



## Martha J. Dawson

### Partner

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## OVERVIEW

Martha Dawson, a partner in K&L Gates' Seattle office, has more than 35 years of experience helping clients in commercial and complex litigation, with a particular focus since 1997 on electronic discovery and trial support. Early in her career, her cases were typically document (paper) intensive. As a trial attorney, Martha understood the important role that document requests, proper document production, and the management of documents played in the course of litigation and trial. Technology and sound business processes in managing documents from preservation to trial became an early and important part of her practice.

Recognizing the need for more effective client solutions as documents turned predominately from paper to electronic, K&L Gates formed its unique practice group, e-discovery analysis and technology (e-DAT), in 1997. Today, e-DAT is comprised of more than 100 lawyer and non-lawyer professionals dedicated to records management, litigation readiness, all aspects of document review (from collection to processing to final production) and litigation and trial support. e-DAT uses systematic processes and advanced technology to provide efficient document review legal services, particularly with respect to electronic documents. These services have been extensively utilized in nationally prominent complex litigation, government investigations and a range of internal private investigations.

*The American Lawyer* named Martha one of its six "most important e-discovery trailblazers" in the July 2013 issue devoted to the "Top 50 Legal Innovators of the Last 50 Years." The article cited in particular, "Dawson saw it all coming – not just how e-discovery was going to change the practice of law, but how it could also change the business of law. Before most lawyers were using email, she was tweaking – and sometimes inventing – processes to ensure that her firm was getting both sides of the equation right."

As founding partner of the e-DAT practice group, Martha focuses on the legal issues of electronic discovery, records management and litigation/trial support. She regularly counsels clients regarding litigation readiness, records preservation and legal holds, collection issues, and all manner of discovery related issues. Martha serves as both Special and National e-Discovery Counsel to clients working with their trial counsel of choice. Reasonable, responsible and defensible solutions to often challenging discovery issues require the in-depth knowledge and legal experience that she brings to bear on each matter.

An active participant in discussions regarding the 2006 and 2015 amendments to the Federal Rules of Civil Procedure, Martha serves as the co-chair to the Local Rules Committee for the Western District of Washington

Federal Bar Association, where she represents the bar in providing recommendations to the court on proposed amendments to the local rules. She is a frequent speaker and author on electronic discovery issues.

## PROFESSIONAL BACKGROUND

- Prior to joining K&L Gates, Martha was an associate (1981-1987) and partner at Schweppe Krug & Tausend, LLP
- Executive Committee of Preston, Gates & Ellis, 2003-2006
- Chair e-DAT practice group 1997-2006; Co-Chair 2007-2018
- Assistant General Counsel, 2018-Present

## ACHIEVEMENTS

- 2003, 2005-2007, Washington Super Lawyer
- 2013, Top 250 Women in Intellectual Property
- 2013, *The American Lawyer* one of its six “most important e-discovery trailblazers”
- 2016, *Lawyer Monthly* Commercial and Complex Litigation Lawyer of the Year in their Women in Law Awards publication
- 2018-2020, IP Star, *Managing IP*

## PROFESSIONAL / CIVIC ACTIVITIES

- 2004-2015: Lawyers for Civil Justice (Board of Directors 2014-2015)
- 2016-Present: Co-Chair to the Local Rules Committee for the Western District of Washington Federal Bar Association

## SPEAKING ENGAGEMENTS

- “Current Ethical Considerations,” presenter, sponsored by Washington State Society of Healthcare Attorneys, Fall Health Law Conference, Vancouver, BC, Canada, November 2, 2018.
- “Consumer Litigation: The Year in Review and the Years to Come - What to Expect in Consumer Litigation Under the Trump Presidency,” co-presenter, sponsored by K&L Gates, January 17, 2017.
- 32nd Global IP ConfEx, “IP and e-Discovery - FRCP 2015 Amendments - Shaping Your E-discovery Analysis,” speaker and panelist, San Francisco, CA, February 23, 2017.
- K&L Gates Corporate Due Diligence presentation, May 20, 2015.

- “Federal Rule Changes Affect e-Discovery - Are You Ready this Time?” co-presenter, sponsored by K&L Gates, Seattle, WA, December 1, 2015.
- “The Exchange - E-Discovery for the Corporate Market,” moderator and panelist, sponsored by Today's General Counsel and Institute, Seattle, WA, October 7-8, 2014.
- “Quantifying and Mitigating Information Risk,” presenter, 9th Annual CGOC Summit 2013 - Stemming the Rising Tide of Data, Cost & Risk, Newport Beach, CA, March 14, 2013.
- “Changing Obligations in Electronic Discovery: Amendments to the Rules of Procedure,” speaker, sponsored by K&L Gates, Seattle, WA, October 10, 2013.

## EDUCATION

- J.D., Seattle University School of Law, 1981 *magna cum laude*
- B.A., University of Washington, 1978 *cum laude*

## ADMISSIONS

- Bar of Washington

## THOUGHT LEADERSHIP POWERED BY HUB

- 19 February 2019, Digital Crisis PR: Removal of Unlawful Content from Digital Platforms (*Research Surveys*)

## OTHER PUBLICATIONS

- The Next Generation: Upgrading Proportionality for a New Paradigm, *International Association of Defense Counsel, Defense Counsel Journal*, October 2015.
- "Present at the Creation," *The American Lawyer*, August 2013.
- “True Grit: Four Models to Rein in E-Discovery Costs,” *Law Technology News*, January 30, 2012.
- “Lawyers for Civil Justice's Associate Member Law Firms Support Corporate Counsel Goals – The E-Discovery Example,” *Metropolitan Corporate Counsel*, November 2007.
- “SEC Approves Revised Arbitration Code for NASD Securities Arbitrations, *Arbitration World*” - K&L Gates Publication, Summer 2007.
- “E-discovery Zero Hour Approaches,” *National Law Journal*, August 2006.
- “EDD Showcase: Nuances of the New Rules,” *Law Technology News*, August 2006.
- “Digital data: Miles of files,” *Puget Sound Business Journal*, August 2005.

- “Thrifty Litigation: Law Firms Are Still Learning How to Hold Down Litigation Costs to Please Corporate Clients,” ABA Journal, July 2005.
- “Retention policies are invaluable,” The National Law Journal, April 25, 2005.
- “E-discovery issues present challenges in court cases,” Puget Sound Business Journal, February 18-24, 2005.
- “Public Comment Period Begins for Federal Civil Rules Proposals Addressing Electronic Discovery Issues,” Preston Gates & Ellis Publication, August 20, 2004.
- “Are Instant Messages Discoverable?” The National Law Journal, June/July 2004.

## NEWS & EVENTS

- 29 June 2020, K&L Gates, Lawyers Ranked as Trademark and Patent ‘IP Stars’ by *Managing IP Magazine (Rankings & Recognitions)*

## AREAS OF FOCUS

- E-Discovery Analysis and Technology (e-DAT)
- Complex Commercial Litigation and Disputes
- International Arbitration
- Investigations, Enforcement, and White Collar
- IP Litigation

## INDUSTRIES

- Consumer Products
- Luxury Products and Fashion

## REPRESENTATIVE EXPERIENCE

- Represented Microsoft in various government, competitor and private plaintiff antitrust lawsuits (1995-2004). As an integral part of the Microsoft litigation teams, Ms. Dawson lead the e-DAT teams that provided the litigation support for document discovery, deposition and experts, and trial support. Trial support included providing support from our Seattle office for trial teams in other jurisdictions, matching the trial teams’ schedule. Ms. Dawson also represented Microsoft in electronic discovery relating to many other cases, including patent, breach of contract, employment and other matters (1997-2007).
- Represented the State of Alaska in the Exxon Valdez litigation (1990-1994). In charge of all aspects of discovery for the State in multiple simultaneous proceedings, Ms. Dawson managed document discovery

(producing documents from over 2000 custodians), interrogatories, discovery motion practice before the discovery master, deposition scheduling (9 simultaneous tracks) and deposition preparation. Ms. Dawson also represented the State with extensive electronic discovery in a tax case against a major gas producer, helping the State to design a new litigation support database for that and other State matters.

- Represents a global EPC Contractor in a multi-billion international arbitration, supporting the legal and expert teams across the country and internationally. Ms. Dawson leads the e-DAT team providing broad legal services relating to expert and legal team factual research and legal development of issues, exhibit identification, machine and human translations, and database support for the entire team.
- Represented counterclaim plaintiff Telecom Labs, Inc. in an antitrust suit filed in New Jersey bought by Avaya. Defense verdict after six-month jury trial, with treble damages and attorneys' fees awarded (reversed on appeal). From 2007 to the filing of attorneys' fees motions in 2014, Ms. Dawson led the e-DAT team managing all aspects of discovery; factual research for both the legal and expert teams; pretrial processes, including identifying exhibits and objections, deposition designations (over 365 days of testimony), preparation of documents for the in-court trial presentation system, and remote trial support from our Seattle office with on-site trial support by one e-DAT lawyer for the duration of the trial. Post-trial attorneys' fees application, including preparation of a database to capture all time entries classified by category for submission.