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Trends in Consumer Electronics

By Jeffrey Allen

Every January for the last 40 years, the consumer electronics industry has gathered in Las Vegas to strut its stuff at the largest show of its type in the world. Over the last 40 years, the size and importance of the Consumer Electronics Show (CES) has grown dramatically. This year, some 2,700 exhibitors from all over the world occupied more than 1.8 million square feet of floor space to show off their latest and greatest technology to more than 140,000 industry buyers, media representatives, and other interested persons.

For the last several years, I have attended CES to scout it for the readers of this publication and reported on my observations in order to give you insight into the evolution of technology that will affect you at home and at work.

We have seen a great surge in the advertising of HD (high definition) television in recent months. It should not surprise you to learn that HD television played a big role in this year's CES. The ranks of manufacturers of HD products have swelled, and many of those manufacturers exhibited their newest technology at CES as well as providing a glimpse of things to come. Flat screen, big screen televisions have grown in popularity in the last few years, as the prices have decreased in the face of improved quality and increasingly large displays. Screens that cost tens of thousands of dollars just a few years ago cost only thousands today. One can find 50+ inch LCD and plasma screens today for less than $5,000.

As you will find, getting the big screen, high-definition television is only the beginning. Once you have the television receiver, you will want to consider expanding your technology to create the full home theater experience. You will want a DVD player to tie into your big screen TV. DVD players now exist in both standard and high definition (HD) formats. The newest devices also make hard disks available for recording television programming for later viewing. You will also want a surround sound speaker system. You can buy the components for the system independently or buy premade full surround sound systems. After you have the speakers, you will want to consider a dock for your iPod or other MP3 player, so that the music you have collected can play through the system or throughout your house. No theater would seem complete without genuine theater seats, complete with holes in the arm rests for a drink. Those chairs exist for home use, and I saw several versions at CES, sold as singles or two- or three-chair units.

Having a home theater or a "connected" home or office only whets the appetite for more. What happens during the period when you find yourself between home and office or driving to or from another location? Automotive electronics has become a very large portion of the show over the last several years. Automotive technology at the show ranged from high quality and reasonable speakers to so powerful that they totally overwhelmed people standing near the car, let alone anyone that might be in the car. Many, if not most, new cars on the market today come with standard or optional built-ins for Bluetooth technology to connect to cell phones and other devices, docks for iPods, GPS devices, satellite radio, and DVD players. For each of those devices, after market options exist for cars that came without such connections. The after market devices have become so good that they often rival the built-ins, both in terms of quality and aesthetics.

Mobile phone manufacturers have continued to merge more devices into the cell phone, which has now become the premier multifunction device in our lives. Even the simplest cell phones include personal information managers, cameras, and text messaging capabilities. Most have the ability to access the Internet at some level; many provide full Internet access. Other phone devices offer those features plus a combination of some or all of

the following: GPS (global positioning system) capabilities, radio, and MP3 player capabilities. Some of the phones even come with the ability to work as cellular modems to connect laptop computers to the Internet.

One of the fastest growing and most significant telephone-related developments is the evolution of entertainment and other content transmitted to cell phone receivers. In addition to general Internet access, instant messaging, and related features, you can now have television content and other selected information transmitted to your phone for you to view. While the concept of this opportunity may be potentially impressive, approach it with caution. The one thing that remains substantially unimproved is the duration of the battery charge. While it may be true that battery technology has improved somewhat, the converged features often impose a substantial drain on the batteries. All of the features in the world do not do you much good if the phone battery runs out. Consider carrying a spare charged battery with you when you go out in order to ensure that you have the ability to make a call when you want or need to (or to get any of the other features the phone provides that you want to use at any given time).

Experienced photographers will undoubtedly continue to purchase the more and more sophisticated digital cameras, but for day-to-day use, the point and shoot cell phones cameras will grow in popularity as they will prove sufficient to satisfy most users. In dedicated cameras, ten megapixel resolutions have become available in very small packages for less than $400. My choice of brands to watch for: Sony, Canon, Casio, and Konica Minolta. While I personally consider Canon and Sony digital cameras the best in terms of quality, Casio has come out with a whole new line up of pocket-sized cameras in the 7–10 mega pixel range that offer an excellent value package of price, power, and features. I have tried out several of them and found them quite good.

Wireless networking at home and at work continues to attract more and more users. Look for implementations of the 802.11n technology at your local computer stores. The "n" routers offer more power at the same or lower prices and include reverse compatibility (they also work with 802.11 (a), (b), and (g) devices. I put one of the "n" routers in my office and in my office at home. Both replaced 802.11(g) devices. The older devices worked well, but had areas where walls or other things interfered with coverage. I have found no such areas with the "n" router, so my home and office wireless networks both work better with the "n" routers. You might also look for implementations of "WiMax" to will allow broader area distribution of a signal and, potentially, the ability to have high speed wireless Internet access in more and more locations.

VoIP (Voice over Internet Protocol) continue to grow in popularity. Several large VoIP providers now offer Internet telephony for home and business. The quality of the service has gotten better, and the connections, in my experience, have been strong and clear. I installed a VoIP telephone connection in my house a couple of years ago as an experiment and have been quite pleased with it. VoIP does not even require special telephones. Once you install the electronics for the connectivity to your Internet connection and a telephone line (a simple enough task that you can easily do it yourself), a standard touch-tone telephone will work fine to complete calls. You can even use your wireless telephones with VoIP. Several providers now offer special phones to work with laptop computers as the use of VoIP has become more mobile through the ability of the laptop computers to connect to the Internet on the go. More recently, Vonage has adopted portability as a feature and sells a version of its connection kit that includes a USB Thumb drive, preloaded with its software, together with a telephone headset (earphone-microphone). The thumb drive plugs into a USB port on your broadband Internet-connected Windows computer and makes that computer your telephone connection. The connection can move from computer to computer or from place to place with the same computer, along with the thumb drive.

Satellite radio continues to grow in popularity and, in the future, will likely present a radically changed landscape. For those of you not familiar with satellite radio, you have had a choice between two providers, Sirius and XM. Both have a modest subscription fee. Satellite radio offers a wide variety of programming ranging from specific genres and periods of music, to talk shows, to comedy, to news and sports. You must have a special receiver to get satellite radio, and the receivers all tie uniquely to one or the other provider. The ability to receive broadcasts almost anywhere that the antenna has an unobstructed view of the sky has contributed greatly to the steady growth in popularity. Many car manufacturers now offer built-in satellite radio receivers as an option. Expect that number to continue to increase. A growing variety of receivers for home, work, car, and personal portable use at very reasonable prices will contribute to the increasing popularity of this medium. The big news in this industry broke after the close of CES. Sirius and XM agreed to a buy out of XM by Sirius. The

transaction will require governmental approval. If approved, it will mean that, at least for now, satellite radio would have only one provider. Likely, that would result a merger of programming, enhancing the programming available to all subscribers. Over time the technical differences will likely disappear, and a single transmission technology will reach all subscribers. We will have to wait to see whether, if approved, the unification of Sirius and XM will result in an increase in the subscription charges.

Laptop computers have gone through a major change in the last year. More and smaller portable computers came to the show and have come to your computer supplier. Manufacturers have gone through three generations of chips in that same time period. On the Windows OS side, the Pentium class chips that dominated a year ago will always have a place in the museum of computer processors. The Core Duo replaced the Pentium and its work-alikes as the processor of choice during the first half of 2006. During the last half of 2006 and going into 2007, the Core 2 Duo replaced the Core Duo and its work-alikes. During 2006, even Apple moved its hardware to the Core Duo and then the Core 2 Duo. Virtually every computer shown at CES used a Core 2 Duo processor or work-alike. The Core 2 Duo works faster and better than the Core Duo, and the Core Duo works faster and better than the Pentium class processors and work-alikes. The rapid sequencing of changes in the main processor used resulted in substantial price drops in the Pentium class and the Core Duo computers. Interestingly, you can find the Core 2 Duo computers at bargain prices too. The laptops available now cost less and do more than their predecessors a year ago.

