

Guide to E-Discovery Resources on the Web

By Robert Ambrogi

The December 2006 revisions to the Federal Rules of Civil Procedure, addressing discovery of electronically stored information, underscored the fact that no lawyer today can afford to ignore e-discovery. No matter the case, no matter the court, digital data is likely to be implicated.

That means lawyers urgently need to understand e-discovery and keep abreast of developments in the field. In this article, we provide a guide to some of the more useful Web sites for learning about and keeping current with this essential area of practice. We also survey blogs about e-discovery and look at some vendors' sites that include useful resources.

Getting Started

For all it offers, [DiscoveryResources](#) may be the leading e-discovery portal. Even though the site is sponsored by e-discovery company Fios, it foregoes commerce in deference to its mission, which is to provide news, information and resources about e-discovery. Through both original content and outside links, the site provides timely news stories, substantive articles, tutorials, seminars, podcasts, legal forms and other tools. A recent overhaul made the site easier to navigate and added RSS feeds for tracking the latest news and information.

Another useful entry point to resources on e-discovery is the American Bar Association's [Legal Technology Resource Center](#). The site devotes a section to courtroom technology and, within that, a guide to e-discovery resources. While not extensive, the guide is a good starting point.

If you want to know what federal judges know about e-discovery, you will find no better source than [Ken Withers](#). In his former role as education attorney for the Federal Judicial Center, Withers taught judges about e-discovery and technology. In 2005, he left that post to become director of judicial education for The Sedona Conference. His personal site archives his many articles and presentations, discusses e-discovery rulemaking, and provides links to e-discovery resources elsewhere on the Web.

A lawyer well known in the e-discovery field is Michael Arkfeld, author of the treatise *Electronic Discovery and Evidence*. Recently, he unveiled a comprehensive Web site on the topic, [eLawExchange](#). A central feature of this free site is a database of e-discovery case law and rules from all 50 states. A second database contains information on individuals and companies that provide e-discovery services and consulting. Other features of the site include articles on e-discovery and links to related resources.

California lawyer Richard E. Best started posting his civil discovery outlines on the Web in 1999 and has continued to update them ever since at [California Civil Discovery Law](#). There is an extensive collection of resources covering state and federal e-discovery, as well as related issues such as e-discovery ethics.

Another e-discovery veteran, Rob Robinson, a marketing executive who has worked with several e-discovery companies, maintains the Web site [Complex Discovery](#), which he describes as a source for "information, tools and tactics relevant to the growing discovery market." The site is organized around key e-discovery stages, such as collection, processing, review and production, and includes a number of useful resources. In addition to what you might expect – articles, news items, guidelines and the like – Robinson has included such innovative features as an aggregation of key e-discovery RSS feeds and his own Twitter feed.

The [Electronic Evidence Information Center](#) is a fairly modest collection of links to resources and conferences relating to e-discovery and computer forensics. Worth noting is the site's page collecting links to mobile phone forensics tools.

In May 2007, a new e-discovery organization came into being and, with it, a new Web site worth checking out. [Women in eDiscovery](#) focuses on women in law and business with an interest in legal technology.

Research and Practices

The rapid growth of e-discovery in recent years has left the horse often trailing the cart. A number of organizations are now working to develop standards and practices with the goal of harmonizing e-discovery across courts and industries.

A leader in this research is [The Sedona Conference](#), a non-profit organization devoted to innovation in antitrust law, complex litigation and intellectual property law. It has devoted substantial work to the establishment of best practices in e-discovery. In June 2007, it released the second edition of *The Sedona Principles* on e-discovery. This document and many others are available through the Sedona site.

Given its goal of enhancing the administration of justice, the [National Center for State Courts](#) is immersed in issues surrounding e-discovery in state courts. In August 2006, it published an extensive set of e-discovery guidelines for state trial courts, which is available as a download from this site. Elsewhere, the site compiles research and resources on e-discovery and houses a variety of articles on the topic.

Directed by legal technology consultant, writer and speaker Tom O'Connor, the [Legal Electronic Document Institute](#) is a non-profit organization devoted to the development of education and standards related to legal electronic documents. Its areas of focus include practice management, electronic trial practice and litigation support, e-filing, e-signatures and e-discovery.

Similarly, the [Electronic Discovery Institute](#) describes itself as a public-interest organization conducting research into the efficacy of various methods of e-discovery. According to the site, the institute's inaugural study is underway, testing the reliability of search and retrieval technology. Once completed, the study will be published on the site.

