



Jeffrey Fowler

Partner

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Jeffrey Fowler, Chair of O'Melveny's Electronic Discovery and Document Retention Practice Group, is a *Chambers USA*-ranked litigation partner specializing in the high-stakes intersection of e-discovery, information management, cybersecurity, and privacy law. In an age when a company's obligation to hand over millions of sensitive emails and documents in discovery is arguably its most common data security breach, clients entrust Jeff to protect them from the real-world risks associated with this increasingly specialized and intrusive exercise. A seasoned general litigator, Jeff's clients engage him to serve as coordinating discovery counsel in complex, multi-front litigations and government investigations. In this role, Jeff is the sole discovery spokesperson for his clients, communicating a consistent message across a portfolio of litigation matters, coordinating discovery strategy from one case to the next, and ensuring compliance with national and international privacy laws. He is one of the country's few practitioners with deep, hands-on experience litigating evidence spoliation and other e-discovery issues of first impression. Clients not only enlist Jeff to handle cases from the start; they tap him to parachute into existing matters, relying on his expertise to defend sanctions motions, quell accusations of discovery abuse, and provide behind-the-scenes strategic advice.

Jeff is a noted speaker on e-discovery and information technology issues, and over the past decade has given more than 60 presentations at conferences sponsored by the Practising Law Institute, Stafford Teleconferences, and LegalTech New York and West Coast, among others. He is also the co-author of the BNA publication "Preserving Electronically Stored Information: A Practical Approach."

Admissions

Bar Admissions

California

Court Admissions

US Court of Appeals, Ninth Circuit

US District Court, Central and Northern Districts of California

Education

University of California, Hastings College of Law, J.D., 1994

University of California at Berkeley, B.A., 1991

In addition to founding the E-Discovery and Document Retention practice group, Jeff is an active member of the Products Liability, Healthcare, and Data Security and Privacy practice groups. All told, Jeff has lent his expertise to more than 300 litigation matters, including consumer class actions, antitrust lawsuits and investigations, products liability matters, *qui tam* actions arising from the False Claims Act, labor class actions, and investigations by the DOJ, SEC, and various other state, national, and international authorities.

Experience

- Serving as coordinating discovery counsel for a **global food and beverage company**, defending that client in a variety of different complex litigations and regulatory proceedings in various jurisdictions, including series of consumer class actions challenging the labeling and advertising of certain health and nutrition claims.
- Serving as coordinating discovery counsel for **one of the nation's largest managed care organizations**, which involves handling discovery across a variety of large and small matters in various jurisdictions throughout the country, including *qui tam* actions and investigations arising from the Medicare Advantage program.
- Responding to the Federal Trade Commission's HSR Second Request and related European Commission obligations in one of the **largest technology mergers** in recent history.
- Serving as lead discovery counsel for a **global footwear company** in California coordinated proceedings and multidistrict litigation against claims for alleged personal injuries from defective products.
- Serving as the lead lawyer handling discovery for a **global pharmaceutical company** involved in a series of products liability class actions.
- Negotiating favorable discovery protocols for a **major semiconductor company** in a trade secret misappropriation matter.
- Representing a **national consulting firm** before the Department of Justice after the client learned that a software glitch caused a failure to produce responsive documents.
- Serving as one of the lead lawyers handling discovery for **Advanced Micro Devices, Inc.**, in its global antitrust dispute with Intel, which involved negotiating precedent-setting discovery stipulations designed to limit the otherwise infinite amount of electronic evidence in possession of the parties and litigating myriad e-discovery issues of first impression arising from Intel's disclosure of email preservation issues.
- Representing a **major telecommunications company** in SEC and DOJ investigations involving one of the first large-scale electronic document productions nearly fifteen years ago.
- Successfully obtaining judgment for an **investment company** in a federal bench trial of an ERISA claim.
- Representing a **leading insurance company** and its top executives against a long-running malicious prosecution action.
- Representing a **global security and information technology company** in a federal jury trial involving class and mass tort actions arising from air and groundwater contamination in Southern California.

- Representing **WellPoint Health Networks** in *In Re: Managed Care*, a series of multidistrict class actions filed against every major health insurer in the United States.

Professional Activities

Co-Author

- “Preserving Electronic Information: A Practical Approach,” *BNA Books* (2009)

Author

- “So You Want to Be a Producer: A Successful Document Production Starts with a Great Script and a Solid Cast,” *The E-Discovery Standard* (LexisNexis/Applied Discovery; Spring Issue 2005)
- *The E-Discovery Special Report*, *Mealey Publications* (2006)

Recent Speaking Engagements

- Hot Topics in Electronic Discovery 2022: What Corporate and Outside Counsel Need to Know, Practising Law Institute (May 2022)
- Hot Topics in Electronic Discovery 2019: What Corporate and Outside Counsel Need to Know, Practising Law Institute (September 2019)
- For the Best eDiscovery Results, Pair Human Expertise and Sophisticated Technology, LegalBusinessWorld (May 2018)
- What Corporate and Outside Counsel Need to Know, Practising Law Institute (September 2017)
- A Litigator’s E-Discovery Playbook, Grocery Manufacturers Association Litigation Conference (February 2015)
- Meeting the Continuing Challenge of Preservation, Today’s General Counsel Institute (December 2015)
- The Huron Legal Institute’s 2014 E-Discovery Briefing (December 2014)
- Electronic Discovery Institute 2014: What Corporate and Outside Counsel Need to Know, Practising Law Institute (September 2014)
- Beyond Predictive Coding: Incorporating New Technologies into your E-Discovery Program, LegalTech West Coast (June 2014)
- Electronic Discovery Institute 2013, Practising Law Institute (September 2013)
- e-Discovery Interactive, LegalTech West Coast (May 2013)
- Litigation Holds and the Duty to Preserve-2013: Important Updates for Corporate Counsel and Litigators, for Celesq® AttorneysEd Center (April 2013)
- ESI Preservation and Collection, Strafford Publications ESI Webinars (February 2013)
- Dealing With the Small to Medium Case, E-Discovery for the Corporate Market (December 2012)
- The Future of eDiscovery and its Impact on the Careers of Lawyers, Technologists, Paralegals and Litigation Support Professionals, e-Stet’s Breakfast Series (December 2012)
- 5th Annual Class Action Symposium, Consumer Attorneys of San Diego (September 2012)
- Litigation Continues: Nuts and Bolts of Preservation and Document Review, PLI’s Electronic Discovery Guidance 2012 (September 2012)

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- Counsel or iCounsel: Ethical and Practical Considerations on the Use of Artificial Intelligence in E-Discovery, American Bar Association Annual Meeting (August 2012)
 - e-Discovery and the Erosion of Work Product Protection, Carmel Valley eDiscovery Retreat (July 2012)
 - Litigation Holds: Digging into the Details, Celesq® AttorneysEd Center Web Cast (January 2012)
 - Preservation: The next frontier for potential rule changes, Masters Conference (September 2011)

Honors & Awards

- Recognized by *Chambers Global* for e-Discovery (2016-2022)
- Recognized by *Chambers USA — America's Leading Business Lawyers* and *Chambers Global* as a leading lawyer in e-Discovery (2013-2022)
- Recommended by *The Legal 500 US* for eDiscovery (2019-2020)
- Recognized in *Who's Who Legal: Litigation* (2016-2018) for e-discovery work