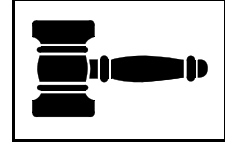




PATHFINDER



A series of guides to information sources
at the US Courts Library, Anchorage

THE FEDERAL RULES OF ELECTRONIC OR E-DISCOVERY

Compiled by Catherine A. Davidson, Librarian
April 2007

In 1999 the Advisory Committee on Civil Rules began studying the issue of Electronic or E-Discovery in the Federal Courts. In 2005 the Judicial Conference reviewed and approved Civil Rules regarding electronic discovery. IN December 2006 the E-Discovery Rules approved by the Judicial Conference and the U.S. Supreme Court went into effect.

Below are titles, articles and web sites that maybe of help to you in keeping abreast of this area of the Federal Rules.

TREATISES

Call numbers are given for titles held by the US Courts Library, Anchorage

Developments in the Law: Electronic Discovery, Loyola of Los Angeles Law Review, vol 38, no. 4 (Summer 2005) Entire Issue
(available on-line at <http://www.llr.lls.edu/volumes>)

The Discovery Revolution: E-Discovery Amendments to the Federal Rules of Civil Procedure by George L. Paul and Bruce H. Nearon, ABA, 2006

Drowning in Zubulake: the Rules, Pitfalls, and Benefits of Electronic Discovery by Geoffrey A. Vance and Courtney Ingrassia Burton, National Legal Center for the Public Interest, 2006
(available on-line at <http://www.nlcpi.org>)

KF 8902 .S34 2006

E-Discovery: the Newly Amended Federal Rules of Civil Procedure by Shira A. Scheindlin, LexisNexis, 2006
(issued as a pamphlet to Moore's Federal Practice)

KF 8902 .E42 C64 2004

Electronic Discovery: Law and Practice by Adam I. Cohen and David J. Lender, Aspen Publishers, 2004

Electronic Discovery: the Challenges and Opportunities of Electronic Evidence by Alan Blakley and Kenneth J. Withers, Federal Bar Association, 2001

KF 8947 .A97 2006

Electronic Discovery and Evidence by Michael R. Arkfeld, Law Partner Pub, 2006

Electronic Evidence and Discovery: What Every Lawyer Should Know by Michele C.S. Lange and Kristin M. Nimsger, ABA Section of Science & Technology Law, 2004

The Electronic Evidence and Discovery Handbook: Forms, Checklists, and Guidelines by Sharon D. Nelson, Bruce A. Olson, and John W. Simek, ABA Law Practice Management Section 2006

Electronic Evidence: Law and Practice by Paul R. Rice, ABA Section of Litigation, 2005

KF 8947 .R65 2007

Managing Discovery of Electronic Information: a Pocket Guide for Judges by Barbara J. Rothstein, Ronald J. Hedges, and Elizabeth Wiggins, Federal Judicial Center, 2007

Practical Guide to the Discovery of Electronic Evidence by Joan Feldman, Glasser Pubs, 2001

Ref Librarian's Office

The Sedona Principles: Best Practice Recommendations & Principles for Addressing Electronic Document Production by the Sedona Conference Working Group on Best Practices for Electronic Document Retention & Production (WGI), July 2005 (available on-line at <http://www.thesedonaconference.org>)

ARTICLES

Lawyers Struggle with New Rules by Bobbi Murray, *Daily Journal Newswire* article April 19, 2007

www.dailyjournal.com

Expert's Outline Do's, Don'ts of Handling Electronic Data by Bobbi Murray, *Daily Journal Newswire* article April 19, 2007

www.dailyjournal.com

On the Front Line of e-Discovery by Mary Dollarhide, *Daily Journal Newswire* article

www.dailyjournal.com

E-Discovery gets Real by Jason Krause, February 2007, *ABA Journal*, page 44

Hiding the Inaccessible Truth: Amending the Federal Rules to Accommodate Electronic Discovery by Daniel Garrie, Matthew Armstrong, and Bill Burdett, 25 Rev. Litig. 115, 2006

www.utexas.edu/law

Technology and the Law by John C. Carroll, Thomas Y. Allman, David K. Isom, Kenneth J. Withers and Andy Johnson-Laird, 2006 Fed. Cts. L. Rev. 1 (2006)

