



## Dennis Kiker

Senior Attorney

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Dennis Kiker is a litigation attorney with extensive experience in eDiscovery, who manages the firm's internal document review center and resources. His focus is on providing strategy and implementation to document review projects which help our clients realize better results in less time and at a lower cost.

Dennis has a broad range of industry experience, including automotive, financial services, pharmaceutical and medical device, insurance, industrial manufacturing, and technology; the experience of a seasoned litigator; and a life-long interest in advanced technology. Dennis also brings a unique perspective to the eDiscovery practice. He has worked with companies to develop complete eDiscovery response programs, providing him with an intimate understanding of the in-house challenges associated with the management, identification, preservation and collection of information. He has also managed teams of technical professionals in handling the generally outsourced tasks of processing, hosting and analysis, giving him an in-depth understanding of how eDiscovery professionals can best support litigation teams. Lastly, Dennis has represented clients in state and federal courts around the country on discovery matters.

## LANGUAGES SPOKEN

- English

- Litigation, Arbitration and Investigations
- eDiscovery and Information Management
- International Trade, Regulatory and Government Affairs

- Financial Services
- Industrials
- Life Sciences
- Technology

English

## Admissions

- Arizona
- Texas
- Virginia

## Prior Experience

### Representative eDiscovery Experience

- Director of consulting for two leading eDiscovery providers, managing multi-disciplinary teams of professionals in nationwide engagements to help companies develop and implement defensible processes and procedures for discovery response.
- Partner in the eDiscovery practice at an AmLaw 200 law firm, leading large-scale eDiscovery and document review projects in multiple locations with teams of up to 150 reviewers, and continuously assessing internal practices and procedures to improve quality and efficiency while lowering operational expenses and increasing profitability.
- Developed discovery response programs for numerous Fortune 500 companies in a broad range of industries, including processes, procedures, business process flow diagrams, templates, and functional/ technical requirements designed to improve compliance and cost-management.
- Represented Fortune 500 manufacturing during one of the nation's largest product recalls, managing document collection and review, negotiating scope and production requirements with opposing counsel, and representing the client in discovery motion practice across the country.

### Representative Information Governance Experience

- Guided a Fortune 500 financial services company through the defensible elimination of 60 terabytes of e-mail data eliminating over \$1 million per year in storage costs.
- Assisted a semiconductor manufacturer realize 33% reduction in storage costs associated with obsolete records.
- Advised electric company on records retention schedules and legal hold processes.
- Completed a comprehensive records management program assessment for Fortune 500 insurance company.

### Representative Litigation Experience

- National Discovery Counsel for a Fortune 500 manufacturing company, handling all product liability discovery, including written responses, document collection and production, and motion practice.
- Broad product liability experience, including automotive, industrial manufacturing, pharmaceutical, medical device and consumer products.
- Extensive courtroom experience, including motion practice and trial work in state and federal courts throughout the nation.
- Provided written and oral testimony regarding the scope and/or feasibility of conducting discovery of various data sources, including electronic medical record (EMR) systems, claims management systems, legacy databases, servers, personal computers and mobile devices.

## Recognitions

- Martindale Hubbell AV rated

## Education

- University of Michigan Law School 1994  
*magna cum laude*  
Order of the Coif
- B.S., Business Administration, University of Phoenix 1989

## Courts

- Arizona Supreme Court
- Supreme Court of Texas
- Supreme Court of Virginia

- United States District Court for the District of Arizona
- United States District Court for the Eastern District of Virginia

## Memberships

- The Sedona Conference, Member of Working Group 1 (Electronic Document Retention and Production) and Working Group 6 (International Electronic Information Management, Discovery and Disclosure)

## INSIGHTS

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### Publications

#### Defensible deletion: The proof is in the planning

5 February 2021

A framework for making defensible deletion an attainable goal.

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#### Rule 26(g) certification means more than guide and advise: Key takeaways

12 August 2020

Sanctions were imposed on an attorney for failing to properly oversee the client's discovery process.

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#### "Now you see it, now you don't": Ephemeral messaging may lead to sanctions

8 June 2020

A recent decision highlights one key risk of ephemeral messaging.

