

## John D. Martin

Partner

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John is a litigation partner whose practice focuses on the interplay of high stakes litigation, electronic discovery, information management, and cybersecurity. He is a leader of the Nelson Mullins Electronic Discovery and Information Management practice group, Nelson Mullins Encompass. John's clients routinely face the challenge of having to collect and produce massive volumes of highly sensitive information in response to litigation, government investigations, and other matters. Clients turn to John and the Nelson Mullins Encompass team to manage the scope of these obligations, identify and mitigate risks, minimize business disruption, and to implement creative solutions to challenging and often disruptive discovery burdens.

Many of John's clients engage him as enterprise electronic discovery counsel to serve as an advocate and coordinate discovery strategy and operations in complex matters, often involving numerous concurrent MDL venues and interrelated government investigations. In this role, John communicates a consistent message across numerous matters, ensuring consistent strategy and positioning before a variety of judges, opposing counsel, and regulators. John has deep, hands-on experience litigating evidence spoliation and other unique e-discovery issues — ranging from TAR protocols in MDL litigation to source code production. Delivering accountability, this advocacy dovetails with the full range of large scale electronic discovery data collection, data processing, document review, and production operations of the Nelson Mullins Encompass team.

While most clients engage John's team to handle cases from the start, they are often called into ongoing matters to defend sanctions motions, defend discovery processes, litigate overly broad demands, prepare and defend depositions into discovery conduct, and to consult on related issues.

### Education

University of South Carolina School of Law, JD (2000)

University of South Carolina, Honors College, BS, Biology (1996)

### Admissions

South Carolina

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the District of South Carolina

## Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Has developed strategies for and overseen organizations' document productions in response to government antitrust inquiries and as part of pre-merger notifications/Hart-Scott-Rodino submissions.
- Discovery advocacy spanning many industry sectors, including healthcare, insurance, pharmaceutical, tobacco industries, including antitrust, cybersecurity, product liability, and investigation matters.
- Advises clients on privacy and information security and data breach response issues and implements defensible approaches to the preservation, collection, and production of electronically stored information for litigation, government requests, and internal investigations
- Advises clients on communications and coordination with law enforcement and regulators and on related preservation of data and electronic evidence issues in connection with cybersecurity and data breach incidents
- Advocates for clients before the courts and opposing counsel to help right-size discovery to the needs of the case
- Counsels clients on information governance practices, including preservation and defensible disposal
- Develops both offensive and defensive electronic discovery strategies and prepares company witnesses to address challenging data-related issues
- Helps clients with the selection and management of electronic discovery vendors, as well as the development of cost-effective, large-scale document review strategies
- Represents drug and medical device companies, manufacturers, health insurance companies, and clients in other industries in product liability and business litigation
- Has served as both national coordinating counsel in numerous MDL proceedings.
- Frequent appearances in courts and pro hac vice in numerous jurisdictions across the country

## Professional Activities

- South Carolina Bar

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- Has served on the Ethics Advisory Committee, Professional Responsibility Committee, Practice & Procedure Committee and its Resolution of Fee Disputes Board
- DRI – The Voice of the Defense Bar
  - Electronic Discovery and Drug & Medical Device committees
  - Past Editor-in-Chief, *E-Discovery Connection*
- Member, Working Group on Electronic Document Retention and Production, Sedona Conference
- Business Litigation and Products Liability sections, American Bar Association
- Richland County Bar Association
- South Carolina Defense Trial Attorneys' Association

## Leadership

- American Red Cross, Palmetto SC Region, Board of Directors (2016-present)
- SC Economics, Board of Directors (2012-2016)
- South Carolina State Elections Commission, Commissioner (2000-2004)

