Course Information

Credit Hours: 3
Elective for graduate and undergraduate new media and informatics degrees and other programs, including the for-credit and non-credit paralegal programs.

Prerequisites: none

Faculty

Lisa J. Berry-Tayman, Esq. CIPP/US
Adjunct Professor of Informatics
Attorney Turned Consultant (www.InformationConsulting.biz)

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Phone: 317-908-0377 (Note: This is my business phone number. Please try to contact via email first.)

Office Hours

By appointment only.

Course Description

This course will cover the legal, ethical, financial, logistical, procedural and technological considerations of electronic discovery and its implications for lawyers and their clients. It will highlight revised federal and state rules, new state and federal legislation and recent court cases that impact electronic discovery. We will also consider electronic discovery from the point of view of a corporation that has to prepare for – and then respond to – requests for the production of electronically stored information.

Course Outcomes

Lawyers face a new world of discoverable information in the digital age. Digital materials, such as email messages, word processing documents, spreadsheets, images, and other computer-generated files, can play a significant role in court cases, regulatory disputes and internal investigations. New state and federal rules and major court cases have added to the complexity of the discovery process. A new area within law practice called "electronic discovery" is quickly
developing which will have legal, financial, ethical, logistical and technological implications for law firms and their clients. The course will be focused on civil rather than criminal law cases.

Core Competencies

Upon completion of the course, students will know how to:

- Articulate the new philosophy of discovery in the digital age and how it impacts the legal system
- Describe how the digital world has added to the complexities of law practice and the collection, storage and production of records and documents
- Apply the revised state and federal rules for discovery and recent court cases to electronic discovery processes
- Identify other major state and federal legislation that impacts the duties of lawyers and their clients
- Discuss the practical implications of electronic discovery for law firms from a legal, financial, procedural, ethical, logistical and technological standpoint
- Identify the steps in crafting a records retention and destruction policy
- Highlight the duties of lawyers and their internal and external support teams in the discovery process
- Recognize and take action to mitigate the special dangers related to digital materials as evidence, such as metadata
- Engage in readiness planning for electronic discovery
- Outline the steps in crafting an electronic discovery plan
- Discuss the roles and selection of outside vendors
- Describe and apply the standards and best practices in electronic discovery
- Communicate the consequences of poor electronic discovery procedures, including costs and penalties
- Outline the legal and technological steps in a discovery process
- Anticipate how future technology may impact electronic discovery

IUPUI Principles of Undergraduate Learning (PUL)

Student performance in each course should be assessed based on learning outcomes in the following areas:

- Core communication: written, oral and visual skills [IA]
- Core communication: quantitative skills [IB]
- Core communication: information resources skills [1C]
- Critical thinking [2]
- Integration and application of knowledge [3]
- Intellectual depth, breadth, and adaptiveness [4]
- Understanding society and culture [5]
- Values and ethics [6]

Faculty are required to designate a PUL of Major, Moderate and Some Importance for every course in the undergraduate curriculum. For I4101N485 Electronic Discovery, the PULs are:

- Major Importance: 2 Critical Thinking
• Moderate Importance: IC Information Resources Skills
• Some Importance: 6 Values and Ethics

Expectations/Guidelines/Policies

Assignments are due by the stated deadline. No late work will be accepted unless you receive prior approval. If you need an extension, you must have prior approval via email and points will be deducted for lateness.

All assignments except the Final Project are due on Fridays at noon. Quizzes or discussion questions will open on Monday and be available until Sundays at noon. The Final Project will be due on Monday, December 9th, at noon. There is no final examination for this course. There is no opportunity for extra credit in this course.

Please note that in order to be granted an Incomplete, you must have completed at least 75% of the course requirements. This is a campus policy.

This course requires regular participation in the weekly quizzes or discussion questions. If you fail to respond to the Quiz questions as assigned during the first four weeks of the semester, you may be withdrawn. Administrative withdrawal may have academic, financial and financial aid implications. Administrative withdrawal will take place after the full refund period, and if you are administratively withdrawn from the course, you will not be eligible for a tuition refund.

Work must be your own and it must be identified as such. Work of others, such as quotes used in a paper, must be properly identified and cited. You must state answers to assignments in your own words. Do not cut and paste text from modules, websites, databases, or other materials. Studying together is encouraged; however, sharing significant amounts of work or presenting the work of others as your own is not allowed.

According to campus policy, your assignments will only be retained for one month after they are graded and I reserve the option to dispose of them after that time. If you want your graded assignments back, please notify me and arrangements will be made.

Regulations, policies, guidelines, requirements and updates are to be followed, including those of Indiana University, IUPUI and the School of Informatics. This includes those that are printed in the IUPUI Fall 2013 Class Schedule, the IUPUI Campus Bulletin, posted or referenced in the course's website on OnCourse, posted in a classroom, laboratory, office or other campus building or those presented or noted by faculty and staff members.

Emergency Preparedness at IUPUI

Safety on IUPUI's campus is everyone’s responsibility. Know what to do in the event of an emergency so that you can protect yourself and others. For specific information, please visit the Emergency Preparedness website.

