



Getting Ahead of e-Discovery Costs and Burdens in Commercial Litigation Through Pre-Litigation Contracts

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You are invited to attend a live webinar on “Getting Ahead of e-Discovery Costs and Burdens in Commercial Litigation Through Pre-Litigation Contracts” hosted by Bloomberg BNA.

Date: Thursday, September 13, 2012

Time: 1:00 to 2:30 pm EST

Counsel should consider whether contractual provisions can provide greater clarity and guidance to parties than the legal framework surrounding electronic discovery issues. Specifically, much of the uncertainty, excess costs, and burdens related to electronic discovery in the world of commercial litigation can be obviated through the mutual adoption and ratification of terms concribing the scope of discovery in the event of a dispute that would be the subject of arbitration or litigation. In essence, such clauses would provide a pre-defined set of fair rules that the parties agree to follow in a dispute relating to any preservation or discovery of electronically stored information.

To explore the viability of such provisions, the faculty for this program identifies the type of model clauses that could be included in commercial contracts. For each type of clause, the potential benefits and risks presented by these provisions as they relate to discovery in civil litigation are identified. Next, the general applicability of public policy doctrines and whether such discovery-limiting provisions would be viewed by courts with favor or disfavor are explored. Finally, the faculty analyzes the potential legal arguments that could be raised to challenge the enforceability of such provisions.

In sum, there is considerable merit for considering contractual provisions that set forth common ground for handling the preservation, collection, and production of information by parties to commercial contracts that may later become involved in related disputes. Equally important, it is likely that such provisions will be uniformly upheld and enforced absent unique circumstances.

The following will be addressed during the webinar:

- Learn the clauses to include in commercial contracts to potentially limit costs related to future e-Discovery issues.
- Understand the benefits and risks associated with the adoption of such clauses.
- Find out about challenges to the enforceability of contractual provisions related to preservation and discovery obligations.

Who would benefit from attending the program?

- Corporate Counsel (contract counsel and litigators)
- Litigation counsel
- Attorneys and other professionals practicing in the field of e-Discovery

Presented By: Jay Brudz, Williams Mullen and Jonathan Redgrave, Redgrave LLP

Credit Available: CLE.

For more information on EDIG, [click here](#).

RSVP: Bloomberg BNA

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