While the foregoing entities focus on e-discovery practices, [Socha Consulting](#) takes a different tack with its annual *Socha-Gelbmann Electronic Discovery Survey*. Think of it as the *Consumer Reports* of e-discovery vendors. The survey ranks the top e-discovery companies and provides information on many others. The full survey is pricey – \$5,000 for 2007 – but a free summary titled "Mining for Gold" was published

in the August [Law Technology News](#). Socha's site includes various free resources as well.

From the publishers of the Socha-Gelbmann survey comes this related site, [The Electronic Discovery Reference Model](#). Originally the site was devoted to development of a model set of standards and guidelines governing e-discovery. With the model now in place and in the public domain, the site focuses on its deployment.

[EDDix](#) is a company devoted to research, analysis and reporting on e-discovery. The "ix" in its name stands for "information exchange." Through this site, the company sells various publications containing its research and also provides links to news and resources relating to e-discovery.

Reading Up on E-Discovery

A number of sites house original news stories, practice pieces, white papers, seminar presentations and other materials devoted to e-discovery.

Law.com's Legal Technology Center, for example, maintains a useful section devoted to [Electronic Data Discovery](#). It features news articles and expert commentary written for the site and drawn from legal newspapers and magazines. An "E-Discovery Roadmap" lets you navigate your way through steps in the e-discovery process and learn about their requirements and best practices.

[Craig Ball](#) is a board-certified trial lawyer and a certified forensic examiner, a combination that uniquely qualifies him as an e-discovery consultant and prolific writer on e-discovery and computer forensics. His Web site collects his regular column together with a variety of his articles and presentations.

[LLRX](#) has long been a superior site for articles and resources on law technology and practice. The site features articles and updates covering e-discovery.

A collection of e-discovery materials from the [Federal Judicial Center](#) can be found by following the "materials on electronic discovery" link from its front page. The collection focuses on civil litigation and includes FJC workshop and seminar materials, research and publications, along with links to selected external materials. A link points to a separate page of materials focused on search and seizure of electronic data in criminal cases.

FindLaw's [Electronic Discovery Center](#) provides substantive articles and white papers on e-discovery along with vendor press releases. An "E-Discovery Wizard" provides checklists and links to articles regarding specific provisions of the federal rules.

[Law Journal Newsletters](#), a division of ALM, publishes the newsletter *E-Discovery Law & Strategy*, which can be reached through this site. Subscribers can view the full text of articles as well as download the entire newsletter in PDF. Non-subscribers can view article summaries and purchase individual articles.

Michael Arkfeld's book *Electronic Discovery and Evidence* is a leading treatise on e-discovery. The book is available for purchase through [Law Partner Publishing](#). Purchasers get password access to Web-only resources available here, including updates, forms and checklists.

A unique e-discovery resource is the [Litigation Support Vendors Association](#). This site is home to multiple, free discussion forums covering such topics as e-discovery, computer forensics and best practices. All are moderated by industry experts and representatives of legal-technology companies. Jobs within the litigation support industry are also posted here.

E-Discovery Blogs

New blogs devoted to e-discovery seem to appear with ever-greater frequency, attesting to the importance of the field. Of the blogs surveyed here, some focus on e-discovery law and practice and others on the e-discovery industry, but all are potentially useful for keeping current with the field.

- [Alextronic Discovery](#). Alexander H. Lubarsky, the California litigator who writes this blog, admits to a bit of writer's block lately, but vows to pick up the pace of his postings. If he does, his blog is worth following.
- [Dennis Kennedy](#). Lawyer and consultant, Kennedy writes about a range of legal-technology topics and frequently covers e-discovery.
- [EDD Blog Online](#). Written by Jeff Fehrman, president of Electronic Evidence Labs, a division of e-discovery vendor ONSITE3, and consultant Bob Krantz, this blog promises an "insider's look" at e-discovery. Many of the posts are excerpts of articles from other sources.
- [EDD Update](#). Unveiled in September as a joint project of Law Technology News and Law.com Legal Technology, this blog is a venue for posting breaking news, key verdicts and judicial rulings, articles, press releases and more. It features a board of contributors that includes leading lawyers and consultants in the field. You'll notice I have contributed there as well.
- [E-Discovery and Computer Forensic Blog](#). The blog of a Los Angeles e-discovery company, many posts are full-text articles from other sources.
- [E-Discovery in the Trenches](#). When he launched this blog in April 2007, Jerry Bui, an e-discovery manager with KPMG, dedicated it to those who work "directly in the trenches on EDD projects." His most recent post was in May 2008.
- [E-Discovery Team](#). Ralph C. Losey, co-chair of the e-discovery team at the law firm Akerman Senterfitt in Orlando, writes this top-notch blog. His posts are frequent and substantive, covering both e-discovery law and practice.
- [E-discovery 2.0](#). Subtitled "Thoughts about the evolution of e-discovery," this blog is written by Aaref Hilaly, CEO of e-discovery company Clearwell Systems.
- [Electronic Discovery and Evidence](#). Michael Arkfeld, author of the treatise, *Electronic Discovery and Evidence*, uses this blog to report updates in the law of e-discovery, although his postings are infrequent.
- [Electronic Discovery Blog](#). Before he became an attorney, the author of this blog, W. Lawrence Wescott II, was an IT manager, a background that enables him to write knowledgeably about both law and technology.
- [Electronic Discovery Law](#). Technology lawyers at the firm K & L Gates write this blog that includes summaries of court decisions and updates on related legal issues.
- [In re Discovery](#). The blog of Socha Consulting, the firm discussed in part one of this column, that publishes the annual *Socha-Gelbmann Electronic Discovery Survey*.
- [LawTech Guru Blog](#). A well-known writer on a range of legal technology issues, Jeff Beard frequently blogs about new developments in e-discovery.
- [Litigation Support Industry News](#). This blog tracks news about the companies that provide litigation support and e-discovery services. It is written by Brad Jenkins, president and CEO of Trial Solutions of Texas.

