

John Rosenthal Discusses eDiscovery Operation Strategies in Big Law

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John Rosenthal, chair of Winston's [eDiscovery & Information Governance Practice](#), was quoted in Legaltech News' article "The New, Data-Driven World of Firm eDiscovery Operations" published on September 1, 2016. The article examines law firms current and future eDiscovery operation strategies.

In the article, Mr. Rosenthal expresses the key to eDiscovery success is building an in-house team of project managers versed in data science. "You have got to get the right people in place."

Winston & Strawn's in-house project management team is primarily composed of non-lawyers by design. "We recruited largely from other consulting shops, not from other law firms as their technical training is better. Law firms manage concrete databases; which is very different than forensic data." Mr. Rosenthal says.

While many firms opt for a managed services approach—using vendors to host much of the eDiscovery process while keeping firm infrastructure and IT costs fairly low can put unwieldy third parties between attorneys and client data. Managed services stop making much sense when you up litigation demands.

"You can accomplish a lot of things through managed services. With our volume and size there is a distinct advantage for us to do it here, but that is not going to be the case for the majority of AmLaw 100 law firms," Mr. Rosenthal says.

Winston & Strawn is a one-stop-shop with data collection process entirely in-house. The firm's eDiscovery group is staffed with 26 technical team staffers, two fully replicated data centers, and three review centers.

Mr. Rosenthal explains that not only can case teams get closer access to data, but cost savings are then transferred back to the client, keeping services below market listing. "We can drive the data out quicker, which reduces the overall spend."

Clients drive the demand for in-house review centers. As a result, the firm built three low cost review centers because clients expect that service, or they will take that service and give it away.

According to the article, predictive coding, analytics tools, and collaborative platforms have become part and parcel to the eDiscovery process in recent years. Mr. Rosenthal is more skeptical on the importance of predictive coding

and sees the eDiscovery strategy more as a potential player than an integral facet. “I think a lot of those engines are in nascent form, and I think it is going to be a few years out before you can press a magic button and get the kind of analytics you want.”

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