More and more attorneys have chosen to make use of digital presentation technology in their practice. I saw a number of new portable projectors at CES, mostly of the DLP variety. I saw relatively few LCD projectors, leading to the possible conclusion that the DLP technology has won or is winning out over the LCD technology at the portable level. I saw some interesting low-powered portable units, but they have little utility for a law practice. Vendors did display more and more small, portable, but higher powered projectors. Look at 1,500–1,800 lumens as the lower level floors for illuminating power. 1,500 lumen units have largely replaced the 1,000 lumen units. Many units of up to 2,000 lumens have become available for $2,000 or less. Many manufacturers have jumped on the bandwagon of this technology and produce quite satisfactory units. I am very partial to the units marketed by HP, Toshiba, and Casio because of the combination of size, power, features, and price that they offer.

Jeffrey Allen (jallenlawtek@aol.com) has a general practice in Oakland, California. His firm, Graves & Allen, emphasizes real estate and business transactions and litigation. He is a frequent speaker and author on technology topics and the Editor-in-Chief of the **GPSOLO** *Technology & Practice Guide and the* **Technology eReport***.*

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Ten Tips Leading to Efficient and Effective eDiscovery for the Small Law Firm

By Ervin A. Gonzalez and Patrick S. Montoya

Amendments to the Federal Rules of Civil Procedure relating to electronic discovery became effective on December 1, 2006. Along with the new rules came significant challenges for the small firm plaintiff lawyer, who now has to deal with the burdens created by the new electronic discovery rules. The amendments present difficulties for smaller plaintiff law firms with limited financial resources, for several reasons. First, it may become very expensive for the plaintiff firm to obtain needed electronic discovery because of the possibility of cost shifting in the new rules that may force the plaintiff to pay the defendant for the requested discovery if the defendant establishes that the discovery is not reasonably accessible. Second, the defendant may intentionally swamp the plaintiff with unnecessary discovery to increase the costs and deplete the plaintiff firm's financial and personnel resources. Third, a plaintiff firm is now required to hire forensic computer experts to assist in narrowing the scope of the search and to consult with the plaintiff lawyer to address what discovery should be easily accessible, and in what format the discovery should be produced. In this article, we propose ten fundamental cost cutting and time saving tips to assist small plaintiff firms in dealing with the new electronic discovery rules.

Reasonably Accessible Documents and Information
The new rules specifically permit the discovery of electronically stored information. As part of the rule changes, Rule 26(b)(2)(B) was amended to permit defendant's responding to discovery to designate certain discoverable electronically stored information as "not reasonably accessible." This means that the information may exist, but it is too much of a burden to produce so that the expense of finding and producing the information and documents requested should fall on the plaintiff. In that case, the defendant must identify the existence of the documents and information requested, but is not required to produce it until the court determines whether the information is reasonably accessible. Although this sounds reasonable, it will undoubtedly be used by defendants as a tool to thwart discovery by increasing the cost of discovery and by creating another road block for the plaintiff attorney to overcome before getting the relevant and necessary discovery to win the case. Once the defendant states that the requested discovery is not reasonably accessible, a two-step analysis is required by the court. This is commonly referred to as the "two-tiered approach." Under the two-tiered approach, the first tier is challenging an opponent's designation of electronically stored information as not reasonably accessible and conducting limited discovery on the issue. The defendant has the burden of proving the information is not reasonably accessible.

The second tier comes into play if the court agrees that the defendant's electronically stored information is not reasonably accessible. Once this occurs, the requesting party must show "good cause" for the discovery. This means that the plaintiff lawyer will have to show that the discovery falls within the scope of discovery and is sought in good faith. Once that determination is made, then the court may order the defendant to produce the documents, but may require the plaintiff to pay for the costs of producing the documents. Under Rule 26(b)(2)(C) the court may shift the costs of the discovery to the requesting party "of part or all of the reasonable costs of obtaining information."

First Cost-Cutting Tip: Plan Your Discovery by Taking a Global View and Pinpointing Your Needs
What do you really need to win your case? This is the question you must ask yourself as you prepare your general discovery plan. How does electronically stored information help your case? Will you get the same "bang for your buck" from traditional depositions or from paper discovery? Is it really worth having a computer

forensics expert restoring electronically stored information and performing labor-intensive, high-cost procedures to obtain the information?

The only way you will know the answers to these questions is to plan your discovery appropriately. Just like an architect/engineer cannot design a building without a plan for the foundation, using concrete, steel, and wood for support, your case cannot be built without a foundation. Just like a building, if the foundation is weak, the case will crumble. The components of the foundation for your case are the discovery tools available to you: depositions, interrogatories, requests for production, requests for admission, and inspections. Before venturing into electronic discovery, determine whether you need it, and if so, how it fits in your overall discovery plan. Ask yourself: "Do I need electronically stored information to build the foundation of my case?"

Limiting electronic discovery to what you really need will greatly reduce your costs and preserve your resources. Request only the electronic discovery necessary to your comprehensive discovery plan. This will greatly reduce your potential costs, the time you spend fighting over these issues, and the vast amount of time that you will spend reviewing information that may be totally irrelevant to your case.

Second Cost-Cutting Tip: Educate Yourself on the Various Methods and Formats of Electronically Stored Information

Cut your costs by learning the ways that electronic information is transmitted and stored. You need to understand fully what electronically stored information may be available to you in discovery, including how the information is stored, the format it is stored in, and the methods of searching electronically stored information. Knowledge is power, and knowing how electronic information works will allow you to effectively and efficiently obtain the necessary discovery in a cost- and time-efficient way.

A low-cost way to learn about electronically stored information is to search the Internet. There is a vast array of vendors seeking your money to conduct and consult on electronic discovery issues. Use their websites to understand the terminology and the electronic discovery universe you will be entering. Speak with your technologically savvy friends and family members and have them educate you on how electronic discovery works.

Hire a consultant or look for a former employee of your opponent's company so that you may find out what information was stored electronically, what format it was stored in, what the retention policy of the information was, and where the information was stored.

Once you are armed with the knowledge from your own research and have an idea of what information to seek, consult with your information technology (IT) consultant. Ask the IT expert to explain the various types of backup systems, how email is stored, what happens to files when they are deleted, and other relevant information. Explain your case to the expert and tell her about the information you think may be available, and come up with inexpensive ways to obtain the information. Create an inexpensive plan to retrieve the information.

Conducting your own research, using your client or former employees to focus your discovery, and using the expertise of your IT professional are low cost, minimal effort methods that will lead to excellent results in obtaining the valuable information and documents you need.

Third Cost-Cutting Tip: Finding an Affordable Local IT Expert

A low cost and effective way to educate yourself and successfully obtain electronically stored information is to retain an IT expert from your local talent pool. Your local IT talent pool may include community college adjunct and full-time professors, IT personnel for medium- to large-sized companies, and graduate students from local IT colleges and vocational and technical schools. Do not overlook these low cost resources. These individuals will likely be willing to work on a part-time basis at a rate lower than a traditional "litigation computer forensics expert." You may want to use them as a nontestifying expert. Use their practical knowledge and experience of business practices to efficiently obtain the information you need from your opponent's electronically stored information.

Fourth Cost-Cutting Tip: Hire a Computer Systems Forensics Expert
Once you have gained a basic understanding of information systems and what types of information you are seeking, make a cost saving investment by hiring a competent, but affordable, computer forensics expert. This investment is counterintuitive to cutting costs; however, spending a little on a forensics expert will save you a lot in the long run. Just like any case you handle, you want the best expert available within your means on your side. You would not take on an airplane crash case without consulting with a pilot, mechanic, engineer, and accident reconstructionist. You would not take on a medical device case without retaining a physician or medical device expert. In the same manner, you should not venture into electronic discovery without a knowledgeable expert.

