INFO I410/INFO I590/NEWM N485
Electronic Discovery

Department of Human-Centered Computing
Indiana University School of Informatics and Computing, IUPUI
Fall 2015

Section No: 25544, 28100 and 27854 Credit Hours: 3
Time: Online, asynchronous
Location: N/A
First Class: August 24, 2015
Website: https://iu.instructure.com/courses/1488822

Instructor: Sara Anne Hook, M.B.A. (Finance), J.D.
Professor of Informatics and Program Director, Informatics Core, School of Informatics and
Computing, IUPUI
Professor, University College, IUPUI
Adjunct Professor, Center for Intellectual Property Law and Innovation, Robert H. McKinney
School of Law, Indiana University
Adjunct Professor of American Studies, School of Liberal Arts, IUPUI
Admitted: Indiana (1994), Supreme Court of the United States (2012)

Office Hours: Office hours are Tuesdays from 2:00 p.m. - 4:00 p.m. (in person, by phone or
using the Canvas Chat feature) and by appointment.

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Prerequisites: None. Required course for legal informatics certificate/area of specialization.
Elective course for School of Informatics and Computing degrees and for other programs,
including paralegal programs.

Course Coach:

This is my virtual coach for the course. His name is "Tipster" and he will be helping you
throughout the semester with tips, suggestions and encouragement.
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 recently revised federal and state rules, new state and federal legislation and recent court cases that impact electronic discovery policies and processes. 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 digital evidence.

Expanded Course Description:

Lawyers face a new world of discoverable information in the digital age. Digital materials, such as email messages, word processing documents, spreadsheets, images, social media 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" has quickly developed that has legal, financial, ethical, logistical and technological implications for law firms and their clients. The course will focus on civil rather than criminal law cases.

Required Textbooks:

Title: Zubulake's e-Discovery: The Untold Story of My Quest for Justice.
Authors: Zubulake, Laura A.
Publisher: North Charleston, SC: CreateSpace.

Available at the Barnes & Noble bookstore on the IUPUI campus or various online vendors.

Authors: Matthews, David Robert.
Publisher: Boca Raton, FL: CRC Press.

Available for free through the IUPUI University Library. The library has two electronic copies of this book:

The first, (Ebrary) Electronically Stored Information: The Complete Guide to Management, Understanding, Acquisition, Storage, Search, and Retrieval, is available to 3 users at a time.

Additional Reading:

The textbooks will be supplemented with readings from business, legal and technology books and journals, PowerPoint presentations, websites and sample forms, templates and agreements. This material will be provided via Canvas.


Faculty members are required to designate a PUL of Major, Moderate and Some Emphasis for every course in the undergraduate curriculum. For I410/I590/N485 Electronic Discovery:

- PUL with Major Emphasis: 2 Critical Thinking
- PUL with Moderate Emphasis: 1C Information Resources Skills
- PUL with Some Emphasis: 6 Values and Ethics

**Learning Outcomes**

Upon completion of the course, students will be able to:

- Define electronic discovery and the terminology that is part of this emerging area of law practice [PUL 2, 1C and 6]
- Assess how the digital world has added to the complexities of law practice and the collection, storage and production of records and documents [PUL 2 and 1C]
- Apply the revised state and federal rules for discovery and recent court cases to the electronic discovery process [PUL 2]
- Evaluate the steps in the Electronic Discovery Reference Model (EDRM) and the ethical issues that can arise at each of the steps [PUL 6]
- Articulate the practical implications of electronic discovery for law firms from a legal, financial, procedural, ethical, logistical and technological standpoint [PUL 2, 1C and 6]
- Support the development of an information governance/litigation readiness plan [PUL 2, 1C and 6]
- Prepare a records retention and destruction policy [PUL 2, 1C and 6]
- Draft some basic documents that are part of an electronic discovery process [PUL 2, 1C and 6]
- Compare and contrast the duties of lawyers, parties and internal and external support teams in the discovery process [PUL 2, 1C and 6]
- Recognize and mitigate the special dangers related to digital materials as evidence, such as metadata [PUL 2, 1C and 6]
- Construct an electronic discovery plan [PUL 2 and 1C]
- Evaluate vendors for an electronic discovery project and justify the selection of a vendor [PUL 2, 1C and 6]
- Identify standards and best practices in electronic discovery [PUL 2, 1C and 6]
- Communicate the consequences of insufficient electronic discovery policies and procedures, including costs and penalties [PUL 2, 1C and 6]
- Utilize technology tools for electronic discovery, especially tools for small cases [PUL 2 and 1C]
• Predict the future of electronic discovery as influenced by new technologies [PUL 2, 1C and 6]

