

LAURA CLARK FEY

PARTNER

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Laura has 19 years of litigation and trial experience successfully defending a variety of complex matters—including attorney general actions, multi-district litigation, class actions, and consolidated and individual cases—in state and federal courts throughout the country. A significant part of her work has involved counseling clients on records retention and electronic discovery issues, negotiating and litigating discovery issues, and developing strategies for addressing documents during trial. Her practice now focuses primarily on e-discovery, e-records management and compliance, and global data protection and privacy compliance.

Ingram's magazine recognized Laura's exceptional leadership abilities and accomplishments by naming her to Kansas City's "40 under Forty" in 2007. The Kansas City Business Journal listed her among attorneys selected by Kansas City-area lawyers as "Best of the Bar" in 2006, 2007, 2008 and 2009. Laura was selected as a Missouri & Kansas Super Lawyer® in 2007, 2008, 2009 and 2010. Super Lawyers® identifies the top five percent of lawyers, as chosen by their peers and through independent research by Law & Politics. She has also been named to the publication's list of "Top 50 Women." In 2010, Laura was named as a Top Attorney in Business Services by Super Lawyers'® Corporate Counsel Edition. She also has been chosen for inclusion in Who's Who in America 2008 and Who's Who of American Women 2008-2009 and 2010-2011.

Laura, a former Honor's Program attorney with the Department of Justice and recipient of the Department's Outstanding Performance Award, has been selected as trial counsel for major U.S. corporations in high stakes cases. Laura was the first woman selected as trial counsel for one of these corporations. She obtained complete defense verdicts in these trials.

Throughout her career as a litigator, Laura has obtained favorable results for her clients through effective motion and trial practice and skillful settlement negotiations with opposing counsel. Her strengths as a client advisor, litigator, and communicator have helped her clients to avoid sanctions such as punitive damages and corporate officer exposure to sanctions in the context of complex litigation and governmental and regulatory investigations. Laura's close work with corporate



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counsel nationwide on a variety of litigation matters has highlighted the importance of being proactive in responding to the significant civil and criminal costs and risks of e-discovery, e-compliance, data privacy, and records management.

Laura is a widely sought-after speaker, author and national television commentator on a variety of litigation, corporate records management, and e-discovery issues, including the failures that contributed to the Arthur Andersen-Enron collapse. She has lectured on protecting corporate officers from civil and criminal sanctions, including obstruction of justice, in the context of litigation and SOX records preservation requirements. She also has spoken on good records creation practices; records information management, legal holds, and e-discovery; addressing documents and document-related issues in high-stakes cases; defending and affirmatively using company documents at trial; the applicability of the attorney-client privilege to corporate communications; litigation communication; and minimizing punitive damages.

In addition to multiple client and firm presentations, Laura has spoken at seminars sponsored by the American Corporate Counsel Association-Midwest Chapter, Minority Corporate Counsel Association, Earl E. O'Connor American Inn of Court, University of Kansas, ARMA (The Association of Records Managers and Administrators) International, Cohasset Associates, Inc.'s National Conference for Managing Electronic Records, West Legalworks, Agricultural Business Council of Kansas City, and GMA (the Association of Food, Beverage and Consumer Products Companies).

Laura co-authored "A Brave New World: The Dawn of Hyper-Complex Litigation," which was published in *Bloomberg Law Reports*.[®] Laura was the lead author of a Baylor Law Review article analyzing punitive damages trends and suggesting strategies for defending against punitive damages claims. She co-authored an article on litigation and non-litigation strategies to limit corporate liability for punitive damages, which was published in the *Federation of Defense and Corporate Counsel Quarterly*. She also has co-authored a paper addressing the risks of waiving privilege when disclosing confidential information to the government and external auditors. Most recently, Laura and her partner, Jim Daley, co-authored an article for publication in ARMA International, *Information Management*, September/October 2010 issue, "Exploring Data Loss Prevention Systems for Legal Holds and E-Discovery." Laura and Jim also co-authored the United States section of a book chapter in *Electronic Evidence*, published by Lexis Nexis; and "International Restrictions on Releasing Personal Information: What Steps Your Company Needs to Consider," which was published in *The Corporate Counselor*.[®]

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Laura is a member of the Sedona Conference® Working Group on Electronic Document Retention and Production (WG1).