The new rule changes and the complexity of electronic discovery and the various methods of storage and extraction will require retaining an expert at the early stages of litigation. To make the investment in retaining a computer expert affordable, consider different payment structures with the expert. You may negotiate a flat rate fee per case or have the expert on a retainer if you have a sufficient caseload. If forensic research is needed (for example, the mirroring of a hard drive by your expert to find electronically stored information), your expert's rates may vary. Often, experts employ assistants or junior associates that are just as knowledgeable as the expert, but are compensated at a lower rate. Ask your expert to have the assistant work with you on the project in order to reduce costs.

Fifth Cost-Cutting Tip: Plan Your Discovery Early in the Case by Keeping Your Eyes on the Prize Before the Scheduling Conference
One of the keys to a successful discovery plan is to know what you need to win the case and not chase unneeded data, wasting your time and resources. To accomplish this, you must narrow down what you need to win your case. With the new rule changes, you must decide what your prize is early in the case. Then keep your eye on it so that you can get it. In other words, figure out what you need to win and ask for it and avoid asking for things that you do not need that will unnecessarily bog down your case by forcing you into an expensive discovery expedition that will not get you closer to your goal.

The amendments require you to discuss an electronic discovery plan with the defendant during the initial scheduling conference pursuant to Rule 26(f)(3) as to "any issues relating to disclosure of discovery of electronically stored information, including the form or forms in which it should be produced." You will be forced early on to make well-informed decisions on what information to pursue if designated not reasonably accessible in light of the importance and usefulness of the information and the issues at stake. Once again, consultation with your computer forensics and IT expert will be valuable at that stage.

Sixth Cost-Cutting Tip: Use the Scheduling Conference to Narrow Issues and Learn Your Opponent's Position on Discovery of Electronically Stored Information
The amendments to Rule 26(f)(3) require all counsel to "discuss any issues relating to preserving discoverable information and to develop a proposed discovery plan that indicates the parties' views and proposals concerning: . . . any issues relating to disclosure or discovery of electronically stored information, including the form or forms in which it should be produced . . ." at the outset of the case. Use your IT expert to evaluate your opponent's information systems prior to the scheduling conference. The IT expert will also be helpful in crafting your discovery requests with the requisite specificity to avoid problems. Finally, your IT expert will be very helpful in determining the costs associated with the requested production.

During the initial Rule 26 conference, make sure you discuss your opponent's preservation of evidence; types, numbers, and locations of backup systems; and the name or types of electronically stored information systems used by them. Also be sure to discuss production formats. As the Committee Notes to Rule 26 suggest, it is important for counsel to become familiar with the electronic storage systems before the conference so that a discovery plan may be discussed. In particular, conferencing with individuals with special knowledge of a party's computer system may be helpful. To promote this idea, take your IT expert with you to the conference and request that your opponent do the same.

Seventh Cost-Cutting Tip: Specify the Format of Production That Will Yield the Best Results for Your Case
Rule 34(b) permits you to designate the format for production. After the scheduling conference you will have a

better idea of what format to use when requesting your discovery. If the production format is not specified in your discovery request, then your opponent can state the format in which it will provide the information and produce it as ordinarily maintained or in a reasonably usable format. You need to learn from your own research and your expert what the benefits and detriments are of the various formats.

Four formats exist for review and production of electronically stored information and paper documents. They are the following: 1) online repository tools containing responsive documents; 2) native files; 3) litigation support load files, TIFF images, metadata and extracted text; and 4) printed paper. Know which format will be best for your case and keep costs down by educating yourself and consulting with your expert

Recent cases suggest that native file production may become required if there is no reasonable basis to object to it. Native files are the original computer files, in their original application or software forms. Accordingly, you will need to fully understand what the native format is for the particular discovery you seek in your case. For example, how the documents were kept, what software programs were used, how files were named, and whether there was any electronic back up or overwriting of the documents.

If you are going to request documents in a format other than the native file format, consider the following factors when formulating discovery requests:

- **Alterability and Spoliation.** Once files are converted to TIFF images, they cannot be altered. Native files, however, can be changed very easily—either intentionally or unintentionally. For example, simply opening a document can change the metadata of a native file.
- **Bates Numbering.** Tracking documents in a native production can be costly, inefficient and unmanageable. Native file productions make it impossible to Bates number documents, precluding parties from having an effective audit trail of the documents produced. Some parties add Bates numbers to the header or footer of a native document; however, in addition to being time-consuming, this modifies the document from its original form. In contrast, a TIFF production allows for Bates numbering and accurate tracking of produced documents.
- **Creating Redactions.** A TIFF review and production allows parties to redact confidential or privileged information. When documents are produced natively, however, there is no effective way to place a redaction on the native file. Thus, a native file production can undermine a defendant's efforts to protect proprietary or privileged information.
- **Searching Text.** Documents that have been converted to TIFF images can be easily searched and reviewed in one comprehensive search query. In a native file document set, this task is very difficult because few applications exist for searching across thousands or millions of native files in different formats from multiple computer users. Be aware that courts across the country have found producing TIFF images with corresponding, searchable text and metadata acceptable.
- **Metadata.** If a defendant produces native files, all associated metadata, embedded data, and hidden information will be handed over to you. Production of TIFF images, text, and selected relevant metadata fields allows a defendant greater control over what it is giving you.

Eighth Cost-Cutting Tip: Winning the Battle of "Reasonably Accessible" Versus "Not Reasonably Accessible"

The amendments to Rule 26(b)(2)(B) authorize a defendant to self-designate sources of electronically stored information as "not reasonably accessible" because of undue burden or cost. Rather than produce the information, the defendant must only "identify, by category or type, the sources containing potentially responsive information that it is neither searching nor producing." The defendant has the burden to show that the sources are not reasonably accessible. The court may order the discovery produced even though not reasonably accessible if the plaintiff shows "good cause" for it. Nonetheless, even if the plaintiff shows "good cause," it may be required to pay a portion of, or all the costs of the production.

There is a large potential for abuse of this rule because the defendant does not have to review or produce the electronically stored information it designates as not reasonably accessible, even if it is discoverable. The potential for abuse and the adverse results of cost-shifting have been explored by courts:

Courts must remember that cost-shifting may effectively end discovery, especially when private parties are engaged in litigation with large corporations. As large companies increasingly move to entirely paper-free environments, the frequent use of cost-shifting will have the effect of crippling discovery in discrimination and retaliation cases. This will both undermine the "strong public policy favor[ing] resolving disputes on their merits," and may ultimately deter the filing of potentially meritorious claims.

Thus, cost-shifting should be considered *only* when electronic discovery imposes an "undue burden or expense" on the responding party. The burden or expense of discovery is, in turn, "undue" when it "outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues."

With the potential for abuse by defendants in mind, the most significant protective cost-cutting measure for a small plaintiff's firm is to win the battle of what is "reasonably accessible." This will keep ediscovery costs manageable. Your research, your understanding of your opponent's computer information systems and your computer forensics and IT expert will be invaluable if you are forced to contest your opponent's designations of not reasonably accessible.

Ninth Cost-Cutting Tip: Use the New Rules to Your Advantage by Sampling and Taking Depositions of Computer Information Personnel

A defendant's designation of what is not reasonably accessible may actually help you keep costs down in electronic discovery by allowing you to sample a narrow range of information. When a defendant designates information as not reasonably accessible, it must also identify, by category or type, the sources containing potentially responsive information that it is neither searching nor producing to you. Your opponent also must provide you with enough detail to allow you to evaluate the burdens and costs of the requested production. This is akin to a privilege log. Utilize the rule to force your opponent to provide you with a sufficiently detailed listing of the responsive information, as you would with a privilege log. This will allow you to decide whether to pursue it or let it go. If you believe that the information is valuable, then you may be allowed to take limited discovery on whether the information and documents sought are truly not reasonably accessible.

