Navigating the Perils of E-Discovery: Avoid the Bumps in the Road with a Business Records Management Plan

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Motor carriers, no matter the size of their operations, require document-management and electronic discovery ("e-discovery") counseling. The size and lack of legal sophistication of many small to mid-size carriers complicate their ability (and the efforts of their counsel) to locate, preserve, collect and produce electronically stored information ("ESI") in the event the carrier becomes embroiled in litigation. The fact that many motor carriers do not employ in-house attorneys increases the difficulty to efficiently respond to e-discovery requests. If the carrier has an attorney on retainer, the attorney is typically not a litigator, but the corporate specialist who incorporated the company. With these hurdles already in place when a lawsuit commences, litigation counsel must act quickly to ensure their client properly satisfies their e-discovery obligations.