Laura, who is a citizen of the Chickasaw Nation and a direct descendant of the first governor of the Chickasaw Nation, is a passionate advocate for diversity. She has found it very rewarding to work with clients on diversity initiatives, including assisting with planning and obtaining speakers for diversity seminars. Laura is a founding member of the University of Kansas Law School Diversity Advisory Council. In addition, she has been actively involved as a member of the Board of Directors for the Domestic Violence Education Center (“DOVE”), which operates a self-esteem program for high school girls to enhance their chances of living lives free of domestic violence, poverty, and depression. Laura is also committed to pro bono work. In 2010, she spent dozens of hours on pro bono representation.

Representative Work

- Developed and implemented strategies for effectively managing legal holds, e-discovery, and documents in high-stakes cases
- Created records retention and litigation hold training materials for corporations
- Trained thousands of corporate employees on records retention, records creation, and litigation hold practices
- Provided guidance to in-house counsel and their litigation counsel on a variety of topics including: e-discovery developments, ethics of e-discovery and records retention, protecting attorney-client privilege, and 30(b)(6) depositions of records managers and IT specialists
- Performed records management and litigation readiness gap analyses and identified opportunities for clients to substantially reduce their legal risks and expenses
- Conducted U.S. and global privacy risk assessments; developed privacy policies; assisted clients with “Safe Harbor” certification; and provided advice concerning global data protection and privacy compliance

Industry Experience

- Financial Services
- Litigation Services
- Food
- Pet food
- Alcohol

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Publications

Co-Author, "[Exploring Data Loss Prevention Systems for Legal Holds and E-Discovery](#)," ARMA International, *Information Management*, September/October 2010.

Co-Author, "The Practical Management of Electronic Evidence (United States of America)," Chapter 7, *Electronic Evidence*, Lexis Nexis, (2nd Ed., 2010).

Co-Author, "[International Restrictions on Releasing Personal Information: What Steps Your Company Needs to Consider](#)," *The Corporate Counselor*, Volume 24, No. 6, October 2009.

Co-Author, "[A Brave New World: The Dawn of Hyper-Complex Litigation](#) - How the influx of imported products, the rise of cross-border and multinational litigation, and diminished injury requirements mean big products liability headaches for manufacturers in the years to come," *Bloomberg Law Reports: Litigation*, Volume 2, No. 27, July 7, 2008.

Co-Author, "[Making the Most of Your Opportunities: State Farm-Based Litigation and Non-Litigation Strategies to Limit Corporate Liability for Punitive Damages](#)," 55 *Fed'n Def. & Corp. Couns. Q.* 223 (2005).

Co-Author, "[The Supreme Court Raised Its Voice: Are The Lower Courts Getting The Message? Punitive Damages Trends After State Farm v. Campbell](#)," 56 *Baylor L. Rev.* 807 (2004).

Co-Author, "[Waiving Goodbye to Privilege? The Risks of 'Cooperating' With the Government](#)," MCCA 4th Annual CLE Expo, March 2004.

2010 Presentations

Panelist, "Effective Use of ESI – Depositions, Hearings and Trials" and "Data Privacy and Data Breaches," 14th Annual Electronic Discovery and Records Retention Conference, West LegalEd Center, Los Angeles, California, September 14-15, 2010.

Speaker, "Convincing the C-Suite: How to Persuade Top Management to Buy In to Records Management Initiatives," National Conference on Managing Electronic Records ("MER"), May 2010.

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Panelist, "Town Hall: The Future of RIM As We Know It," National Conference on Managing Electronic Records ("MER"), May 2010.

Speaker, "The Effects of the Economic Crisis on Records and Information Management," ARMA, March 2010.

Education and Certifications

J.D., University of Kansas School of Law (1992)

B.S., University of Kansas (1989), *with distinction*

Honors and Awards

2006, 2007, 2008, & 2009: Named to Kansas City Business Journal's "Best of the Bar"

2007, 2008, 2009, & 2010: Selected as a Missouri and Kansas Super Lawyer®

2007: Named to Ingram's "40 Under Forty"

2008: Chosen for inclusion in Who's Who in America

2008: Named to Missouri & Kansas Super Lawyers list of "Top 50 Women"

2008-2009; 2010-2011: Chosen for inclusion in Who's Who of American Women

2010: Selected for Super Lawyers® Corporate Counsel Edition Top Attorneys in Business Services

Bar Admissions

State of Missouri

State of Kansas

United States District Court, Western District of Missouri

United States District Court, Eastern District of Missouri

United States District Court, District of Kansas