Software Used:

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

Expectations/Guidelines/Policies:

Assignments are due by the stated deadline, although you can certainly submit them earlier if you wish. **If you need an extension, you must have prior approval via email and I reserve the right to deduct points for lateness. Assignments more than one week late will not be accepted without prior approval.** Please note that all assignments except the Final Project are due on Fridays at 5:00 p.m. Quizzes will open on Fridays at 5:00 p.m. and be available until Sundays at 5:00 p.m. Responses to the Discussion Forum questions are due on Sundays at noon. The Final Project will be due on Monday, December 14 at 5:00 p.m. There is no final examination for this course.

There is no opportunity for extra credit in this course. Also, there is no opportunity to revise and resubmit assignments for a higher grade.

Administrative Withdrawal:

A basic requirement of this course is that you will conscientiously participate and complete all required course activities and/or assignments. Please notify me via email if you are unable to participate or complete an assignment on time. (See the information in the previous paragraph about requests for extensions and late assignments.) If you miss more than the first 25% of the course without contacting me, you may be administratively withdrawn from the course. Since our course is online and we do not meet, I use the Discussion Forum questions to monitor course participation. If you have not participated in these activities by the stated deadlines, you may be withdrawn. An administrative withdrawal may have academic, financial and financial aid implications. The 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. If you have questions about the administrative withdrawal policy at any point in the semester, please contact me.

Incomplete:

I am only allowed to assign an Incomplete (I) grade if at least 75% of the required coursework has been completed at passing quality and holding you to previously established time limits would result in unjust hardship to you. All unfinished work must be completed by the date set by the instructor. Left unchanged, an Incomplete automatically becomes an F after one year. [http://registrar.iupui.edu/incomp.html](http://registrar.iupui.edu/incomp.html).

Other Policies:

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. Studying together is encouraged; however, sharing
significant amounts of work or presenting the work of others as your own is not allowed. Please let me know if you have questions about the proper way to use quotations and citations. Also, please state the answers to assignment questions in your own words rather than cutting and pasting text from Modules, websites, databases or other materials.

Since we do not meet face-to-face, I will rely on you to pick up your homework assignments from me in IT 589 once they are graded. I will mail graded assignments back to you if you wish - please provide your preferred U.S. or campus mailing address. According to campus policy, I am only required to keep your assignments for one month after they are graded and I reserve the option to dispose of them after that time.

Regulations, policies, guidelines, requirements and updates are to be followed, including those of Indiana University, IUPUI and the School of Informatics and Computing. This includes those that are printed in the IUPUI Fall 2015 Class Schedule, the IUPUI Campus Bulletin, posted or referenced in the course’s website on Canvas, posted in a classroom, laboratory, office or other campus building or those presented or noted by faculty and staff members. There are a number of campus-wide policies governing the conduct of courses at IUPUI. These can be found at: http://registrar.iupui.edu/course_policies.html. A Supplement to the Syllabus is also provided on the course’s Canvas site which includes important school policies.

I reserve the right to revise the syllabus as needed during the semester.

Course Management and Helpful Hints:

There are no class meeting times per se for this course. Instead, this course is conducted "asynchronously", which means that we will be sending and receiving email messages and participating in "virtual discussions" using the Canvas Discussions tool. If you click on Modules on the left side of the Canvas screen, you can see that I have already set up a Discussion Forum for each Module of the course. Please make an effort to participate in the Discussion Forums regularly - not only is this 20% of your grade, but it will also be a much more rewarding course if we all share our thoughts and expertise. Points will be taken off if all questions in a Discussion Forum are not responded to. This is a 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.