Course Management

OnCourse
There are no class meeting times per se for this course. Instead, online courses are conducted using OnCourse. This is a 400-level 3-credit hour course and we cover a great deal of material, so you can expect to be at least as busy as you would be in a course that meets face-to-face every week. Advice: Stay organized. Use the Course Calendar. Keep up with the assigned materials, including the mini-lectures.

Course Modules

The course will be divided into weekly modules. Each module will officially begin on Mondays. Modules will officially end at noon on Sundays. Once a module is posted, it will be available through the semester for review.

For each module, there will be a reading assignment. Most reading assignments will be from the course textbooks; however, other materials may be uploaded or links provided. For some modules, there may be guest lectures or on-line demonstrations.

For most modules, there will a mini-lecture. This will not be a review of the reading materials. The lecture may cover materials not found in the reading assignments.

For each module, there will be a weekly quiz or discussion question. The quiz questions or discussion questions will be based upon the reading assignment, the guest lecture or on-line demonstrations, and/or the mini-lecture.

Questions

If you have questions, email me through OnCourse or at ljberryt@iupui.edu.

Required Textbooks

**e-Discovery for Dummies**, Volonino, Linda and Redpath, Ian.

**Zubulake’s e-Discovery: The Untold Story of My Quest for Justice**, Zubulake, Laura

The textbooks may be supplemented with readings from business, legal and technology journals, PowerPoint presentations, web sites and sample forms, templates and agreements. This material will be posted on OnCourse or linked to specific modules.

Equipment Needed

Because this is an online course delivered through OnCourse, you will need weekly access to a computer and a sufficiently stable network to handle large files. You will need to be able to listen to podcasts, view PowerPoint presentations and short videos, search the Internet and use the software products provided by vendors.
Software Used

Software and related materials will be provided by vendors at no charge to students or the school.

Grading Information

There are 200 points total in the course.

Weekly Quizzes or Discussion Questions – 80 points total (5 points per weekly quiz – due Sundays by noon) – 40% of grade [corresponds with PULs 2 and 3]
Case Study #1 – 20 points – 10% of grade – Due Friday, September 27th by noon [corresponds to PULS 1A, 1C, 2 and 3]
Case Study #2 – 20 points – 10% of grade – Due Friday, October 25th by noon [corresponds to PULS 1A, 1C, 2 and 3]
Case Study #3 – 20 points – 10% of grade – Due Friday, November 15th by noon [corresponds to PULS 1A, 1C, 2 and 3]
Final Project – 60 points – 30% of grade – Due Monday, December 9th at noon [corresponds to 1A, 1C 2 and 3]

Total 100% (200 points)

The gradebook function in OnCourse will be used to post grades and provide feedback on assignments.

Grading Scale [percentages and/or points]

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200 points possible. Minimum percentages for each course grade:
**Course Schedule Detail**

*Module 1: Week of 8/19*
Topic: Examining Electronic Discovery and ESI Essentials
Reading Assignment: Part I in Volonino and Redpath

*Module 2: Week of 8/26*
Topic: Guidelines for Electronic Discovery and Professional Competence
Reading Assignment: Part II in Volonino and Redpath

*Module 3: Week of 9/2*
Topic: Federal and State e-Discovery Rules
Reading Assignment: To Be Distributed

*Module 4: Week of 9/9*
Topic: Identifying, Preserving and Collecting ESI
Reading Assignment: Part III in Volonino and Redpath

*Module 5: Week of 9/16*
Topic: Processing, Protecting and Producing ESI
Reading Assignment: Part IV in Volonino and Redpath

*Module 6: Week of 9/23*
Topic: Getting Litigation Ready
Reading Assignment: Part V in Volonino and Redpath

**Case Study #1 – 20 points – 10% of grade – Due Friday, September 27th**

*Module 7: Week of 9/30*
Topic: Strategizing for e-Discovery Success
Reading Assignment: Part VI in Volonino and Redpath

*Module 8: Week of 10/7*
Topic: The Corporate Perspective on Electronic Discovery
Reading Assignment: To Be Distributed

*Module 9: Week of 10/14*
Topic: The Part of Tens
Reading Assignment: Part VII in Volonino and Redpath

*Module 10: Week of 10/21*
Topic: Computer Forensics and e-Discovery
Reading Assignment: To Be Distributed

**Case Study #2 – 20 points – 10% of grade – Due Friday, October 25th by noon**

*Module 11: Week of 10/28*
Topic: Setting, Allegations & Evidence, Underdog, e-Discoverer
Reading Assignment: Chapters 1 – 4 in Zubulake
Module 12: Week of 11/4
Topic: Zubulake I & III
Reading Assignment: Chapters 5 & 6 in Zubulake

Module 13: Week of 11/11
Topic: Zubulake IV
Reading Assignment: Chapter 7 in Zubulake

Case Study #3 – 20 points – 10% of grade – Due Friday, November 15th by noon

Module 14: Week of 11/18
Topic: Lost & Found and Zubulake V
Reading Assignment: Chapters 8 & 9 in Zubulake

Module 15: Week of 11/25
Topic: Step Forward, Trial & Verdict
Reading Assignment: Chapters 8 – 10 in Zubulake

Module 16: Week of 12/2
Topic: Future of e-Discovery
Reading Assignment: To Be Distributed

Week of 12/9
Final Project due: Monday, December 9th by noon.

“Good luck!”