<http://www.fclr.org>

The Dubious Origins and Dangers of Clawback and Quick Peek Agreements: An Argument against their Codification in the Federal Rules of Civil Procedure by Laura Catherine Daniel, 47 Wm. & Mary L. Rev. 696, 2005-2006

www.wm.edu/law

Electronic Discovery: Not Your Father's Discovery by Howard L. Speight and Lisa C. Kelley, 37 St. Mary's L. J. 119, 2005-2006

www.stmarytx.edu/law

Electronically Stored Information: The December 2006 Amendments to the Federal Rules of Civil Procedure by Kenneth Withers, 4 NW J. Of Tech. & Intell Prop. 171, 2005-2006

www.law.northwestern.edu/journals

Paper or Plastic? Electronic Discovery and Spoilation in the Digital Age by Lloyd S. Van Oostenrijk, 42 Hous. L. Rev. 1163, 2005-2006

www.houstonlawreview.org

E-Discovery Help May Be on the Way...Sort Of: Civil Rules Advisory Committee Proposal by John M. Barkett, 72 Def. Counsel J. 37, 2005

<http://journals.enotes.com>

Zubulake v UBS Warburg: Evidence That the Federal Rules of Civil Procedure Provide the Means for Determining Cost Allocation in Electronic Discovery Disputes? By Bahar Shariati, 49 Vill. L. Rev. 393, 2004

www.law.villanova.edu

Discoverability of Electronic Data under the Proposed Amendments to the Federal Rules of Civil Procedure: How Effective are proposed Protections for "Not Reasonably Accessible" Data? By Sarah A. L. Phillips, 83 N. C> L. Rev. 984, 2004-2005

<http://nclrev.unc.edu>

Electronic Discovery Sanctions in the Twenty-First Century by Shira A. Scheindlin and Kanchana Wangkeo, 11 Mich. Telcomm. & Tech. L. Rev. 71, 2004-2005

<http://www.mttl.org>

The Phillip D. Reed Lecture Series - *Only Yesterday: Reflections on Rulemaking Responses to E-Discovery* by Richard Marcus, 73 Fordham L. Rev. 1, 2004-2005
<http://law.fordham.edu>

Adjudicating Beyond the Scope of Ordinary Business: Why the Inaccessibility Test in Zubulake Unduly Stifles Cost-Shifting During Electronic Discovery by Jessica Lynn Repa, 54 Am. U. L. Rev. 257, 2004-2005
<http://www.wcl.american.edu>

Developments in the Law of Electronic Discovery by John L. Carroll, 27 Am. J. Trial Advoc. 357, 2003-2004
<http://www.samford.edu/schools/law>

Confronting the Future: Coping with Discovery of Electronic Material by Richard L. Marcus, 64 Law and Contemp. Probs. 253, 2001
<http://www.law.duke.edu/journals/lcp>

The Discovery of Electronic Data in Litigation: What Practioners and their Clients Need to Know by Devin Murphy, 27 Wm. Mitchell L. Rev. 1825, 2000-2001
<http://www.wmitchell.edu/lawreview>

E-Discovery: Preparing Clients For (and Protecting Them Against) Discovery in the Electronic Information Age by Carey Sirota Meyer and Keri L. Wraspir, 26 Wm. Mitchell L. Rev. 939, 2000
<http://www.wmitchell.edu/lawreview>

WEBSITE & BLOGS

Lawyer Lounge: Empowering Lawyers with Technology
<http://www.lawyerlounge.com>

ABA Law Practice Management Section/ABA Section of Science and Technology Law
<http://www.abanet.org>

Law.com: First in Legal News and Information
<http://www.law.com>

Discovery Resources: On-Line resource for professionals seeking current information about electronic discovery
<http://www.discoveryresources.org>

Electronic Discovery Law
<http://www.ediscoverylaw.com>

Electronic Discovery and Evidence
<http://arkfeld.blogs.com>

KrollOntrack
<http://www.krollontrack.co.uk>

Federal Judicial Center
<http://www.fjc.gov>

Electronic Discovery Services
<http://www.lexisnexis.com/applieddiscovery>

Association of Corporate Counsel
<http://www.acca.com>

Paper Chase: Daily Legal News
<http://jurist.law.pitt.edu/paperchase>

U.S. Courts:Federal Judiciary Site
<http://www.uscourts.gov/rules>

Cornell University Legal Information Institute
<http://www.law.cornell.edu/rules>

Blog dedicated to Federal Civil Practice and Procedure
<http://www.federalcivilpracticebulletin.blogspot.com>

Blawg: Source for Law and Legal related weblogs
<http://www.blawg.com>

US Courts Library
222 W 7th Ave., #31 Room 181
907-271-5655/907-271-5640 Fax
Open Hours 10am - 4pm
Catherine A. Davidson, Librarian Laura Wagner, Library Technician