

Law & Forensics

Solving Complex Legal Issues

Law & Forensics helps clients dealing with E-Discovery survive a potential onslaught of complications, devise settlement strategies, and achieve favorable trial outcomes by managing the burdens, costs, and potential pitfalls surrounding E-Discovery. At Law & Forensics, we believe at the bottom of every complex technology issue is a cost-effective solution waiting to be “discovered.”

The Background

Discovery Referees are often used in complex matters disputes where there is a disagreement between the parties relating to the scope and subject matter of discovery. Often the disputes are time consuming and require a deep understanding of the technological systems. As a result, the trial courts are permitted to appoint a referee. Our team has served as ESI Liaisons, Forensic Neutrals, Discovery Referees, and Special Masters in State and Federal courts all over the United States.

The Situation

In 2014, an L&F senior employee served as a court-appointed Special Master in United States District Court Case *Small v. UMC*. In a class action against the University Medical Center of Southern Nevada (“UMC”), Plaintiffs alleged UMC systematically deprived its employees of appropriate wages and overtime compensation. The trial lasted just over two years due to the complex nature of the discovery issues involved in the case.

The Solution

L&F’s methodology ensures we remain neutral during the course of litigation. As Special Master, L&F senior employee conducted five in person, all day hearings to hear oral arguments from both sides concerning all discovery issues present in the case. In addition to conducting evidentiary hearings, the L&F team member permitted discovery that he deemed reasonable and necessary, supervised E-Discovery, and issued E-Discovery requests and subpoenas on issues related to compliance. L&F used cutting edge analysis to review and understand all E-Discovery matters at hand, including the systems in place at the hospital to record employee overtime hours and billing. After numerous hearings and a deep investigation into the discovery matters, including the uncovering of numerous deleted documents and emails, the L&F senior employee was able to issue a detailed recommendation to the Court concerning compliance.

The Resolution

In a detailed report as Special Master, the L&F team member recommended sanctions to UMC due to their extraordinary misconduct and substantial and willful spoliation of relevant ESI in the case that resulted in substantial prejudice to Plaintiffs and the classes, and misled Plaintiffs, the Court, and the Special Master on numerous discovery issues. The Special master believed Plaintiffs were entitled to sanctions in the form of specific factual findings relating to class certification. The Court was pleased with L&F's ability to analyze destroyed data and take into account numerous, complex discovery issues over the course of the case.

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All of Law & Forensics' work reflects the highest ethical standards, no matter the scope of the task at hand. Our team frequently attends conferences, and participates in working groups and development committees to update and enhance standards and protocols. We consistently strive to find new ways to serve the bar and bench.