- [On the Mark](#). Launched in October 2007, this is the blog of Mark V. Reichenbach, a vice president at MetaLINCS and two-decade veteran of e-discovery and litigation support for companies and law firms. In his blog, he comments "on the issues and happenings of our industry."
- [Ride the Lightning](#). The author of this blog, lawyer Sharon D. Nelson, is president of computer forensics company Sensei Enterprises and a widely known speaker and writer on legal technology. She introduced her blog in July 2007 with the goal of helping readers better understand electronic evidence.
- [Sound Evidence](#). One of the best known e-discovery blogs, it is written by Mary Mack, technology counsel to e-discovery company Fios and co-author of the book *A Process of Illumination: The Practical Guide to Electronic Discovery*.
- [Strategic Legal Technology](#). Lawyer and legal technology consultant Ron Friedmann writes about e-discovery, litigation support, KM and other technology topics.

Vendor Sites

A number of companies that market e-discovery services also provide useful resources on their Web sites. In part one of this article, I described [DiscoveryResources](#), an e-discovery portal sponsored by the company [Fios](#). The company's main site provides an array of resources in its own right, some that overlap with its other site and some that do not.

Other companies whose sites include useful resources for lawyers include:

- [Applied Discovery](#). This LexisNexis division offers the Applied Discovery Law Library, a surprisingly diverse selection of case summaries, model forms, articles and white papers. Worth noting is the library's collection of court rules, covering state as well as federal rules and including links to related ethics rulings.
- [Attenex](#). Among the various resources available here, two offerings stand out as particularly useful. First is the collection of "on-demand webcasts" – previously recorded Web seminars on topics such as best practices, controlling costs and native file review. Also worthwhile is the library of white papers on a range of practical e-discovery topics, many written by practitioners.
- [Catalyst](#). CEO John Tredennick is nationally known both as an accomplished trial lawyer with Holland & Hart and as a writer and speaker on legal technology. The [Articles](#) tab of the site's "In the News" page includes articles written by Tredennick and others on e-discovery and document management.
- [CT Summation](#). A small collection of white papers focuses on topics relating to e-discovery and use of electronic evidence.
- [Merrill Corporation](#). Within the Legal Solutions section of Merrill's site is a Knowledge Center with a selection of articles to download. Topics include choosing an e-discovery vendor and managing electronic evidence.
- [OnSite3](#). Within the Resources section of this company's Web site are two useful tools. One, the [eDiscovery Estimator](#), helps you estimate the size of an e-discovery project. The other, the [XML Load File Converter](#), is software you can download for free and use for batch conversions of data to XML format. Other resources available at this site include podcasts and white papers on e-discovery topics.
- [Ontrack Data Recovery](#). Discovery of electronic data sometimes requires recovery of *lost* electronic data, thanks to hard-drive damage or system failure. Ontrack's site offers more than three-dozen substantive articles and white papers on data recovery. The easiest way to find them is via the site map.

- [Sensei Enterprises](#). If you've ever been to a legal technology seminar or read a legal technology magazine, odds are you have encountered either Sharon D. Nelson or John W. Simek, Sensei's principals. Both are popular speakers and authors. Fortunately for those who have not, they provide a library on their Web site of their broad-ranging articles dating back to 2002.
- [Stratify](#). Skip the "eDiscovery Resources" section of this site, where the focus is on pitching Stratify's products, and go instead to its selections of white papers and published articles. The latter, in particular, has several good pieces on e-discovery practice and technology.

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