The Committee Notes to Rule 26(b)(2) state that limited discovery may be needed to test the defendant's designations that electronically stored information is not reasonably accessible. That limited discovery may consist of: a) sampling information contained on the sources identified as not reasonably accessible; b) some form of inspection of the sources; and c) taking depositions of witnesses knowledgeable about the defendant's information systems.

Sampling may result in acquiring valuable information to help you decide if you need the information, and to assist you in obtaining the necessary discovery without incurring unnecessary expense. Consider taking a Rule 30(b)(6) deposition to find out about the defendant's information systems, formats, hardware, software, operating systems, file-naming and location-saving conventions, backup policies and schedules, document retention procedures, and other associated technical information. Use your computer forensics expert to assist you in developing a meaningful and productive limited discovery plan to test your opponent's designations.

Tenth Cost-Cutting Tip: Win the Cost-Shifting Battle

Up to this point in the article, we have assumed that your opponent has not prevailed in its designation of electronically stored information as "not reasonably accessible" due to being unduly burdensome and costly. Nonetheless, pursuant to Rule 26(b)(2)(B) if the source of electronically stored information is found "not reasonably accessible," then you may still obtain the information on a showing of good cause. The burden to show that the discovery is unduly burdensome and costly is on the defendant. The court will take under consideration the limitations of Rule 26(b)(2)(C) in determining if electronically stored information is unduly burdensome or costly. Courts must also decide if the burdens and costs can be justified in the circumstances of the particular case.

Even if the court finds in your favor that good cause exists for the discovery of "nor reasonably accessible"

information, you may still be required to pay for the cost of production upon the court's discretion. When arguing to avoid cost shifting and establishing good cause for the discovery of "not reasonably accessible" information, consider including the following factors in your motion:

A. your need for the discovery;

B. your client's inability to pay for the costs related to the discovery in comparison to the defendant's ability to pay;

C. the likelihood that the information requested will lead to the discovery of admissible evidence;

D. the difficulty you will encounter in finding the information from any other source

E. the ease with which the defendant can find and produce the information and documents requested;

F. the specificity of the discovery request;

G. the quantity of information available from other and more easily accessed sources;

H. the failure of the defendant to produce relevant information that seems likely to have existed, but is no longer available on more easily accessed sources;

I. the likelihood of finding relevant, responsive information that cannot be obtained from other, more easily accessed sources;

J. predictions as to the importance and usefulness of the further information;

K. the importance of the issues at stake in the litigation; and

L. the parties' respective resources.

Conclusion

The new rules on electronically stored information present challenges to a small plaintiff law firm's budget and resources. With careful preparation, the use of an affordable IT expert, and common sense, a small plaintiff firm can use the new rules on electronic discovery to greatly enhance the quality of discovery obtained from defendants. The key to success is to not be afraid of the new rule, or of modern technology. Instead, embrace it, learn it, and win with it.

Ervin A. Gonzalez is a partner at the law firm of Colson Hicks Eidson. Mr. Gonzalez was recently named one of the "Top 11 Lawyers in the Nation for 2005" by Lawyer Weekly USA; received the "2006 Most Effective Lawyer Award for Civil Litigation" from the Daily Business Review; named one of the "Top 100 Lawyers" by Florida Super Lawyers; and is ranked as one of America's leading lawyers by various sources such as Best Lawyers in America, Chambers and Partners, Leading American Attorneys, Florida Trend Magazine, and South Florida Legal Guide. His email address is ervin@colson.com.

Patrick S. Montoya is a trial attorney specializing in serious personal injury, product liability, medical malpractice, wrongful death, construction defects, commercial litigation, and mass tort. He may be reached at patrick@colson.com.

TechNotes

By Anthony Vittal

I spent ten days in Germany in January, where almost everyone is using technology with a vengeance. TV shows on cell phones. VoIP phones in small villages enabling phone calls to the USA for €0.02/minute (about 2.68¢ per minute). Free secure WiFi (or WLAN, as they universally refer to it) even in small hotels in the boondocks. Interactive GPS directional systems that interact with the traffic control systems on the Autobahn to provide advance warning of road hazards and suggest alternative routes.

I was prompted to write this column by seeing the extent to which small form-factor devices have been adopted by German businessmen, such as the elderly banker I saw, sitting in a Hamburg hotel lobby, typing away on his Euro-style ultraportable. Some examples of Ultra Mobile Personal Computers (UMPCs) available here, running either Windows XP or Windows Vista:

- Model 2 of the OQO, about which I previously have written, is now available, with more RAM, more disc storage, more data ports, all for about the same price as the original model. The OQO is the world's smallest fully-functional Windows XP or Vista PC. Where else can you get a full-featured Windows computer the size of a paperback book with a 1.5 Ghz CPU, a 60 GB hard disk drive, and 1 GB of DDR2 RAM? The OQO also offers built-in EVDO (Sprint or Verizon) or UMTS/HSDPA 3G wireless access to the Internet in addition to the built-in WiFi (802.11abg) and Bluetooth transceivers.
- For something with a little more design pizazz, there is the Sony Vaio UX Series of microPCs with touch-screen technology. Available with either a 40 GB hard disk drive or 32 GB of flash RAM for storage, the UX Series uses Cingular's EDGE network in addition to 802.11b/g WiFi for wireless network access.
- Like the Vaio UX devices, the Samsung Q1 UMPCs offer touch-screen technology driven by Windows XP Tablet. They otherwise are comparable in features, except that the Q1 does not offer Centrino processors (using mobile Pentium or Celeron processors instead) and does not offer WLAN capabilities beyond the 802.11b/g WiFi. It also offers a solid-state "disk drive" to eliminate the power drain and shock sensitivity of a normal had disk drive.
- For something more robust, there is the ruggedized Switchback UMPC from Black Diamond Advanced Technology in Tempe, Arizona. Measuring 7.5" x 5.5" x 2", it weighs 3 pounds, but is available in a magnesium housing and is reinforced with rubber isolators. This UMPC meets or exceeds military specifications for shock, extreme temperatures, vibration, and humidity. The Switchback will run any of Windows XP/CE/Mobile or Linux on an Intel Celeron M processor running at 1 Ghz.

These UMPCs, however, highlight a general problem we all have today—the exponential growth in the volume of information we need to manage and store. I will write more about this in my next column. For now, know that Seagate has developed two new devices, each solving a different aspect of the problem.

- If you are using a Treo or other PDA as your phone and a UMPC, you are limited by the fact the devices will only manage 2 GB of additional RAM, found in a minSD card. Enter DAVE—an acronym for digital audio video experience—which focuses on the intended use for this 10 or 20 GB device. Stated simply, it offers 10–20 GB of additional storage, linked to your PDA via Bluetooth and your PC via Bluetooth or USB. Expect to see DAVE on the marked in the second quarter of this year.
- FreeAgents are a line of pocket-sized portable storage devices, offering up to 750 GB of storage to folks who want to carry their applications and data with them, but not their computers. These devices contain both a drive and a software stack to manage and encrypt files, which are handled using VPN technology. Seagate

claims that FreeAgent devices will not leave passwords or data traces on the computers into which they are plugged.

Finally, you may wonder how you can protect your devices against thieves, since they are so small and attractive. Consider [LoJack for Laptops](#), which works on the same principle as LoJack for cars. The company claims a 75 percent recovery rate. Better than nothing.

More in my next column. Until then, the future approaches ever faster.

J. Anthony Vittal (tony.vittal@abanet.org) is in private practice with The Vittal Law Firm based in Los Angeles, California. A former member of the ABA Standing Committee on Technology and Information Systems and a member of various technology-oriented committees of ABA Sections, he speaks and writes frequently on legal technology topics.

