group 1 2023 Annual Meeting, Speaker, Oct. 26, 2023

- "AI in Legal: Managing the Risk and Maximizing the Value," BlueStar Webinar, Speaker, Oct. 25, 2023

- "Generative AI in Legal: Investigating the Rise of Intelligent Counsel," EDRM Webinar, Speaker, Aug. 15, 2023

- "Generative AI in Legal Tech with Bobby Malhotra," IPRO Webinar, Speaker, Jun. 2023

- "E-Discovery Case Law Update," ABA 17th Annual National Institute on E-Discovery, Speaker, May 2023

- "Surviving the App-ocolypse - eDiscovery In An Age of Atypical Data," LegalWeek 2023, Speaker, Mar. 2023

- "Ethics and the Defensible Use of Artificial Intelligence," IPRO Webinar, Speaker, Mar. 2023

- "What We Have Here is a Failure to Communicate: Strategies to Avoid Motion Practice & Sanctions," 10th Annual eDiscovery Conference, University of Florida, Speaker, Feb. 2023

- "AI and the Horse it Rode in On," ACEDS Webinar, Speaker, Dec. 2022

- "The Changing Way We Work: AI Application Beyond TAR," Relativity Fest Conference, Speaker, Oct. 2022

- "Social Media Evidence Collection Strategies to Help Win Your Case," X1 Discovery Webinar, Speaker, Oct. 2022

- "Duty to Preserve, but How?" Magnet Forensics Webinar, Speaker, Oct. 2022.

- "Combatting the Legal Industry's Most Common AI Misconceptions," Thomson Reuters Podcast, Speaker, Sept. 2022

- "The Ethical Implications of AI in the Legal Profession," Relativity AI Bootcamp, Half Moon Bay, CA, Speaker, Sept. 2022

- eDiscovery Leaders Live Podcast, ILTACON 2022, National Harbor, MD, Speaker, Aug. 2022

- "The Four Biggest Misconceptions about AI," ILTACON 2022 Conference, National Harbor, MD, Speaker, Aug. 2022

- "Future of AI in eDiscovery," International Legal Technology Association, Virtual Roundtable Speaker, Aug. 2022

- "Symbiotic Review: The Interplay between Humans and Technology in Review and the Benefits of a Combined Approach," Lighthouse Illuminations Summit, Palm Beach, FL, Speaker, May 2022

- "We Have a Privacy Policy in Place, Are We Compliant?" LegalWeek 2022 Conference, New York, NY, Speaker, March 2022

- "Could It Be Unethical Not to Use AI?" LegalWeek 2022 Conference, New York, NY, Speaker, March 2022

- "Beyond TAR 2.0: Exploring the Current State of TAR", LegalWeek 2022 Conference, New York, NY, Speaker, March 2022

- "Supercharging Privilege Review with AI, Analytics, and Automation," The Knowledge Group Webinar, Speaker, Feb. 2022

- "Data Forensic Investigations Exploitation by Concept Searching," Haystack ID Webinar Series, Speaker, Feb. 2022

- "eDiscovery Fundamentals for Non-Profits," Webinar Partner with National Immigration Law Center, Nov. 2021

- "Discussing AI Benefits, Use Cases, and Obtaining Case Team Buy-In," eDiscovery & Information Governance Retreat 2021 Conference, Newport Coast, CA, Speaker, Nov. 2021

- "Working Smarter, Not Harder: Advanced AI and Smart Tools for Data-Driven Decision Making," Association of eDiscovery Specialists, Speaker, June 2021

- "Trust, But Verify: Validations for Optimizing Workflows with AI For Privilege & PII Identification," Text IQ's The Inevitable Webinar Series, Speaker, March 2021

- "AI & Privilege Review Today—and Tomorrow," *Corporate Counsel Business Journal,* Webinar, Speaker, Feb. 2021

- "AI for Legal Matters—Advanced Machine Learning Techniques," Brainspace, Waban Mini-Series Event, Speaker, Dec. 2020