The course will be divided into weekly Modules. Each Module will officially begin on Monday. Modules will officially end at noon on Sundays, but once I have posted a Module, it will be available throughout the semester in case you want to review. You will use Canvas to access the Modules.

For each Module, there will be a reading assignment, designated by a book icon. Many of the reading assignments will be from the course textbooks, but I will also upload, reference or provide a link to other materials as well. Whatever I upload will be provided through Canvas.
For each Module, there will also be a series of online discussion questions, indicated by a computer icon. We will use the Canvas Discussions tool to share the responses to these questions. Responses to the weekly Discussion Forum questions are due by Sundays at noon.

Each week, I will also provide a mini-lecture or outline of the topic of the Module, designated by the microphone icon.

For many of the Modules, there may also be a PowerPoint presentation, guest lecture or online demonstration, which will be indicated by a movie projector. You will use Canvas to access these materials.

For each Module, I will provide a "Fireside Chat" to remind you about deadlines, explain concepts or alert you to new issues. You will use Canvas to access the Fireside Chats.

Finally, if you have questions, please do not hesitate to email me.

Tipster says, "The most important advice for the course is to stay organized."

Tipster cannot stress enough the importance of keeping up with the reading assignments and responding to the Discussion Forum questions each week. He has noticed a direct correlation between responding regularly to the Discussion Forum questions and doing well in the course.

Also, if this is your first online course, please understand that the burden is on you to stay organized, to know what needs to be done each week and to pay attention to the deadlines for assignments. I will use the Announcements feature in Canvas to let you know when Modules are available and to remind you when assignments are due.

Equipment Needed:

Because this is an online course delivered through Canvas, 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. Since this is an online course, we communicate with you by email, so all students need to provide a valid email address.
Grading Information

There are 200 points total in the course.

**Quiz #1 (covers Modules 1-5):** Available from Friday, October 2 at 5:00 p.m. until Sunday, October 4 at 5:00 p.m. 20 points [Corresponds to PULs 2, 1C and 6]

**Case Study #1:** Due Friday, October 16 at 5:00 p.m. 30 points [Corresponds to PULs 2, 1C and 6]

**Quiz #2 (covers Modules 6-10):** Available from Friday, November 6 at 5:00 p.m. until Sunday, November 8 at 5:00 p.m. 20 points [Corresponds to PULs 2, 1C and 6]

**Case Study #2:** Due Friday, November 13 at 5:00 p.m. 30 points [Corresponds to PULs 2, 1C and 6]

**Quiz #3 (covers Modules 11-14):** Available from Friday, December 4 at 5:00 p.m. until Sunday, December 6 at 5:00 p.m. 20 points [Corresponds to PULs 2, 1C and 6]

**Final Project:** Due Monday, December 14 at 5:00 p.m. 40 points [corresponds to PULs 2, 1C and 6]

**Participation in Discussion Forums:** 40 points (2.5 points per Discussion Forum – due Sundays by noon) [corresponds to PULs 2, 1C and 6]

Final course grades are calculated by adding up all of the points that you earned in the course and dividing by 200. This will give you a percentage. See the Grading Scale below for the minimum percentage that you need for each course grade. I don’t round up the grades, so if you want an A in the course, you need to achieve at least a 93%.

I will use Canvas to post grades and provide feedback on your assignments.

**Grading Scale [percentages and/or points]**

200 points possible.

Minimum percentages for each course grade:

100% A+
93% A
90% A-
87% B+
83% B
80% B-
77% C+
73% C
70% C-
67% D+
63% D
60% D-
Below 60% F

Undergraduate Students: No credits towards major, minor or certificate requirements are granted for a course grade below a C. No credits towards general education or elective requirements are granted for a course grade below C-.