MacNotes

By Jeffrey Allen

Every January the Mac faithful face West and look to Steve Jobs to tell them what new products Apple has come up with for the new year and what changes Apple will make to its product line. Jobs delivers that message to the faithful at the annual MacWorld show in January. Although Jobs managed to raise some eyebrows in the past, this year, Apple's announcements actually caused the news from MacWorld to overshadow the news from the much larger Consumer Electronics Show in Las Vegas.

Photos courtesy of Apple

As usual, Apple has several things going on in product development. The release of the new Airport Extreme based on the WiFi "N" (802.11n) standard will certainly improve the quality of wireless networking for Mac users. The Airport Extreme works with both Mac OS and Windows-based computers and allows networking at speeds up to four times as fast as the 802.11g standard based wireless networks. The new Airport boxes will handle up to 50 connections and distribute a signal over approximately twice the area of the 802.11g devices. The N standard devices come with backwards compatibility, allowing them to work with older devices using the 802.11a, b, and g standards.

Apple also has announced that it will move farther into your living rooms with Apple TV. The initial hardware will hold up to 50 hours of video programming. Apple TV will let you use your widescreen television to watch

your choice of TV shows, movie trailers, and photos; play music; or look at podcasts from your iTunes library through a wireless connection. Apple TV takes the digital media available on your Mac OS or Windows OS computer and makes it available for viewing on your television. Apple TV will automatically update when you add something to iTunes.

The *Piece de Resistance*: The most newsworthy part of Apple's announcements related to its expansion into another industry—telephony. It came as no surprise to many of us that Apple announced the iPhone. The iPhone does not yet exist, but Apple is working on it and expects to release it around mid-2007. Apple has already entered into an exclusivity contract with Cingular for distribution of the phone, which, because of the Cingular agreement, will operate as a GSM device. Apple has already modified its web site to set up an iPhone tab so that you can get additional information about it and start to develop a craving for the newest Apple on the block: http://www.apple.com/iphone/.

As you may recall, some time ago Apple made a deal with Sony, which had a deal with Ericssen. As a result, Apple will design the phone to operate on the Cingular system. The specifications provided by Apple indicate a quad band GSM device with built-in Bluetooth, WiFi (802.11 b/g), and Edge (Cingular's high-speed option) compatibility. In the iPhone, Apple plans to release a converged device combining a new mobile phone, a widescreen iPod, and an Internet communications device. The phone will include a 2.0 megapixel camera.

The 3.5-inch iPhone screen will sport a 680 x 480 resolution. The screen can display in the portrait or landscape (widescreen) mode, depending on your needs. The 4.8-ounce device will have dimensions of 4.5 x 2.4 x .46 inches (about the same as the current versions of the full-sized iPod. It will use the Mac OS and come with 4 or 8 GB of built-in storage. Apple asserts an expected battery use life of up to 5 hours per charge for telephone, video, or browsing uses and up to 16 hours per charge for audio playback. Note that Apple's website indicates that the FCC has not yet approved the device and that its technical specifications may change before release.

The iPhone will use a Safari browser to access the Internet via WiFi or Cingular's Edge system. It will automatically sync bookmarks from a Mac or a Windows computer. It also multitasks so you can, for example, do a search on the built-in Google search engine while downloading your email in the background. The iPhone will access most mail servers using IMAP or POP technology. You can download mail and attachments and read text as well as view graphics.

As a telephone, the iPhone has all of the features you would expect a top-of-the-line phone to have. You can put one call on hold to answer another and then merge the two calls into a conference call. It has a built in speakerphone. You can connect a headset to it through Bluetooth technology. It also includes an SMS application for text messaging; the SMS application uses the software QWERTY keyboard.

The iPhone will provide access both to Google Maps. Using the included Maps application, you can get maps, look at satellite images, and even get directions and traffic information. The iPhone will also incorporate the "widget" technology used in OS X to allow inclusion of additional features, such as a calculator, clocks, weather, traffic, stock reports, and so forth.

As you may have noted from the pictures, the iPhone has no physical keypad for data entry or telephone dialing. You can dial the phone by selecting an established contact or by using a virtual keypad and the touch screen technology used in the iPhone. You won't have to key in the numbers, as the iPhone will sync to contact information on your Mac or Windows computer. For text, the iPhone will provide a software-based QWERTY keyboard on the touch screen. It will also employ predictive technology so that the keyboard will make an educated guess as to what you intended to type, which can save you some typing.

Cost projections for the iPhone come in at the $500–600 range, making it one of the most expensive cell phones converged devices on the market. Cingular traditionally offers some discounts on the purchase of a phone device for new customers or for existing customers with contract extensions. Those discounts usually come in the range of $100 or $200.

The iPhone promises to get a hot reception when it comes out. It has the promise of setting a new standard in communications technology. Presumably the marriage of Sony's camera and computer expertise and technology, Ericsson's telephone technological expertise, and Apple's computer expertise will produce a device that many will view as a "must have."

Other Mac-related news worth noting: Apple recently upgraded its computers and now uses the Intel Core 2 Duo processor in all of its computers except the Mini, which still uses the Intel Core Duo processor. The new version of the operating system (10.5) will likely be available by April. Parallels is working on some significant upgrades. The beta versions are nearing release. It already has compatibility with the Leopard and Vista operating systems. Microsoft announced the expected release of Microsoft Office 2007 for the Mac OS late this year. It will be a universal application so that it will run native in the Intel machines. Hopefully, the release estimate will be closer than Microsoft was with Vista….

Jeffrey Allen (jallenlawtek@aol.com) has a general practice in Oakland, California. His firm, Graves & Allen, emphasizes real estate and business transactions and litigation. He is a frequent speaker and author on technology topics and the Editor-in-Chief of the **GPSOLO** *Technology & Practice Guide and the* **Technology eReport***.*

Technology eReport

Mind Your Manners When Sending Email

By jennifer j. rose

When e-mail was in its infancy, Arlene Rinaldi spelled out the rules of Netiquette in the basic terms required by the era. Her guide, which seems quaint by today's standards, can be found at http://www.cs.biu.ac.il/home/ leagal/netguide/netiquette.html.

Back then, Internet connections were slow, Spam® was a lunchmeat sold by Hormel Foods, and most folks had but a single email address. Today practically everyone in the first, second, and third worlds has broadband, technopeasants have multiple email addresses, unsolicited junk mail is a major concern, and simply sending email is easier than ever. The days of waking up to a whopping seven new emails are long over. Between midnight and that first bleary-eyed cup of coffee in the morning, several hundred now await most of us. The ubiquity of email and advances in the way we use it demand new approaches to its etiquette.

