Elan Hersh

Partner, Director of eDiscovery Services

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vCard

Elan Hersh is a Partner in Akerman's Litigation Practice Group and leads Akerman's eDiscovery Services team. Elan advises clients on electronic discovery (eDiscovery), information governance, litigation readiness and response, cross-border discovery issues, and data privacy. Elan leverages his unique knowledge of the technical and legal dimensions of eDiscovery to advise clients on defensible and cost-effective strategies for data preservation, collection, review, and production, with an emphasis on controlling the scope of discovery and implementing cost-shifting strategies. Elan represents clients in all aspects of eDiscovery throughout the country in both state and federal court, and represents foreign corporations who are defending lawsuits in the United States.

Notable Work

Discovery Counsel: Serves as outside discovery counsel to various firm clients. Provides strategic advice and guidance on all aspects of e-discovery, including litigation readiness/preparedness, data privacy, cross-border data transfer, technology assisted review, document review processes and procedures, data collection, data processing, data hosting, data production, vendor selection and evaluation, 26f agreements, 30b6 data and discovery related depositions, privilege screening, information governance strategies, defensible data deletion.

Products Liability: Represent as lead eDiscovery lawyer to international medical device manufacturer in large-scale products liability multidistrict litigation in United States Federal Court.

Products Liability: Represent as part of team of lawyers serving as national counsel for New Jersey-based medical device manufacturer with respect to all devices.

Commercial Litigation: Represented institutional investor financial database and cloud-based solutions provider in Computer Fraud and Abuse Act (CFAA) and theft of trade secrets claim against competitor.

Areas of Experience

Litigation
Class Action Defense
Data Privacy and Security
eDiscovery Services
Information Governance
Pharmacy, Drugs, and Medical Devices
Product Liability and Mass Torts

Education

J.D., Florida International University, 2011
B.S., Cornell University, 2004

Admissions

Bars

Florida

Courts

U.S. District Court, Middle District of Florida
U.S. District Court, Southern District of Florida

Languages

Spanish

Related Content

Akerman eDiscovery Sponsors The Miami Women's Fund Raise the Bar Event
October 24, 2024

Elan Hersh and Emily Bartkowicz to Speak on Myths About eDiscovery
June 05, 2024

Elan Hersh to Speak on the Use of Generative AI in e-Discovery
February 22, 2024

Related Professional Experience

- Akerman, eDiscovery Project Manager, 2009-2013

Published Work and Lectures

- 2024 Techno Security & Digital Forensics Conference, Speaker, "Myth-Busting: eDiscovery Costs and Complexities," June 5, 2024
- UF Law E-Discovery Conference, Speaker, "eDiscovery Quick Tips: Mastering the Essentials in a Flash," February 29, 2024
- ALM/Law.com, Legalweek 2024, Speaker, "Meeting the Data Demands of Litigation," January 30, 2024
- Lexeprint Publishing Group, Speaker, "What Attorneys Should Know About eDiscovery Today," November 3, 2023
- Practising Law Institute, On Demand CLE Program, Speaker, "Litigation Readiness for Attorneys and Paralegals: A Roadmap to Data Preservation and Legal Holds," May 2023
- *Bloomberg Law*, Co-Author, "Risks of Custodian Self-Collections in eDiscovery," March 2023
- Florida Law Con, Speaker, "Myth Busting E-Discovery Costs and Complexities" March, 31, 2023
- Legalweek, Speaker, "Experts Discuss Preserving Corporate Client's Dynamic ESI in Litigation" March 21, 2023
- *Law360*, Co-Author, "Refining Info Governance As E-Discovery Gets More Complex," October 12, 2022
- Law.com, Quoted, "Retrenched Redgrave Timekeepers Are Victims of Evolving E-Discovery," June 14, 2022
- Future Lawyer Week USA, Guest Speaker, "It's Not Bragging If It's True: How Your eDiscovery Solution is Making a Difference in the Way You Deliver Your Services?" March 2022
- Confidential Firm Client, Guest Speaker, "Data Breach and Trade Secret Misappropriation," August 2019
- University of Miami School of Law, Guest Lecturer, "A Litigator's Guide to the EDRM," August 25, 2014

Affiliations

- The Sedona Conference
- The Florida Bar, Young Lawyers Division, Member

Honors and Distinctions

- *The Best Lawyers in America* 2021, Listed for Commercial Litigation as "One to Watch"
- *Super Lawyers* Magazine 2017-2021, Listed in Florida as a "Rising Star" for Class Action/ Mass Torts; 2022, Listed in Florida as a "Rising Star" for E-Discovery