Course Schedule Detail

Module 1: Week of 8/24
Topic: Introduction to Electronic Discovery
Reading Assignment: Introduction and Chapters 1-3 in Zubulake

Module 2: Week of 8/31
Topic: Foundations of Electronic Discovery - Part 1
Reading Assignment: Chapters 4-7 in Zubulake

Module 3: Week of 9/7
Topic: Foundations of Electronic Discovery – Part 2
Reading Assignment: Chapters 8-12 in Zubulake

Module 4: Week of 9/14
Topic: Electronically Stored Information (ESI) Defined
Reading Assignment: Chapter 1 in Matthews

Module 5: Week of 9/21
Topic: Information Technology (IT) and Electronic Discovery
Reading Assignment: Chapter 2 in Matthews

Module 6: Week of 9/28
Topic: Sources of Electronically Stored Information – Part 1
Reading Assignment: Chapter 3 in Matthews, pages 81-126
Quiz #1 (covers Modules 1-5): Available from Friday, October 2 at 5:00 p.m. until Sunday, October 4 at 5:00 p.m.

Module 7: Week of 10/5
Topic: Sources of Electronically Stored Information – Part 2
Reading Assignment: Chapter 3 in Matthews, pages 127-168

Module 8: Week of 10/12
Topic: Parties and Roles in Electronic Discovery
Reading Assignment: Chapter 4 in Matthews
Case Study #1: Due Friday, October 16 at 5:00 p.m.

Module 9: Week of 10/19
Topic: Information Governance and Litigation Readiness
Reading Assignment: To be distributed
Module 10: Week of 10/26
Topic: Collection of Electronically Stored Information
Reading Assignment: Chapter 5 in Matthews

Module 11: Week of 11/2
Topic: Preservation of Electronically Stored Information
Reading Assignment: Chapter 6 in Matthews
Quiz #2 (covers Modules 6-10): Available from Friday, November 6 at 5:00 p.m. until Sunday, November 8 at 5:00 p.m.

Module 12: Week of 11/9
Topic: Processing Electronically Stored Information
Reading Assignment: To be distributed
Case Study #2: Due Friday, November 13 at 5:00 p.m.

Module 13: Week of 11/16
Topic: Production and Presentation of Electronically Stored Information
Reading Assignment: Chapter 7 in Matthews

Module 14: Week of 11/23
Topic: Electronic Discovery and Social Media
Reading Assignment: To be distributed

Module 15: Week of 11/30
Topic: Electronic Discovery and New Technologies
Reading Assignment: To be distributed
Quiz #3 (covers Modules 11-14): Available from Friday, December 4 at 5:00 p.m. until Sunday, December 6 at 5:00 p.m.

Module 16: Week of 12/7
Topic: Remaining Issues and New Trends
Reading Assignment: To be distributed

Week of 12/14
Final Project: Due Monday, December 14 at 5:00 p.m.
Supplement to the Syllabus
1410/1590/N485 Electronic Discovery
Fall 2015

CODE OF CONDUCT

All students should aspire to the highest standards of academic integrity. Using another student’s work on an assignment, cheating on a test, not quoting or citing references correctly, or any other form of dishonesty or plagiarism shall result in a grade of zero on the item and possibly an F in the course. Incidences of academic misconduct shall be referred to the Department Chair and repeated violations shall result in dismissal from the program.

All students are responsible for reading, understanding, and applying the Code of Student Rights, Responsibilities and Conduct and in particular the section on academic misconduct. Refer to The Code > Responsibilities > Academic Misconduct at http://www.indiana.edu/~code/. All students must also successfully complete the Indiana University Department of Education “How to Recognize Plagiarism” Tutorial and Test. https://www.indiana.edu/~istd. You must document the difference between your writing and that of others. Use quotation marks in addition to a citation, page number, and reference whenever writing someone else’s words (e.g., following the Publication Manual of the American Psychological Association). To detect plagiarism instructors apply a range of methods, including Turnitin.com.

