
PREFACE

Discovery is still discovery, even though ESI is involved. The ethical rules require attorneys to be competent with technology, which includes the risks and benefits of relevant technological applications.

—*City of Rockford v. Mallinckrodt ARD Inc.*, 326 F.R.D. 489 (2018)
(U.S.D.C. Northern District IL West. Div. filed 08 07 2018)
(Order Establishing Production Protocol for Electronically
Stored Information)

The advancement of technology has created new ways for the law to be practiced and applied. As a legal professional, the electronic resources now available have opened new opportunities in the legal industry. To take advantage of these opportunities and to stay current in the industry, we need to understand how to properly utilize these resources and perform roles related to them.

Technology continues to advance, improving existing tools used to organize and manage data environments while creating new data usage capabilities. As a result, the legal community faces new challenges identifying and accessing potentially relevant information from new data sources. The field of eDiscovery is maturing as practitioners deepen their understanding of technology assisted review resources and implement automated review protocols. The judiciary provides ongoing support to the legal community, interpreting proportionality issues and clarifying sanctionable conduct associated with the destruction of data. Accordingly, revisions to this text began in 2022 to incorporate additional judicial decisions and emphasize the importance of project management techniques that support both internal data governance and eDiscovery processes.

Within this text, you will learn about the changing landscape of technology usage in the corporate sector, the challenges legal professionals are faced with due to an ever-increasing volume of electronic data, and, most importantly, how to manage this data successfully and ethically for your clients.

This text is designed to break down and explain the technology, tools, and resources of eDiscovery in a manner that provides both detailed knowledge and real-life application.

This text is designed to provide the neophyte legal student with a general understanding of the various components associated with approaching the eDiscovery process. In addition, the text provides coverage of topics that are continuing to develop, due to emerging eDiscovery technology, that will assist more seasoned practitioners who may be less comfortable with this new technology

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and electronic data. Finally, business professionals will appreciate the multi-disciplined collaborative approach to addressing issues of technology and data governance that is necessary to handling multi-jurisdictional discovery.

This textbook is designed to provide a comprehensive view of the development of eDiscovery within the legal field. Each chapter will explain a different aspect of the eDiscovery process and the impact on resolving disputes through litigation. The litigation process is governed by specific rules of procedure and repeatable processes. This text is organized to highlight the predominate phases of discovery while emphasizing the impact of electronically stored information within this process.

Each chapter features specific information and explanation about the significance of electronic data to the discovery workflow, including court interpretation and application of procedural rules. The language of technology is explored to provide a working knowledge of eDiscovery terms and nuances that will increase students' comfort with new terminology and electronic processes.

Applicable ethical rules are also featured to encourage students and professionals to be mindful of the importance of the attorney-client relationship, responsibility to the court, and need for continuing education regarding the impact of technology on the litigation process.

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