

VERDICTS & SETTLEMENTS

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Reaching for the sky

As a high-demand neutral and electronic discovery expert, Daniel B. Garrie logs thousands of air miles a year.

By Amy Yarbrough
Daily Journal Staff Writer

Daniel B. Garrie's life is up in the air — quite literally.

In demand for his mix of legal savvy and technology know-how, the neutral and electronic discovery expert averages 12,000 to 15,000 air miles a month, and upwards of 180,000 air miles a year. Recently, work took him to Australia, New York and Delaware, all within a three-week period, and, upon his return, the Los Angeles-based neutral was about to jet off to San Francisco.

"I don't know what day it is now, to be honest," said Garrie, who chairs the E-Discovery Dispute Resolution Panel for Alternative Resolution Centers.

Garrie, who has both a bachelor's and a master's degree in computer science, has been with Alternative Resolution Centers since 2008 and serves as a special master in e-discovery matters as well. If those roles weren't enough to keep him busy, he also advises companies and law firms on technology-related issues, has authored numerous articles, is working on a book and does computer forensics on the side.

Marshall B. Grossman, whose firm Bingham McCutchen LLP has used Garrie on numerous occasions, said his technical expertise makes him a very sought after neutral.

"He is highly skilled in his craft, well respected and very much in demand," said Grossman, a partner with the firm. "He talks the language, and he understands the craft."

Christopher M. O'Connor, another Bingham attorney, said the firm also used Garrie as a confidential internal consultant on a case a little over a year ago. He said they were very happy with his work.

"He was professional. He was easy to interact with, easy to get a hold of," O'Connor said. "He was great. I'd recommend him."

Garrie, 34, describes himself as a "two-fer:" he can help resolve e-discovery disputes, and his technology experience allows him to communicate with a party's technical staff to get to the root of a problem. Without that second level of knowledge, attorneys sometimes have to hire outside experts to act as go-betweens.

"I think what makes me unique is I understand the technology and the law," he said.



S. Todd Rogers / Daily Journal

Daniel B. Garrie

Age: 34

Affiliation: Alternative Resolution Centers

Location: Los Angeles

Areas of specialty: e-discovery

Garrie is regularly called upon to resolve discovery disputes around key words used to search for e-mails and other electronic data. He also handles cases involving Internet and software licensing agreements and copyright infringement.

As an e-discovery neutral, Garrie said his goal is to make sure parties aren't spending all their energy litigating e-discovery, rather than the actual merits of cases.

"When the parties call me, they don't want the case to be about e-discovery," he explained.

While Garrie's work may seem narrow and technical, it can inject him into the middle of some unusual disputes and cases.

In one matter, Garrie was tasked with helping lawyers come to an agreement on key word search terms related to electronic discovery in a sexual harassment case. One side wanted to search for the word "dollar," which coincidentally was also the name of the one of the parties' dogs. Because the case was a sexual harassment suit, the parties didn't want to exclude the search term, "dog." Garrie was able to come up with a solution that prevented snapshots of the family pooch from becoming evidence.

"Do you really want to pay a lawyer to read about Dollar the dog?" Garrie asked.

In another case, in which Garrie served as an e-discovery liaison helping to coordinate the discovery of electronically stored information, a dispute arose after a computer server being sought for evidence inexplicably disappeared from a warehouse in Illinois.

It was never located, Garrie said, after a mysterious man named Jim carted it off in a blue pickup truck. A judge ultimately issued sanctions against the defendants in the case and recommended that the jury be told "failure to preserve the server may

be considered evidence that the server contained information unfavorable to Defendants' position." *United Central Bank v. Kanan Fashions, Inc.*, CV10-331 (N.D. Illinois, issued May 31, 2011).

Raised in Los Angeles, Garrie received his master's and bachelor's degrees from Brandeis University at 21, and sold his first business SearchApp.com, a search engine that used natural language search terms, that same year. At 28, he graduated from Rutgers School of Law.

Garrie pretty much always wanted to be a lawyer — and for good reason. One of his grandfathers is the late Leon Garrie, who was a well-respected trial lawyer in Los Angeles. His mother's father, Alexander Ohlbaum, was a judge in Romania prior to the Holocaust and survived the Nazi concentration camp Buchenwald.

To help accommodate his frequent work travel, Garrie has apartments in Seattle, Hermosa Beach and New York — where his fiancée lives. He hikes, skis and rows in his free time, and more recently started running. In November, he ran the New York City marathon, his first.

Garrie describes the marathon as "exhilarating," and said he didn't give much thought to starting with a race shorter than 26 miles.

"That's just my life philosophy. If you are going to do it, do it all the way," he explained.

As for his array of legal and technology work and frequent travel, Garrie said he doesn't sleep much and often takes advantage of the wi-fi on planes.

"I am very fortunate," he added. "I am able to do what I love to do and get paid for it."

Here are some of the lawyers who have used Garrie as a neutral: Michael A. Sherman, Bingham McCutchen LLP, Los Angeles; Jeffrey Rosenfeld, Bingham McCutchen LLP, Santa Monica; Frank M. Pitre, Cotchett, Pitre & McCarthy LLP, Burlingame, Daniel M. Perry, Milbank, Tweed, Hadley & McCloy LLP, Los Angeles; Marshall B. Grossman, Bingham McCutchen LLP, Santa Monica.