Academic Misconduct:

Cheating: Cheating is considered to be an attempt to use or provide unauthorized assistance, materials, information, or study aids in any form and in any academic exercise or environment.

a. A student must not use external assistance on any “in-class” or “take-home” examination, unless the instructor specifically has authorized external assistance. This prohibition includes, but is not limited to, the use of tutors, books, notes, calculators, computers, and wireless communication devices.

b. A student must not use another person as a substitute in the taking of an examination or quiz, nor allow other persons to conduct research or to prepare work, without advanced authorization from the instructor to whom the work is being submitted.

c. A student must not use materials from a commercial term paper company, files of papers prepared by other persons, or submit documents found on the Internet.

d. A student must not collaborate with other persons on a particular project and submit a copy of a written report that is represented explicitly or implicitly as the student’s individual work.

e. A student must not use any unauthorized assistance in a laboratory, at a computer terminal, or on fieldwork.

f. A student must not steal examinations or other course materials, including but not limited to, physical copies and photographic or electronic images.

g. A student must not submit substantial portions of the same academic work for credit or honors more than once without permission of the instructor or program to whom the work is being submitted.
h. A student must not, without authorization, alter a grade or score in any way, nor alter answers on a returned exam or assignment for credit.

Fabrication: A student must not falsify or invent any information or data in an academic exercise including, but not limited to, records or reports, laboratory results, and citation to the sources of information.

Plagiarism: Plagiarism is defined as presenting someone else’s work, including the work of other students, as one’s own. Any ideas or materials taken from another source for either written or oral use must be fully acknowledged, unless the information is common knowledge. What is considered “common knowledge” may differ from course to course.

i. A student must not adopt or reproduce ideas, opinions, theories, formulas, graphics, or pictures of another person without acknowledgment.

j. A student must give credit to the originality of others and acknowledge indebtedness whenever:
   1. directly quoting another person’s actual words, whether oral or written;
   2. using another person’s ideas, opinions, or theories;
   3. paraphrasing the words, ideas, opinions, or theories of others, whether oral or written;
   4. borrowing facts, statistics, or illustrative material; or
   5. offering materials assembled or collected by others in the form of projects or collections without acknowledgment

Interference: A student must not steal, change, destroy, or impede another student’s work, nor should the student unjustly attempt, through a bribe, a promise of favors or threats, to affect any student’s grade or the evaluation of academic performance. Impeding another student’s work includes, but is not limited to, the theft, defacement, or mutilation of resources so as to deprive others of the information they contain.

Violation of Course Rules: A student must not violate course rules established by a department, the course syllabus, verbal or written instructions, or the course materials that are rationally related to the content of the course or to the enhancement of the learning process in the course.

Facilitating Academic Dishonesty: A student must not intentionally or knowingly help or attempt to help another student to commit an act of academic misconduct, nor allow another student to use his or her work or resources to commit an act of misconduct.

OTHER POLICIES

Right to revise: The instructor reserves the right to make changes to this syllabus as necessary and, in such an event, will notify students of the changes immediately.

IUPUI course policies: A number of campus policies governing IUPUI courses may be found at the following link: http://registrar.iupui.edu/course_policies.html

Classroom civility: To maintain an effective and inclusive learning environment, it is important to be an attentive and respectful participant in lectures, discussions, group work, and other classroom exercises. Thus, unnecessary disruptions should be avoided, such as ringing cell phones engagement in private conversations and other unrelated activities. Cell phones, media players, or any noisy devices should be turned off during a class. Texting, surfing the Internet, and posting to Facebook or Twitter during class are generally not permitted. Laptop use may be permitted if it is used for taking notes or conducting class activities. Students should check with
the instructor about permissible devices in class. IUPUI nurtures and promotes "a campus climate that seeks, values, and cultivates diversity in all of its forms and that provides conditions necessary for all campus community members to feel welcomed, supported, included, and valued" (IUPUI Strategic Initiative 9). IUPUI prohibits "discrimination against anyone for reasons of race, color, religion, national origin, sex, sexual orientation, marital status, age, disability, or [veteran] status" (Office of Equal Opportunity). Profanity or derogatory comments about the instructor, fellow students, invited speakers or other classroom visitors, or any members of the campus community shall not be tolerated. A violation of this rule shall result in a warning and, if the offense continues, possible disciplinary action.