- Just because you have the ability to format messages in fancy fonts, colors, and with little posies against a polka-dotted background doesn't mean that you should inflict it upon others. Many email clients can't handle messages sent that way, delivering your message as gibberish or crashing the recipient's email client. Save the HTML for those who appreciate it.
- Unless you know the recipient's expecting something from you, don't send large attachments without asking first. A large attachment is anything over 5 MB, provided you know that the recipient has broadband. Not only do you not know the size of the recipient's mailbox or the recipient's ability to handle large files, but the last thing you want is downloading that rejected attachment into your own inbox. If you're in doubt, use a service such as YouSendIt, http://www.yousendit.com/, discussed at http://www.abanet.org/genpractice/ ereport/2006/mar/survivingemail.html.
- Stop forwarding the jokes, warnings, movies, PowerPoint presentations, and sound files to everyone in your address book. Everything that finds its way into your inbox shouldn't necessarily be shared with the rest of the world, who already knows that Bill Gates is giving away $1,000 and a copy of Windows 98, that antiperspirants cause breast cancer, and the stolen UPS uniforms are being sold on eBay. We don't need another lucky Irish chain letter, Ben Stein's last column, or a warning that a rampant virus will cause our hard drives to explode, because we're too busy responding to URGENT & CONFIDENTIAL BUSINESS PROPOSALS from Generals of the People's Army of Never-Neverland promising us 45 million dollars. If we ask you to stop forwarding mail to us, please refrain from telling us how much you enjoy receiving forwards and asking if we've lost our sense of humor. If I don't forward you jokes, please don't forward them to me.
- Don't make me beg to get on your email whitelist. If you go to all the effort of sending someone else email, you should be prepared to receive a reply from them without making them knock three times to see if you'll accept a response. Fix your Spam filter. I do not appreciate crafting a thoughtful and reasoned response to your email, only to have it rejected "because we don't accept email from your kind of people." If you're not accepting email from my kind of people, then please don't send it to me. (Overaggressive spam filters can be fatal. Take the case of the anonymous lawyer who inadvertently sent work product email to a lawyer we'll call Griswold, mistaking him for someone whose name was similar. Griswold shot her back a nice note, only to receive a challenge response, demanding that he fill out a form begging to be whitelisted. He shouldn't have to suffer the indignity of pleading just for the courtesy of telling the anonymous lawyer about her error.)
- Long signature lines, which include more information than is really necessary, providing everything down to the sender's ATM PIN, Dun & Bradstreet rating, height, weight, sign of the Zodiac, favorite URLs, and topped off with a slogan followed by quotes from other people long since dead and forgotten are really out

of style. So too are ridiculously and incomprehensible long disclaimers filled with mumbo-jumbo exceeding the length of the average life insurance policy.

- Routinely sending email from one address and expecting that others respond to another email address imposes an unfair burden upon recipients. Is it too much trouble to send mail from the address at which you expect to receive email? Ranking even worse is sending email from an address which leaves absolutely no clue as to the sender's identity.
- Use the correct fields when addressing email. There are three fields: "to," "cc," and "bcc." The "to" field should be limited to those recipients who are expected to take action upon your message. The "cc" field should be reserved for those intended to receive the message as an information item only. Use the "bcc" field very sparingly. Just because you have the ability to send a blind copy, you should not feel obligated to use it. The better course is to forward the email later to the person to whom you would be sending a blind copy in order to prevent that person from inadvertently responding to the email, blowing your cover.
- If your email doesn't require a response from me, don't bate your breath in eager anticipation that I'll reply. We spend too much time flipping emails back and forth, replying simply "Got it" when it's not necessary. Consider adding "No response is needed" to email which doesn't require a response. Time and bandwidth doesn't grown on trees, you know.
- Use the "Request a Return Receipt" feature with the same frequency that you'd spring for a return receipt on old-fashioned snail mail. Used with reckless abandon, it's just plain annoying.
- Good grammar still counts. Do not write in email anything that you would be embarrassed seeing printed on your office letterhead or in the local newspaper. All right, that's an old rule, but it bears repeating.

Mail from people I don't even know now requires even more of my time. If you'll please excuse me, I have to get back to reading "Anatrim is the natural and safe weight loss blend," "Best love dr@gs at best store!," "Software At Low Pr1ce," and the Viagra offers.

jennifer j. rose, editor-in-chief of **GPSOLO***, receives her email at jjrose@jjrose.com in Morelia, Michoacán, Mexico.*

ProductNotes

Edirol R-09 Recorder

Reviewed by Jeffrey Allen

Over the years Roland has built a solid reputation for fine quality audio products. One of its most successful recording units, the R-1, has been a standard "portable" recorder for some time. Recently, Roland released a new and much more portable recorder that it calls the Edirol R-09. The R-09 provides many of the features of the R-1 in a smaller (pocket-sized), less expensive, and much nicer looking package.

The R-09 comes in your choice of any color (as long as it is black, red, or white). It lists for $450, but you can purchase it online for substantially less. Although Roland designed the R-09 for music (and it does a great job recording music), you can also use it to record speech. While you may want to use it for music in connection with your personal life, no doubt the ability to record speech will come in handier in your practice.

The R-09 does an excellent job recording such things as meetings, hearings, depositions, presentations, lectures, and the like. Therein lies its utility to attorneys. The recorder does an excellent job picking up voices in different parts of the room and at different levels and tones. Use the AGC (automatic gain control) feature to get the most out of the R-09 in such situations. The Low Cut switch will cut out (or at least substantially reduce) ambient or background noises, such as HVAC units, fans, and motor noises. Do not get the R-09 thinking you will use it for dictation. While you actually could do that, you will not like it for that purpose, as it does not have dictation-friendly controls.

The R-09 uses a white on black display. The high contrast makes it fairly easy to read. The controls appear relatively straightforward and should not take you long to master. One of the nicer features of the unit, a level meter, makes it easy to see when the recorder requires adjustment to keep the subject in range. It also makes it possible to use the recorder effectively in a wide variety of environments ranging from very noisy to quiet.

The R-09 measures approximately 2.5 x 4.06 x 1.25 inches and weighs in at less than six ounces with batteries. You can easily fit it into a briefcase, a purse or even a jacket pocket. The R-09 can save in .wav and MP3 formats. The R-09 uses SD cards for memory. Using standard MP3 bit rates you can store more than 16 hours of recording on a 1 GB SD card. For more information, go to www.edirol.net. The ability to record directly to MP3 has the added advantage of allowing you to transfer files not only to your computer, but also to an iPod or other MP3 player for later review.

While it certainly costs more than some of the inexpensive digital recorders you can find, once you record a board meeting or a homeowners' association meeting with it and compare what you get with the quality of a recording on one of the inexpensive general purpose recorders, you will likely conclude that the R-09's performance justifies the difference in cost. If you want a digital recorder to make a few notes on or for dictation, you have better choices available to you. If you need a recorder to handle a wide variety of functions including meetings, depositions, hearings, lectures, and so forth, and want good quality recordings, the R-09 makes an excellent choice.

LaCie Rugged Hard Disk

Reviewed by Jeffrey Allen

In these days of changing security requirements for air travel, having tougher equipment and cases becomes a significant advantage. If you travel out of the United States, you cannot assume that you will get to keep your computer equipment with you on the plane. It may end up in the checked baggage, where, if and when you get it back, it will have had a much rougher trip than you did.

Even if you don't have that problem, small hard disk drives tend to get banged around a lot. They generally do not have the peaceful luxury of resting on a desk day in and day out. They get carried from home to office to home or on trips to here, there and everywhere. They get shoved into cases that often get thrown around or dropped onto the floor. They get put on airplane trays and in other precarious places where they can get knocked to the ground. We all know that hard disk manufacturers don't design them for dropping onto the ground. Well, mostly they don't. La Cie, however, has recognized that, by design or not, the owners of its small portable hard disk drives may drop them on the ground.

In anticipation of this eventuality, La Cie has built the Hummer of hard disks; a ruggedized hard disk that, while not intended for dropping, can take a few knocks and keep on working. La Cie sent me one of their 100GB rugged hard disks to try out in connection with this review. When I unpacked the drive, the first thing that caught my attention was its bright orange rubber bumper. The bumper functions to provide some protection to the drive if dropped on its edge. Its bright orange color also makes it stand out in your computer bag or briefcase so that you can easily find it. The hard drive case has a scratch-resistant aluminum shell to help protect it, so it went into my case without a bag or any other protection.

The drive works with both Mac and Windows computers. The 100 GB drive connected with both FireWire 400 and 800 and with USB 2.0 ports. It worked as well and more quickly than most of the other portable drives that I have used because it ran at 7,200 RPM instead of the far more common 5,400 RPM usually seen in portable drives. LaCie says that the drive will withstand a drop of some 35 inches while the drive is not operating (strong recommendation against dropping it while it is operating). While I did not drop mine off of a table, I did put it in a computer bag that I dropped off my shoulder to the floor and from my hand to the floor on several occasions. It did not seem to phase the drive at all. It just kept on working.