- "Jumpstarting AI: Understanding Uses, Breaking Barriers," *Corporate Counsel Business Journal,* Webinar, Speaker, Dec. 2020

- "How AI Is Reshaping Privilege Review," Text IQ's The Inevitable Webinar Series, Speaker, Aug. 2020

- "Don't Treat Your Apples Like Oranges: A Fruitful FAQ for the Unique Challenges of iPhone Forensics," Relativity Fest, Speaker, Oct. 2019

- "Discussing the Implications of Office 365 Litigation Hold and eDiscovery Features and Workflows," 2019 North America CACS Conference, Anaheim, CA, Speaker, May 2019

- "Discussing Advanced Strategic and Technical Considerations for Lawyers When Implementing Technology Assisted Review," 2018 IG3 Information Governance Conference and Expo, Huntington Beach, CA, Panel Moderator, Dec. 2018

- "Discussing the Use of Artificial Intelligence for Successful Information Governance and eDiscovery Outcomes," Today's General Counsel Institute: The Exchange eDiscovery Forum 2018 Conference, Los Angeles, CA, Speaker, Dec. 2018

- "Got Data? Not Email, Data!," Today's General Counsel Institute, Webinar, Speaker, Dec. 2018

- Discussed strategic and technical considerations and best practices for handling structured data in investigations and litigation

- "Gathering Complex Data from Challenging or Emerging Locations," KrolLDiscovery 2017 eDiscovery Hot Topics CLE, Los Angeles, CA, 2017

- "Ethics in e-Discovery," 2017 Today's General Counsel Institute, Speaker, Los Angeles, CA, Dec. 2017

- "Understanding the Value (and Risk) of Digital Breadcrumbs," Metropolitan Corporate Counsel Webinar, Oct. 2017

- "Advanced Analytical Strategies for eDiscovery, Legal Tech West Coast Conference, San Francisco, CA, Speaker, 2017

- "Discussing the Effects of the Proportionality Amendments to the Federal Rules of Civil Procedure," NorCal eDiscovery & Information Governance Retreat, Half Moon Bay, CA, Conference Panel Moderator, 2016

- "Discussing Strategies for Drafting and Negotiating Technology-Assisted Review Protocols and Stipulations," SoCal eDiscovery & Information Governance Retreat, Conference Panel Moderator, Newport Coast, CA, 2016

- "Ethical Challenges in Emerging Technology and E-Discovery," Asian American Bar Association MCLE Mini Marathon, San Francisco, CA, Speaker, 2016

- "Data Security for Lawyers," Driven Speaker Series, Los Angeles, CA, Speaker, 2015

- "Search Strategies that Help Win Cases," SoCal eDiscovery & Information Governance Retreat, Carlsbad, CA, Speaker, 2015

- Discussed the California State Bar's proposed opinion regarding the ethical competency requirements for attorneys who handle discovery of electronically stored information, Driven Speaker Series, Los Angeles, CA, Speaker, 2015

- "Discovery & Rule 1: Just, Speedy, and Inexpensive …," Carmel Valley eDiscovery Retreat, Half Moon Bay, CA, Speaker, 2013

- Discussed best practices in project management for electronic discovery projects, Litigation Summit and Exposition, Washington, D.C., Speaker, 2011

- Discussed legal project management, Legal Tech West Coast, Los Angeles, CA, Speaker, 2011

- Discussed early data assessment, California Intermountain eDiscovery Conference, Salt Lake City, UT, Speaker, 2010

Capabilities

Commercial Litigation & Disputes

eDiscovery & Information Governance

Antitrust/Competition

Privacy & Data Security

Financial Services Litigation

Class Actions & Group Litigation

Product Liability & Mass Torts

Securities, M&A & Corporate Governance Litigation

Trade Secrets, Non Competes & Restrictive Covenants

Technology, Media & Telecommunications

Health Care

Financial Services

Artificial Intelligence (AI)