## Articles & Speeches

### Insights

- [What Is Your Company's Social Media State of Readiness?](#), *Lexology* - Coauthor (September 2015)
- [Cost-Shifting in E-discovery: Options and Opportunities](#), *Corporate Counsel* - Coauthor (July 16, 2014)
- [Integrating Electronic Communications and Information Governance](#), *DRI E-Discovery Connection* - Coauthor (May 22, 2014)
- [Understanding E-Discovery Cost Drivers and Levers to Adjust, For the Defense](#) - Coauthor (April 2014)
- [Information Lifecycle Governance](#), *Ethisphere Magazine* - Coauthor (March 31, 2014)
- [E-Discovery Cost Drivers](#), *Today's General Counsel* - Coauthor (December/January 2014)
- [Electronic Communications - Five Must Dos](#), *Bloomberg BNA, Electronic Commerce & Law Report* - Coauthor (December 2013)
- [Managing Risk: Five Steps to Enhance Board E-Readiness](#), *The Corporate Governance Advisor* - Coauthor (November/December 2013)
- [Technology: In-House e-Discovery Capabilities](#), *InsideCounsel* - Coauthor (July 12, 2013)
- [Technology: Unified Messaging – Striking the Right Balance](#), *InsideCounsel* - Coauthor (June 28, 2013)
- [Technology: Four Considerations in Selecting and Implementing New Legal Holds Technology](#), *Inside Counsel* - Coauthor (June 14, 2013)

[Technology: Defensible Disposal Should Minimize Risks and Improve Litigation Readiness](#), *InsideCounsel* - Author (May 31, 2013)

[Technology: Corporate Governance Meets Information Governance](#), *InsideCounsel* - Coauthor (May 17, 2013)

[Hoarders Beware: Defensible Data Disposal Is Good Business](#), *ACC Docket* - Coauthor (May 2013)

[Strategic BYOD Best Practices to Minimize Risks](#), *BizTech Magazine.com* - Coauthor (April 2013)

[New Year Brings New Season for Electronics: BYOD Dos and Don'ts](#), *DRI E-Discovery Connection, Volume 8, Issue 1* - Author (March 28, 2013)

[ACC Value Practice: National Review Counsel Services Using Project Management and Value-Based Staffing and Fee Structures](#), *ACC Value Challenge Tool Kit Resource* - Coauthor (February 2013)

[ACC Value Practice: Information Governance and Defensible Disposal](#), *ACC Value Challenge Tool Kit Resource* - Coauthor (February 2013)

[Don't Kick the Can Down the Road, Put it in the Trash](#), *DRI, For The Defense* - Coauthor (January 2013)

[Big Data and Tolkien's Seeing Stone](#), *Forbes Law & Technology Blog* - Coauthor (April 29, 2011)

[DRI Electronic Discovery Committee e-Discovery Connection](#) - Editor (2006 – 2012)

[Overcoming Authentication Hurdles to the Admission of Electronic Evidence](#), *American Bar Association Newsletter* - Author (Winter 2009)

[Essential Communications in E-Discovery](#), *Defense Research Institute* - Coauthor (May 2009)

[Document Review: Striking the Right Balance to Control Litigation Spend](#), *Defense Research Institute In-House Defense Quarterly* - Coauthor (May 2009)

[Chapter 6 of Electronic Discovery and the 30\(b\)\(6\) Deposition](#) - Coauthor (April 2009)

[A Twitter-Sweet Reality](#), *Nelson Mullins Riley & Scarborough LLP Newsletter* - Coauthor (December 31, 2008)

[Electronic Discovery and the Rule 26\(f\) Conference](#), *For the Defense* - Coauthor (January 2008)

[Organizing an Effective Response to Electronic Discovery](#), *South Carolina Lawyer* - Coauthor (July 2004)

[Electronic Discovery—Developing Solutions to New and Complex Challenges](#), *South Carolina Lawyer* - Coauthor (May 2004)

## Events/Speaking Engagements

[Encompass Has a Big Week in Nashville](#) - Presenter (March 1, 2018)

[Encompass' John Martin Addresses Private Sector Innovation](#) - Speaker (January 29, 2018)

[Nelson Mullins a Law Firm Ambassador of Electronic Discovery Institute Leadership Seminar; Practice Group Leader John Martin to Moderate Panel](#) (October 12, 2017)

[Practice Group Leader John Martin Speaks at Electronic Discovery Institute](#) - Speaker (October 13, 2016)

[Nelson Mullins' John Martin to Discuss Litigating E-Discovery Disputes](#) - Speaker (February 12, 2015)

[Decade of Discovery, Panel discussion at the University of South Carolina School of Law after screening of documentary](#) (November 3, 2014)

[John Martin of Nelson Mullins Encompass Speaks at Law School Premier of Decade of Discovery](#) - Panelist (November 3, 2014)

