

Information governance

How litigation management helps companies in and out of court

INTERVIEWED BY ADAM BURROUGHS

Litigation management is a service that helps streamline the litigation process by focusing primarily on discovery.

“We help develop and coordinate discovery strategies, and handle discovery issues and projects in both serial and individual litigation matters,” says Marguerite Zinz, a partner at Brouse McDowell. “Our services help keep projected costs down because of the efficiencies we bring to information collection, management and review.”

These attorneys, because of their information management experience, are often used for nonlitigation projects such as creating policies and strategies for record retention and information governance and preservation.

Smart Business spoke with Zinz about how litigation management professionals can help companies improve their information management practices, both litigation-related and not.

How can litigation management professionals help companies?

Litigation management professionals are particularly valuable to any company that has to manage and collect information that will be involved in a litigation, whether the company is the one suing or being sued. As attorneys, they can be involved in as many aspects of the discovery process as is needed by the company, including written discovery, document productions, depositions and motion practice. These attorneys can also work with companies outside of litigation to develop and implement record retention and information governance policies, including assisting with the defensible disposition of information, performing audits and training employees on information-management policies, and assisting in legal holds.

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What does a litigation management attorney do that a typical litigation attorney doesn't?

A litigation management attorney can do anything a typical litigation attorney can do; they're just generally not the person standing in front in the court room. Instead, they're focused on discovery and making sure it aligns with the overall approach to the case.

Having a litigation management attorney focused specifically on discovery creates procedural and cost efficiencies, and frees up trial counsel to focus on the trial and not get bogged down with collecting or organizing the large amounts of information involved.

In a serial litigation context in which a company is getting sued repeatedly, a litigation management attorney can also ensure consistency in the company's defense strategy across cases, and if new trial attorneys take cases later, they can more easily get up to speed on the issues generally involved in the case.

What types of companies would benefit from having an ongoing relationship with a litigation management attorney?

While litigation management professionals can assist any company that has large volumes of information, these attorneys are of particular benefit to companies in a lawsuit that involves a lot of information — and not just the company that has a lot of

information that's subject to discovery, but also the company that needs to acquire and review a lot of information from another party in a case.

This service is also helpful to companies that face repeat or serial litigation. Companies that manufacture any type of product can often find themselves the frequent target of lawsuits and would benefit from the creation of consistent and defensible practices that also mitigate costs through efficiencies.

What do companies often misunderstand about litigation management services?

Often companies think these attorneys are just focused on document production and handling, and are interchangeable with vendors that are not typically attorneys who handle eDiscovery and large-scale information reviews. What litigation management attorneys do encompasses that, but their legal training and licensure also give them a role in the strategy of the case, working with trial lawyers to determine where and how all of the information fits together in the overall litigation strategy.

There's much more to litigation than arguing in court. Proper management of information is critical before and after a trial, and can save money, time and headache for everyone involved. ●