

the **digitaledge** — E-Discovery: The Answers Are Out There

By Tonya L. Johnson

Despite the prevalence of e-discovery in today's litigation, how much do you really know about it? What constitutes e-discovery? How is it collected? In what format is it produced in litigation? How are the practices and procedures of e-discovery changing? Find the answers to these questions and more through the professional and academic resources about e-discovery offered here. The answers are out there!

Articles

The Young Lawyer (www.abanet.org/yld/tyl)

- "E-Discovery: A Survival Guide for New Lawyers" Part 1 and Part 2 (July 2008)
- "E-Discovery Tips" (April 2007)
- "Metadata: Are You in Danger of an Ethics Violation?" (June 2009)

The ABA Legal Technology Resource Center (LTRC) (<http://new.abanet.org/sitetation/Lists/Posts/Post.aspx?ID=512>)

- "FYI: Electronic Discovery"
- "New from LTRC: Litigation Support Software Comparison Chart"
- "The (EDD) Matrix Uploaded"
- "Can You Peek? The Ethics of Mining Metadata"
- "Metadata Ethics Opinions around the U.S. Comparison Chart"

ABA Journal (www.abajournal.com)

- "Judge's Latest E-Discovery Ruling Is 'Wake-up Call to Litigants'" (Feb. 2010)
- "Boom and Bust: E-Discovery Industry Seeing Slower Growth, More Mergers" (Aug. 2009)
- "Rockin' Out the E-Law" (July 2008)

Academia

- "Federal Rule of Evidence 502: Stirring the State Law of Privilege and Professional Responsibility with a Federal Stick," Chapman University School of Law for *Washington and Lee Law Review*, Vol. 66, p. 673 (2009)

Blogs

- www.ediscoveryreadingroom.com—the basics of e-discovery by an international association of lawyers and e-discovery professionals
- www.ediscoveryjournal.com—information on e-discovery news, trends, and best practices
- www.ediscoverymap.com—A new blog by New York e-discovery attorney Monique Altheim
- www.e-discoveryteam.com—by Florida lawyer Ralph Losey; specifically addresses FRCP rules 16, 26, 34, and 37
- www.ediscoverylaw.com—by K&L Gates, LLP and the firm's e-Discovery Analysis and Technology (e-DAT) Group. Includes e-discovery case summaries from state and federal courts and federal rules amendments; list of states that have enacted e-discovery rules; local forms and guidelines of U.S. district courts addressing e-discovery issues; and a link to "Managing Discovery of Electronic Information: A Pocket Guide for Judges" from The Federal Judicial Center.
- e-Lessons Learned (www.elblog.com)—an educational blog about e-discovery, technology, and human error
- Gabe's Guide to the e-Discovery Universe (www.gabesguide.com)—by e-discovery lawyer and legal consultant Gabe Acevedo
- www.infogovernance.blogspot.com—news, views, discussions, and data associated with the field of electronic discovery
- www.ridethelighting.senseient.com—an ongoing electronic evidence blog by lawyer Sharon D. Nelson
- Sound Evidence (www.discoveryresources.org/technology-counsel/sound-evidence/)—the soapbox of Mary Mack, Corporate Technology Counsel, Fios, Inc.

Books (From the ABA Web Store)

- [*Electronic Evidence and Discovery: What Every Lawyer Should Know Now*](#), Second Ed.
- [*Introduction to e-Discovery: New Cases, Ideas, and Techniques*](#)
- [*e-Discovery: Current Trends and Cases*](#)
- [*Foundations of Digital Evidence*](#)
- [*The Ethics of E-Discovery*](#)
- [*The Discovery Revolution: E-Discovery Amendments to the Federal Rules of Civil Procedure*](#)

Other e-discovery books

- *7 Steps for Legal Holds of ESI and Other Documents* (ARMA International 2009)
- *Arkfeld's Best Practices Guide for Electronic Discovery and Evidence*
- *A Process of Illumination: The Practical Guide to Electronic Discovery*—free e-book by Mary Mack (www.ediscoveryreadingroom.com/?p=89)

Other Resources

- ABA TECHSHOW (www.abanet.org/techshow)—an annual event that focuses on practical technology solutions for lawyers. Each year there are numerous workshops and CLEs that are conducted by national experts and dedicated to e-discovery and supporting technologies

American Bar Association Young Lawyers Division
[The Young Lawyer](#)

- The Sedona Conference® (www.thesedonaconference.org)—
“a research and educational institute dedicated to the advancement of law and policy in the areas of antitrust law, complex litigation, and intellectual property rights” through conferences, mini-think tanks (Working Groups), and dialogue
- [Spotlight on Electronic Discovery: What Every Attorney Should Know](#) (Audio CLE)
- [The ABA Legal Technology Survey Report: Litigation and Courtroom Technology](#) (updated annually)
(www.abanet.org/tech/ltrc/survstat.html)
- The Electronic Discovery Reference Model (EDRM) (edrm.net)—from the EDRM Project and launched in 2005 to address the lack of standards and guidelines in the e-discovery arena. EDRM claims it “has helped e-discovery consumers and providers reduce the cost, time and manual work associated with e-discovery.”
- The E-Discovery Application Matrix (www.reason-ed.com/reason-ed/matrix/index.cfm)—“a noncommercial, independent site built to provide a fast and easy way to find software applications that contain specific e-discovery related features.”

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