[Cybersecurity & Electronic Information Management: Improving E-Readiness and Reducing Risk](#), *Association of Corporate Counsel CLO Roundtable* - Co-Presenter (September 30, 2014)

[Predictive Coding: Hitting Pause Before Hitting Go](#), *DRI Drug & Medical Device Conference* (May 1, 2014)

[Technology Assisted Review - Hitting Pause Before Hitting Go](#) - Speaker (February 25, 2014)

[Information Lifecycle Governance - Minimize Risks & Improve Readiness](#) (January 17, 2014)

[Nelson Mullins' John Martin to Present on Corporate Information Management](#) - Presenter (January 7, 2014)

Managing Government Investigations: The First 48 Hours, *BlueCross BlueShield Association 47th Annual Lawyers Conference* - Speaker (October 29, 2013)

Electronic Communications: Five Must-Dos, *BlueCross BlueShield Association 47th Annual Lawyers Conference* - Speaker (October 28, 2013)

Things GCs Should Consider/Reconsider About the E-Discovery Service Provider, *Corporate Counsel General Counsel Conference* (June 2013)

Client Expectations and How to Assess Value, *IADC/FDCC Joint Law Firm Management Conference* - Speaker (May 2013)

Managing the 21st Century Law Firm - Is it time to upgrade your Tool Box?, *Joint Law Firm Management Conference* (May 10, 2013)

Managing Litigation in a Tough Economy: Containing Litigation Costs With a Restricted Budget, *American Conference Institute's 17th Annual Drug & Medical Device Litigation Conference* (December 2012)

ESI – The Shield and the Sword, *Blue National Summit* (September 2012)

Implementing and Managing an Effective and Defensible Records Management Program, *Association of Corporate Counsel, Charlotte Chapter* - Speaker (July 2012)

John Martin speaks on E-Discovery Panel, *Corporate Counsel's General Counsel Conference* - Speaker (June 5, 2012)

Websites, Texting and Tweets—Oh My! Managing Technology Risks of the Drug and Device Companies, *DRI Drug & Medical Device Seminar* (May 1, 2011)

Managing Records in the Cloud, *ARMA South Carolina Annual State Seminar* (April 1, 2011)

Managing Electronically Stored Information Before, During, and After Litigation: Views from the Trenches and the Benches, *ABA Business Law Section Spring Meeting* (April 1, 2011)

Legal Information Risk Management: New Challenges and Opportunities for Corporate Counsel, *Association of Corporate Counsel, Charlotte Chapter* (February 1, 2011)

Managing E-Discovery Risks and Costs in Small Cases, *Arkansas Association of Defense Counsel Annual Meeting and Seminar* (July 1, 2010)

Prioritizing Your Legal Technology Spend During Economic Turmoil, *IQPC Legal Technology Exchange Program* (October 1, 2009)

A Law Firm's E-Discovery and Litigation Readiness Practice: Overview, Strategy and Successes, *Ikon Executive Technology Roundtable* (September 1, 2009)

Emerging Issues Regarding Electronic Discovery, *Arkansas Association of Defense Counsel 2009 Annual Meeting and Seminar* (July 1, 2009)

Emerging Ethics Issues, *North Carolina Association of Defense Attorneys 32nd Annual Spring Program & Meeting* (June 1, 2009)

Emerging Ethics Issues, *Defense Research Institute Electronic Discovery Seminar (May 2009) and NC Association of Defense Attorneys 32nd Annual Spring Program & Meeting (June 2009)* (May 2009)

How to Handle e-Discovery & Ethical Issues of Disclosure, *Kentucky Defense Counsel Fall Seminar* (October 1, 2008)

Managing U.S. e-Discovery Obligations in the context of non-U.S. Data Privacy Regulations, *Corporate E-Discovery Forum* (September 1, 2008)

Emerging Issues in e-Discovery, *DRI Southern Regional Meeting* (June 1, 2008)

Ethics Considerations in E-Discovery, *DRI Southern Regional Meeting* (June 1, 2008)

E-Discovery and Professionalism, *ICLE Session sponsored by the Corporate Counsel Law Section and the General Practice and Trial Law Section of the State Bar of Georgia* (February 2008)

## Blogs

[Welcome](#), Encompass Blog (September 13, 2017)