**Bringing children to class:** To ensure an effective learning environment, children are not permitted to attend class with their parents, guardians, or childcare providers.

**Course Evaluation Policy:** Course evaluations provide vital information for improving the quality of courses and programs. Students are required to complete one course and instructor evaluation for each section in which they are enrolled at the School of Informatics and Computing. This requirement has three exceptions: (a) The student has withdrawn from the course; (b) only one student is enrolled in the section (in which case anonymity is impossible); and (c) the section is a laboratory that must be taken with a course having a different section number. Course evaluations are completed at [https://soic.iupui.edu/app/course-eval/](https://soic.iupui.edu/app/course-eval/)

Course evaluations are open from the eleventh week. Course evaluations are anonymous, which means that no one can view the name of the student completing the evaluation. In addition, no one can view the evaluation itself until after the instructor has submitted the final grades for the course. In small sections, demographic information should be left blank, if it could be used to identify the student. A course evaluation must close before the grade for that course can be released. To ensure students have had ample opportunity to complete the evaluation, an uncompleted course evaluation could delay the release of the grade for up to a week.

**Communication:** The instructor should respond to emails within 48 hours, excluding weekends and holidays, and announce periods of extended absence in advance. The instructor should provide weekly office hours or accept appointments for face-to-face, telephone, or teleconferenced meetings.

**Email:** Indiana University uses your IU email account as an official means of communication, and students should check it daily for pertinent information. Although you may have your IU email forwarded to an outside email account, please email faculty and staff from your IU email account.

**Disabilities Policy:** In compliance with the Americans with Disabilities Act (ADA), all qualified students enrolled in this course are entitled to reasonable accommodations. Please notify the instructor during the first week of class of accommodations needed for the course. Students requiring accommodations because of a disability must register with Adaptive Educational Services (AES) and complete the appropriate AES-issued before receiving accommodations. The AES office is located at UC 100, Taylor Hall (Email: aes@iupui.edu, Tel. 317 274-3241). Visit [http://aes.iupui.edu](http://aes.iupui.edu) for more information.

**Administrative Withdrawal:** A basic requirement of this course is that students participate in all class discussions and conscientiously complete all required course activities and/or assignments. If a student is unable to attend, participate in, or complete an assignment on time, it
is the student’s responsibility to inform the instructor. If a student misses more than half of the required activities within the first 25% of the course without contacting the instructor, the student may be administratively withdrawn from this course. Administrative withdrawal may have academic, financial, and financial aid implications. Administrative withdrawal will take place after the full refund period, and a student who has been administratively withdrawn from a course is ineligible for a tuition refund. Contact the instructor with questions concerning administrative withdrawal.

Emergency Preparedness: Safety on campus is everyone’s responsibility. Know what to do in an emergency so that you can protect yourself and others. For specific information, visit the emergency management website. http://protect.iu.edu/emergency

IUPUI Core: Vision, Mission, Values & Diversity

Vision of IUPUI

The VISION of IUPUI is to be one of the best urban universities, recognized locally, nationally, and internationally for its achievements.

Mission of IUPUI

Indiana University-Purdue University Indianapolis (IUPUI), a partnership between Indiana and Purdue Universities, is Indiana’s urban research and academic health sciences campus. IUPUI's mission is to advance the State of Indiana and the intellectual growth of its citizens to the highest levels nationally and internationally through research and creative activity, teaching and learning, and civic engagement. By offering a distinctive range of bachelor's, master's, professional, and Ph.D. degrees, IUPUI promotes the educational, cultural, and economic development of central Indiana and beyond through innovative collaborations, external partnerships, and a strong commitment to diversity.

In pursuing its mission and vision, IUPUI provides for its constituents excellence in:

- Teaching and Learning
- Research, Scholarship, and Creative Activity
- Civic Engagement, Locally, Nationally, and Globally

With each of these core activities characterized by:

- Collaboration within and across disciplines and with the community,
- A commitment to ensuring diversity, and
- Pursuit of best practices