The rugged hard drive also comes in 80 GB, 120GB, and 160GB versions in both USB 2.0 and the triple interface. The 100GB drive does not come in a USB-only configuration. You can also save a few dollars by choosing a USB-only model over the triple interface that I had on mine. The drive is bus-powered in both USB and FireWire configurations, so you do not need to worry about packing a power brick, only a connection cable. The drives weigh in at just under nine ounces.

It should not come as a surprise that you pay a premium for the ruggedization of the drives. The triple interface drives list for $170 (80 GB), $299 (100 GB), $229 (120 GB), and $249 (160GB). The 100GB drive costs more as it is faster than the other drives (7,200 RPM vs. 5,400 RPM). USB only drives list for $119 (80GB), $149 (120GB), and $169 (160GB). The USB drives all work at 5,400 RPM; the 100 GB 7,200 RPM drive only comes with the triple interface.

If you carry a portable hard disk around and use it regularly, this one belongs in your bag.
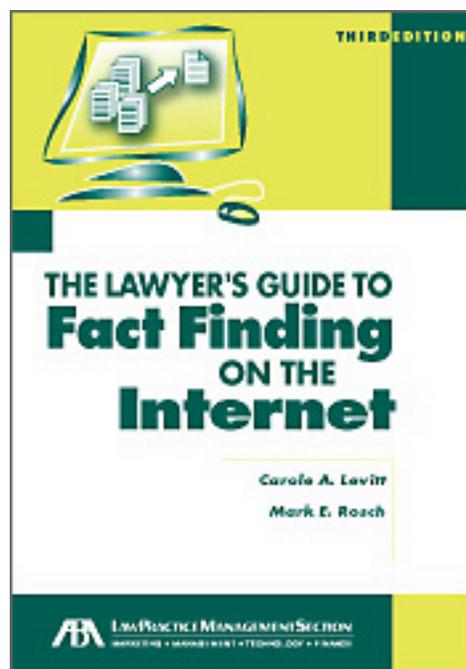
The Lawyer's Guide to Fact Finding on the Internet

Reviewed by Jeffrey Allen

Have you ever felt overwhelmed by the amount of information on the Internet? Have you ever thought that the Internet contained so much information that nobody could possibly know where or how to find it all? If you have not felt this way, you likely do not understand the breadth and depth of the Internet. If you have never felt this way, you need to read the third edition of *The Lawyer's Guide to Fact Finding on the Internet* (2006). If you have felt this way, then you probably already know how useful a good guide would prove. In 755 pages of explanation, authors Carole Levitt and Mark Rosch present enough information on what you can find on the Internet that might help your practice and how you can locate it to overwhelm even those who thought they had some reasonable familiarity with researching facts on the Internet.

The Internet contains more information than any of us will ever have reason to access during our entire lifetime. It also contains significant amounts of information that will prove useful to us professionally, as well as in our personal lives. The authors have provided you with a very useful tool: a guide that takes you through the process of locating information on the Internet by telling you where to look and how to look to find what you need.

The book presents and discusses numerous sites, explaining what they offer, advising if it costs anything to obtain information from the site, and giving you the URL, allowing you to navigate directly to the site to obtain the required or desired information. A fairly comprehensive table of contents helps guide you to the part of the book that will help you find the facts you seek.

To help you with the search process, an enclosed CD includes several checklists for specific types of searches. The CD also includes an extremely useful searchable PDF file containing some 78 pages of URL information about sites and references to the pages in the book where the site is discussed. As each of the URLs functions as a link, copying the PDF file to your computer for future use makes it a valuable tool by itself because it allows you to quickly locate sites and navigate to them without having to keyboard the URL.

The authors also publish a bimonthly newsletter, which supplements the book. If you buy the book, they include a one-year subscription at no additional cost.

Despite the fact that the authors wrote the book in a style comfortable to read, you will not likely want to take the book with you for light reading on vacation. It will, however, serve you as a useful and timesaving resource and teach you a considerable amount about researching on the Internet. This book should be in almost every lawyer's library,

The Lawyer's Guide to Fact Finding on the Internet (3rd ed.), copyright 2006 by Carole Levitt and Mark Rosch

and published by the [LPM Section of the American Bar Association](#), lists for $99.95 (but you can get discounts as a member or, often, by attending the [ABA TECHSHOW](#) held every spring in Chicago).
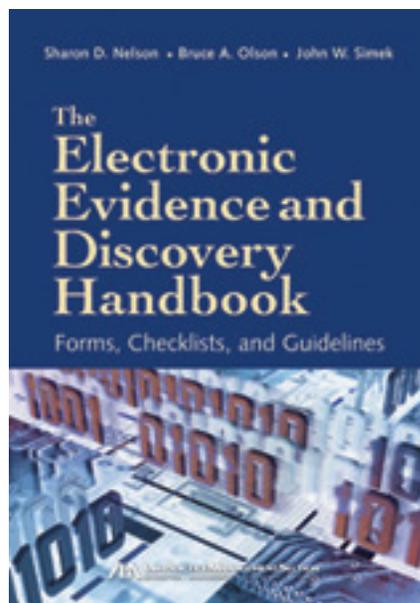
The Electronic Evidence and Discovery Handbook

Reviewed by Jeffrey Allen

Sharon D. Nelson, Bruce A. Olson, and John W. Simek have done a masterful job in assembling useful information including forms, checklists, and guidelines to assist you in handling electronic evidence and ediscovery. Published in 2006 by the [ABA Law Practice Management Section](#), you can have *[The Electronic Evidence and Discovery Handbook](#)* in your own library for $129.95 (often discounted for Section members and attendees of the [ABA TECHSHOW](#)).

If you do litigation, you will likely find yourself using electronic evidence and dealing with ediscovery in short order. If you are already an expert in this area, you probably don't need this book, but may still find it useful. For those who do not already qualify as experts, Sharon, Bruce, and John have given you a handbook on dealing with ediscovery, the forms to use as your master set and a CD to make your life even easier. I won't tell you that it reads like a novel—it doesn't (isn't that a novel comment?). I will tell you that I think you will find the first half of the book, the handbook and forms, useful and helpful.

The last half of the book consists of a case digest of 249 electronic evidence cases from all over the country. I thought the case digest in printed form was significantly less useful than the rest of the book. Each case in the digest is numbered, and the authors provide information as to the case name and court, but do not include the case citation. You can find that information in the table of cases at the end of the book, however. The cases each include keywords to assist in finding or following up with supplemental investigation or research. They do not, however, use the keywords (or at least all of them) in the index (nor does the index include references to the cases digested), thereby leaving you with no effective way to use the printed digest except to thumb through it.

I qualified my criticism in the last paragraph to the case digest in printed form for a very specific reason. The authors include in the enclosed CD many forms from the book in Word format so that you can easily adapt them to your needs. They also include a searchable PDF of the entire case digest and table of cases. The searchable PDF allows you to find what you need in the case digest and makes it a much more usable tool. I think that the PDF version would have sufficed and that they could have saved some trees; but I tend to prefer lots of things electronically these days and freely admit to that bias.

All told, the book is well done, and even though I know quite a bit about electronic evidence and ediscovery, I am glad I added it to my library.

should not be so construed.

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Technology eReport

GP|Solo Division Notes:

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Note: Information on all this and more can be found on our Website at **http://www.abanet.org/genpractice**.

GP|Solo 2007 Spring Meeting

GP|Solo Division 2007 Spring Meeting
The Washington Court Hotel, Washington, DC
May 10 – 13, 2007

The meeting will be held at the Washington Court Hotel in Washington, DC on **May 10 – 13, 2007**. The three-day meeting kicks off on Thursday evening with the Opening Ceremony, including a Swearing-in Ceremony and Welcome Reception at the United States Court of Appeals for the Armed Forces. In addition to the various governance committee meetings that will be held throughout the three days, the Division is offering tours of Capitol Hill and the White House. Please join us for an eventful 2007 Meeting in the nation's capital!

