Introduction to eDiscovery
Instructor Introduction
Structure of the Class

- 15 classes
- 5 Assignments
  - Project Based
- 3 Exams
Structure of the Class

Weekly Interaction Requirement

1. Attend a live lecture OR
2. Submit an assignment OR
3. Take an exam OR
4. Answer weekly interaction question on the Message Board (see syllabus for details)
Defining Discovery

Discovery: the pre-trial phase in a lawsuit in which each party can obtain evidence from the opposing party.

eDiscovery: discovery that concerns the exchange or storage of information in electronic format.
**Discovery Timeline**

Discovery occurs after civil/criminal action has begun and continues until a predetermined period before trial (usually differs by jurisdiction)
Steps in Discovery

Step 1: Litigation is anticipated

Step 2: Litigation holds are sent out to parties

Step 3: Discovery requests are set from one party to another (occurs on both sides)

Step 4: Information is produced and/or received and appropriately documented
Steps in Discovery, cont.

Step 5: Steps three and four are repeated until time for discovery elapses or all information is received.

Step 6: Final analysis of information is conducted.

Step 7: Information is packaged for trial, settlement deliberations, depositions, or other actions.
Where/When eDiscovery Occurs

eDiscovery affects every aspect of discovery from the very beginning of litigation through trial analysis and exhibit creation.
Information requested in eDiscovery now referred to as simply *electronically stored information* (ESI) and the people involved in creating, maintaining, and producing this information are referred to as *records custodians, data management specialists, content management specialists, litigation specialists*, or *litigation support technicians*. 
The only thing that has changed is the *format* of the information, how it is *stored*, and how it is *retrieved*.

Most of the same restrictions apply to eDiscovery that apply to regular, paper-based discovery. The same difficulties arise in eDiscovery as in any other discovery methodology when parties are trying to determine what should be protected.
Types of Electronic Data

1. Online data
2. Near-line data
3. Offline storage
4. Backup tapes
5. Fragmented, erased and damaged data.
Types of Discoverable Electronic Data

1. Email
2. Instant Messages
3. Twitter tweets
4. Facebook posts
5. Smartphone and PDA data
6. Voicemail
7. Databases
8. Photographs and Drawings
9. Website plans and coding
10. Raw data
Next Class

New federal amendments impacting discovery

Courseware Reading:
Chapter 2: Discovery and the Law—Playing Catch-up

Articles:
