

## E-Discovery & Review Counsel – Investigations

# Navigating investigations with precision & tenacity



### Whether you are seeking to

- react to a reported compliance or business conduct concern
- conduct an internal investigation
- respond to a government subpoena or manage a government investigation

our team can guide you step by step.

### Addressing government demands and expedited deadlines

- Requests are typically broad, requiring negotiation and advocacy while leveraging analytics and other tools to limit the scope of discovery
- Global corporations are required to abide by applicable data privacy laws, which can affect preservation and data collection
- Third party data sources are often requested and can present unique custody and control issues
- The use of multiple vendors can raise security issues for your most sensitive business-related documents
- Tight turnaround and broad data requests often require the use of analytics and technology assisted review to meet deadlines in a cost effective manner

### Multidisciplinary team includes experienced e-discovery advocates

- Veteran partner-level attorneys who routinely serve as global discovery and review counsel for clients in heavily regulated industries and with global operations
- Attorneys with experience negotiating and advocating discovery issues before regulators and government agencies
- Analytics professionals who aggressively work to reduce data volumes and locate potentially relevant information quickly

### Related Capabilities

Cybersecurity & Data  
Breach Response

Data Collection,  
Processing & Production

E-Discovery & Review  
Counsel – Litigation

Enterprise Data & Mobile  
Device

Enterprise E-Discovery  
Counsel

Hosting & Migration

Litigation Readiness

Predictive Coding &  
Analytics

Records & Information  
Governance

Review

Second Requests

Strategic Advocacy

- Scalable review teams with experience conducting large-scale reviews, including reviews that have involved hundreds of custodians across multiple countries

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## **Nelson Mullins Encompass serves a global client base of companies in heavily regulated industries**

- Pharmaceutical
- Financial
- Manufacturing
- Energy
- Healthcare

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## **Equipping you with the ability to rapidly and defensibly respond**

- We develop strategies to help clients collect and review sensitive information
- We understand the privacy implications and the importance of data loss prevention
- We work closely with you to develop defensible discovery strategies and advocate on your behalf with regulators to help right-size efforts to the needs of the investigation
- We take time up front to understand your organization, technology infrastructure, data, and culture, so that when a government investigation strikes, we can be ready to assist
- We have experience conducting large-scale reviews involving hundreds of custodians across multiple countries with diverse foreign language requirements
- We have advocated for limited discovery scope and have conducted reviews in a variety of government investigation contexts, including:
  - FTC investigations
  - Government investigations by regulators inside and outside of the United States
  - OIG investigations
  - SEC subpoena responses
  - State AG and US DOJ investigations
  - FCPA investigations

## **Why Nelson Mullins Encompass?**

- Experience in large DOJ investigations

- Partner-level litigators with an e-discovery focus
- Global data acquisition teams with the ability to forensically collect data both onsite and remotely
- 24/7 concierge services support to rapidly process data and initiate review workstations
- Analytics teams who routinely work to reduce data volumes and limit discovery and review spend
- Secure review facilities with the ability to scale from 300-1,200+ contract reviewers

## 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.

- **DOJ Hart-Scott-Rodino response in one of country largest anticipated mergers.** We served as discovery and review counsel for a major insurer in connection with its responses to DOJ Hart-Scott-Rodino regarding a planned merger transaction. Working in an integrated manner with our client and its deal counsel, our role included negotiating discovery and production requirements with the DOJ, conducting custodian interviews and data collection, addressing privilege challenges and performing discovery-related reviews.
- **SEC subpoena response.** When our global pharmaceutical client received an SEC subpoena in connection with an investigation into the alleged suspicious trading of securities of another company, our team reviewed 2.7 million pages under tight rolling production deadlines to assist our client's substantive case counsel in connection with its response.
- **U.S. Government FCPA subpoena response.** After receiving a US government subpoena in connection with an investigation into activities in multiple countries, our client reached out to our team to assist with its response. Our team reviewed almost 3 million pages under a tight review deadline to help our client respond to the subpoena.
- **U.S. Government Investigation into Practices in Latin America.** Our team reviewed almost 5 million pages from over 300 custodians across 17 countries.
- **Hart-Scott-Rodino response for manufacturing client.** Responding to these requests for a transportation manufacturer client involved collection of both domestic and international data, extensive custodian interviews, and negotiation with the DOJ on appropriate culling strategy and methodology. We utilized TAR and other analytical tools for both culling and review purposes and developed streamlined review work flows to narrow the population for review. We produced 550,000 documents (2.5 million pages) on an expedited time frame, as well as prepared and defended depositions during the investigatory period.