



# FIRM OVERVIEW

Outsourced In-House eDiscovery Counsel & Consulting

We work hand-in-hand with corporations, government agencies, municipalities and law firms. Our clients want to do better discovery and manage their risk in the ever-expanding world of information.

# Who We Are

## Established and Experienced with a Unique Approach

ESI Attorneys is a nationally recognized law firm based in Boulder, Colorado with a specific focus on electronic discovery and other areas of risk that have evolved as our lives have become centered around electronic information. We partner with clients in a way that is different from a traditional law firm—we work to become operational business partners with our clients to help mitigate the risks in ESI. That means, as our relationship grows, we consult not only with legal, but also with individual business units including records and information governance and information technology to help identify ways to achieve risk mitigation and cost savings while allowing clients to focus their businesses. The more we understand your business, the better decisions we can help you make.

## Litigation Strategists


We are technology focused litigation strategists who look at ESI in a way that is different than litigators. As former litigators, we combine information and technology to find answers. Litigation has become more specialized and clients now look to litigators with expertise in a particular area whether that is class actions, union related issues, contract matters, anti-trust, etc. And while traditionally those same litigators have handled discovery as part and parcel to the litigation

process, the complexity of electronic discovery has made that all but impossible. The ever-evolving law and technology in this area now requires that litigators either be up to speed on both their practice area and electronic discovery, or partner with knowledgeable discovery counsel. ESI Attorneys works as an extension of our client to collaborate with trial counsel and provide that expertise.

## Creating Opportunities to Add Value

The role of discovery counsel provides clients with the opportunity to leverage what is learned across all matters rather than the continued practice of reinventing the wheel in discovery in each matter. While the cost of litigation is often a necessary business expense, we see it as an opportunity to identify ways to reduce risks and costs in litigation before litigation arises, and to handle litigation much more cost effectively. Our goal in working with clients is to continuously identify ways for process improvement that leverage existing internal resources and ensure that dollars spent are adding value.





“ ESI Attorneys deftly balances three tough areas--disruptions to the traditional litigation discovery model, technology, and business needs. You will find no one who understands these three areas better and the critical need for appropriate interplay between them.”

Lisa Jordan, Associate General Counsel  
Molson Coors Beverage Company

ESI Attorneys is a nationally certified woman owned business built more than a decade ago to reimagine collaboration between counsel and clients in issues raised by the proliferation of electronically stored information (ESI). We welcome the opportunity to discuss the role you are currently evaluating, and whether our firm is the best fit.



# What We Do

## Consulting

As a business partner, our role is to advise clients on all issues involving ESI from setting up governance on O365, to negotiating retention of video captured by third party services at manufacturing facilities, and everything in between. We evaluate client processes, software, and internal FTE resources in conjunction with client goals and make and implement recommended process changes. Those can range from changes in software to policy drafting, to working with IT to set up new systems. Our new client engagements begin with a meeting of key players to understand client goals and a process for how to reach them.

## Litigation Strategists

ESI Attorneys has substantial experience acting as discovery counsel for clients on matters ranging from small employment issues to complex software development breach of contract matters worth \$100 million. We partner with our clients' legal departments and trial counsel to manage discovery and get the case where it needs to be with continual direction from you. Our approach to a specific matter will depend on your goals for the case, and case strategy and is worked out with in-house and outside counsel at the outset of a matter with continual revision as the case progresses.

Every matter is different, and usually begins with an initial evaluation based on the value of the matter, complexity, potential PR issues, etc., to identify an appropriate path to start down.

ESI Attorneys is a law firm, and we appear for our clients on all related eDiscovery issues in courts across the country. Our role is to fit with your litigation team and leverage all of your internal resources, so that we are supplementing your expertise, not supplanting it. Unlike consultants, we can advise clients on whether the recommended processes will be in line with the law, and we take into account how ESI is used in court because we know the pitfalls. Our attorneys and legal professionals have extensive experience handling every aspect of the litigation process across the EDRM.



## Metrics

Data drives decisions in business, and the same is true in the discovery of ESI.

When a client has multiple matters over any period of time, there are basic metrics that can be captured that will help the client to budget, make decisions about resolving a matter, make a case for proportionality, or make larger decisions about information governance. Collecting and analyzing metrics is a hallmark of our practice. We get our hands in the data and use multiple tools to evaluate, learn and translate the data into business recommendations. That process continues as we get more data as depicted in diagram 1.

Legal departments are accountable for costs, and managing costs requires analyzing metrics. Clients utilizing multiple outside counsel often have little insight into expenses across matters or ways to create more efficiency. That's where we come in – ESI Attorneys uses data to understand where processes can be improved, and resources can be leveraged for a more effective outcome. We'll be happy to discuss the standard metrics we capture for clients as well as some unique data points that have allowed clients to recognize substantial cost savings.



Diagram 1. Client Feedback & Optimization

## Technology

Where a client wishes to engage with ESI Attorneys to handle data, we work to scope and select technology that will provide the broadest reach functionality for data at an affordable cost when needed. We are continuously evaluating new tools in the marketplace and bring that expertise and experience for each of our clients.

From the smallest matter to third party subpoenas, how a client handles ediscovery should be consistent, measured and thoughtful with an eye to costs, strategy and future ramifications.



## Legal Research

ESI Attorneys does not generally charge clients for legal research. Our primary research tool for ediscovery is an application we developed called eDiscovery Assistant, which provides access to ediscovery case law and rules on demand by jurisdiction and issue through its proprietary tagging structure. We use eDiscovery Assistant to provide instant in-pur on how judges have ruled on similar issues,

or in general on ediscovery issues.

ESI Attorneys has full access to eDiscovery Assistant and will utilize it for research for clients at no additional charge. ESI Attorneys will also provide access to eDiscovery Assistant for client in-house counsel at no charge during the term of the engagement.



# KELLY TWIGGER

## Founder and Principal

Recognized by Corporate eDiscovery as one of the voices driving the conversation in ediscovery, for more than two decades Kelly Twigger has been a practicing attorney, software developer, blogger, author, and speaker on issues in electronic discovery and legal technology. As Principal at ESI Attorneys, Kelly manages a boutique ediscovery and information law firm that acts as operational business partners with its clients to advise law firms, corporations and municipalities on all areas of electronic information including ediscovery, privacy, cybersecurity and information governance.

Kelly's work in ediscovery stems from an inherent desire to ensure clients get the representation they need, while creating and maintaining relationships that span litigation matters. She is regularly retained as national ediscovery counsel, as an expert in class action litigation and to consult on matters.

Kelly is passionate about teaching lawyers how to identify and leverage electronically stored information for the best outcomes. She is the creator and founder of eDiscovery Assistant ([www.ediscoveryassistant.com](http://www.ediscoveryassistant.com)), an online resource for case law, rules, checklists, forms and learning



in electronic discovery. Kelly is a regular blogger on Above the Law and at eDiscovery Assistant.com and is one of the co-authors of Electronic Discovery and Records and Information Management, published by West and updated annually. Kelly's full bio of speaking can be found on her [online bio](#).



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