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- "Defensible Deletion: The Proof Is in the Planning," *New York Law Journal*, January 29, 2021
- Michael Arnold & Dennis R. Kiker, "The Big Data Collection Problem of Little Mobile Devices," *21 RICH. J.L. & TECH.* 10 (2015)
- "Discovery Dilemma: How to Plan for the 'Big One' Without Incurring Big Fees," *USLAW Magazine*, Spring/Summer (2015)
- Dennis R. Kiker, "Defensible Data Deletion: A Practical Approach to Reducing Cost and Managing Risk Associated with Expanding Enterprise Data," *20 RICH. J.L. & TECH.* 3 (2014)
- "Think None of Your Cases are E-Discovery Cases? Think Again," *USLAW Magazine*, Fall/Winter (2014)
- "The Good Old Days of eDiscovery," *USLAW Magazine*, Spring/Summer (2014)
- William W. Belt, Dennis R. Kiker, Daryl E. Shetterly, "Technology-Assisted Review: Is it Defensible?" *18 RICH. J.L. & TECH.* 3 (2012)
- "To Be or Not To Be – E-Discovery Certified, That Is," *ABA E-Discovery and Digital Evidence Journal*, December (2011)
- "3 Steps to Effective Records Retention," *Inside Counsel*, August 18, (2011)
- "The Corporate Cigar Box - Part 2: What You Don't Keep Can Help You," *Inside Counsel*, July 21, (2011)
- "The Corporate Cigar Box - Part 1: What You Don't Know Can Hurt You," *Inside Counsel*, July 14, (2011)
- "Finding Needles in Haystacks: Reigning in the Cost of ESI," *New York Law Journal*, July (2011)
- Jeffrey Brown & Dennis R. Kiker, "A Practical Guide to Discovery Conference Preparation," *Technology Law360*, June (2011)
- White Paper, "Managing Hidden Risk Associated with Legacy Data," May (2011)
- Dennis R. Kiker, "Waiving the Privilege in a Storm of Data: An Argument for Uniformity and Rationality in Dealing with the Inadvertent Production of Privileged Materials in the Age of Electronically Stored Information," *12 RICH. J.L. & TECH.* 15 (2006)

## Events

## Previous

### Ethics and eDiscovery Webinar

10 November 2020 | 1:30 - 2:30 ET  
Webinar

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- Moderator, "Still Looking for the Data," IG3 West, December, 2019
- Moderator, "Still Looking for the Data," IG3 East, June, 2019
- Moderator, "Document Review Pricing Reset," IG3 East, June, 2019
- Dennis R. Kiker, David Cohen, "Defensibly Downsizing Your Data," ReedSmith, Houston, March, 2019
- Dennis R. Kiker, Stewart L. Byrd, Mary Marquez, "Data Mapping for Records Management and Compliance," Houston ARMA Annual Meeting, April, 2018
- Dennis R. Kiker, "Data Analytics for Compliance," Texas A&M University, March, 2018
- Dennis R. Kiker, "Defensible Deletion is the Wrong Frame," South Central Information Governance Retreat, May, 2017
- Dennis R. Kiker, Zeeshan Mirza, "Saving Pennies or Burning the Haystack: Is Defensible Deletion Possible," Houston ARMA Chapter, Annual Conference, May, 2016
- Dennis R. Kiker, Priya Keshav, "Leveraging eDiscovery Technology for Internal Audit," Institute of Internal Auditors Houston Chapter, Annual Conference, April, 2016
- Dennis R. Kiker, Priya Keshav, "Saving Pennies or Burning the Haystack: Is Defensible Deletion Possible," Austin & San Antonio ARMA Chapters, Annual Conference, March, 2016
- "The Big Data Collection Problem of Little Mobile Devices," paper presentation at University of Richmond Journal of Law & Technology Symposium, February, 2015
- "The Big Data Collection Problem of Little Mobile Devices," paper presentation at University of Richmond Journal of Law & Technology Symposium, February, 2015
- "Defensible Data Deletion: A Practical Approach to Reducing Cost and Managing Risk Associated with Expanding Enterprise Data," paper presentation at University of Richmond Journal of Law & Technology Symposium, February, 2014

## PRO BONO

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- Served for seven years on the Virginia State Bar Disciplinary Committee
- Acting Assistant Attorney General for Henrico County prosecuting unpaid child support matters
- Central Virginia Legal Aid Society, representing underprivileged clients in landlord-tenant matters
- State Bar of Arizona Young Lawyers, representing individuals in family and commercial law matters