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IN THE MEDIA

Bobby Malhotra Quoted in *Legaltech News* Discussing New and Emerging Data Sources

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Winston & Strawn Partner Bobby Malhotra was recently quoted in a *LegalTech News* article after speaking on a panel titled "Surviving the App-Ocalypse: E-discovery in an Age of Atypical Data" during LegalWeek 2023, where panelists discussed how legal professionals can understand the various new and emerging data sources circulating within organizations.

"It's really not your mother or father's e-discovery anymore," Bobby said at the panel, continuing on that today, "in every facet of our jobs, whether it be a processing engine, whether it be a forensic tool, whether it be dealing with these apps, we are playing catch-up. We are always going to be playing catch-up."

He noted that knowing the location of all the data pertinent in e-discovery is not synonymous with knowing how to extract and preserve it.

"Generally, you want to be careful of the language that's used," he said. For example, opposing counsel may ask for "all the threads of communication" related to an issue, and this could have varying definitions depending on which tool is in use, he noted.

"Ask them—what do you mean by 'threads?' [Ask yourself], do you have the technology to extract that information? Because generally you are going to negotiate ESI protocols pretty early in the process [of e-discovery] and you don't want to lock yourself in before understanding what that process [entails]," Bobby said.

Read the full article.

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