- View the GP|Solo Spring Meeting 2007 Homepage
- Register now at the ABA Meetings Website!

Spring Schedule At-a-Glance

Thursday, May 10th
- Swearing in Ceremony and Welcome Reception at the United States Court of Appeals for the Armed Forces. This event is included in your registration fee.

Friday, May 11th
- Capitol Hill Tour
- GP|Solo Sponsor "Thank You" Cocktail Reception
- Solo and Small Firm Awards Dinner to be held at the [Washington Court Hotel](#). Ticket Price is $75

Saturday, May 12th
- Division Council Meeting
- White House Tour

Swearing-In Ceremony at the 2007 Spring Meeting

The Opening Session of the GP|Solo 2007 Spring Meeting will include Swearing-in Ceremonies for both the Supreme Court of the United States and the U.S. Court of Appeals for the Armed Forces.

The deadline for applications to the U.S. Supreme Court is April 2, 2007. **The deadline for applications to the U.S. Court of Appeals for the Armed Forces is April 18, 2007** (*Note: Civilian attorneys are encouraged to apply for admission to the U.S. Court of Appeals for the Armed Forces.*). The Swearing-In Ceremonies will be held on **Thursday, May 10, 2007, 4:00 p.m.**, at the U.S. Court of Appeals for the Armed Forces, 450 E. Street, NW, Washington, DC 20442-0001. Appropriate dress is Business Attire or Military Uniform with Blouse and Tie.

Learn more about the [Swearing-In Ceremony](#)

2007 Solo & Small Firm Award Winners Announced

The Division is pleased to announce the winners of its 2007 [Solo & Small Firm Awards](#)! The awards recognize dedication to the practice of law as general practitioners or solo or small firm lawyers. Recipients will be honored at the Division's 2007 Spring Meeting Awards Dinner in Washington, DC on May 11, 2007.

Solo and Small Firm Lifetime Achievement Award
Charles J. Driebe
Jonesboro, GA

Solo and Small Firm Project Award
Lake County Bar Association – Judge Ted Klammer
Lake County Ohio Probate Court
(Third Annual Probate and Mental Health Conference)

Solo and Small Firm Trainer Award

Bruce L. Dorner

Londonderry, NH

Apply Now for Diversity and Young Lawyer Fellowships

GP|Solo is still accepting applications for its Fellowship Programs within the [Diversity Committee](#) and the [Young Lawyers Committee](#) until April 30, 2007.

› » Learn more about the [Diversity Fellows Program](#)
› » Learn more about the [Young Lawyers Fellowship](#)

Listen to ABA Executive Director Hank White's Speech Online

A GP|Solo Online Exclusive!

Did you miss the Midyear Meeting last month in Miami? Well, we may not be able to provide the Florida sunshine, but GP|Solo is offering one souvenir from the Meeting. Now you can download ABA Executive Director Hank White's speech, given at the Military Law Luncheon during the ABA 2007 Midyear Meeting.

[Hank White Speech (Feb 9, 2007)](#)

GP|Solo Members Review New Software

In keeping with this year's GP|Solo slogan — **DO Something!** — several Division members have been at work reviewing useful new technology that may be helpful to attorneys in their practices or in their daily lives. **Bruce Dorner** has recently reviewed the new software [Acrobat 8.0 from Adobe](#) for *Lawyers USA* magazine. *Lawyers USA* has made this article available online, exclusively for GP|Solo members:

[Adobe Acrobat 8.0 Review in *Lawyers USA*](#)

And look out for the upcoming issue of [*GPSOLO* magazine's](#) "Technology & Practice Guide," featuring a review of Adobe's new software offering from two sides: Mac vs PC. The piece is by member **Jeffrey M. Allen** and **David Masters**.
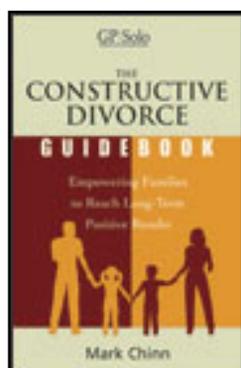
Solo Lawyers Featured in LPM's *Law Practice* Magazine

The January/February 2007 issue of *Law Practice* magazine, published by the [Law Practice Management Section](#) of the ABA, was dedicated to solo lawyers. The magazine is currently available online:

[*Law Practice* Magazine](#)

GP|Solo Book Spotlight — *The Constructive Divorce Guidebook*

[The Constructive Divorce Guidebook: Empowering Families to Reach Long-Term Positive Results](#)

Read this book and learn how to help your clients to resolve family disputes in a manner that will lead to long-term results for the families and children of divorce as well as:

- Develop techniques for eliminating or deflecting negative tactics
- Create a framework within which both sides to a dispute feel safe resolving conflicts without damaging the other party
- Maintain civility toward opposing counsel, parties, staff, members of the court system, and third parties affected by the dispute
- Examine alternative dispute resolution and negotiation tactics and methods that lead to "win-win" solutions and encourage the use of the values and principles learned in our various faiths, which can and should be woven into the fabric of our problem solving
- Adopt law practice management methods for the preparation of mediations, trials, and negotiation, which foster civil and courteous conduct
- Implement behavior analysis and modification for lawyers and others involved in the process

Price: $54.95
GP|Solo members: $44.95

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Popular Topics on Solosez

[Solosez](#) is an email discussion list for solo and small firm lawyers that has grown to be by far the ABA's busiest list.

For a taste of what Solosez has to offer, check out the [popular threads](#) on Solosez's Website. Recent threads include:

- Recommendations for a Color Laser Printer
- Phrases That Make You Flinch (Water Cooler)
- Your First Client
- Home Office Lawyer Blues

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Contacts and Legal Stuff

John P. Macy
GPSSF Division Chair
Arenz Molter Macy & Riffle SC
720 N. East Ave.
Waukesha, WI 53186-4800
262.548.1340
jmacy@execpc.com

Jeffrey Allen
Technology eReport **Editor**
Graves & Allen
436 14th St.
Oakland, CA 94612-2716
510.839.8777
jallenlawtek@aol.com

jennifer j. rose
Editor-in-Chief, *GPSolo*
JR de Alarcon 28
Col. Santa Maria de Guido
58090 Morelia
MEXICO
52.443.323.5283
jenniferrose@abanet.org

Technology eReport Editorial Board

Wells Anderson
Active Practice LLC
5200 Willson Rd. #150
612.791.0471

Daniel Coolidge
Coolidge & Graves
108 Bible Hill Rd.
Warner, NH 03278
603.456.2532

Bruce Dorner
Dorner Law Office
80 Nashua Rd.
Londonderry, NH 03053-3426
603.434.2230
callmylawyer@attglobal.net

Patricia Joyce
Law Office of Patricia M. Joyce
230 Chestnut Dr.
East Greenwich, RI 02818
401.885.7200

Ross Kodner
Microlaw Inc.
2320 West Camden Road
Milwaukee, WI 53209
414.476.8433
rkodner@microlaw.com

Alan Pearlman
Alan Pearlman, LTD
707 Skokie Blvd, Ste. 600
Northbrook, IL 60062
847.205.4383

Natalie Thornwell
State Bar of Georgia
104 Marietta St. NW
Atlanta, GA 30303
404.572.8770

J. Anthony Vittal
Credit.Com Inc.
550 15th St., Ste. 37
San Francisco, CA 94103
415.901.1561
tony.vittal@abanet.org

ABA Staff

Alexa Giacomini
General Practice, Solo and Small Firm Division Director
321 N. Clark St.
Chicago, IL 60610
312.988.5636
giacomia@staff.abanet.org

Tom Campbell
ABA Publishing
Technology eReport **Editor**

Gordon Wright
Technology eReport **Design and Production**

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