# E-DISCOVERY

**LAW 636 – Mondays 3:30p.m. – 5:20 p.m.**  
**Room A225**  
**Course Syllabus (version 2015 07 10)**  
**University of Alabama School of Law**  
**Prof. A. Skinner**

<table>
<thead>
<tr>
<th>NO.</th>
<th>DATE</th>
<th>READING</th>
<th>DESCRIPTION</th>
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| 1   | 08/17/15   | 894-959 (Glossary); 1-17; 18-39 (rules) 862 | Introduction to Class  
Introduction to the Sedona Glossary (2nd ed. Online)  
Anatomy of a Lawsuit  
History of Rulemaking  
Overview of e-Discovery Amendments  
Introduction to the Sedona Principles |
| 2   | 08/24/15   | 40-74         | Presentation from Bill Long  
What is ESI?  
Types of ESI  
Five characteristics of ESI  
Retrieving Backup |
| 3   | 08/31/15   | 75-104        | Records Retention Policy  
Data Mapping |
| 4   | 09/14/15   | 108-131       | Duty to Preserve  
Trigger Dates |
| 5   | 09/21/15   | 137-176       | What records need to be Preserved  
Accessibility  
Proportionality in Preservation  
Litigation Hold Exercise |
| 6   | 09/28/15   | 178-236       | Litigation Holds  
Preservation Order  
Possession, Custody or Control |
| 7   | 10/05/15   | 291-356       | Data Collection  
Form of Production  
Search Methods |
| 8   | 10/12/15   | 356-408; 414-417 | Metadata  
On-Site Inspections  
Rule 30(b)(5) witnesses  
Social Media  
“Electronic Discovery Reference Model (EDRM)”  
Presentation by David Deusner,of Bradley, Arant, Director of Litigation Support and e-Discovery Services |
| 9   | 10/19/15   | 453-482; 508-513; 531-545 | Not Reasonably Accessible  
Compare Factors for Cost-Shifting  
Sampling  
Cost Shifting  
Taxing Costs  
Proportionality  
2015 Amendment to Rule 26  
Assignment of Sanction cases |
<table>
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<tr>
<th>Week</th>
<th>Date</th>
<th>Assignment</th>
<th>Tentative: Presentation by Kroll Ontrack</th>
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| 10   | 10/26/15   | Read the ABA Model Rules and Ethics Opinions in Ch. VIII; 699-519 | Privilege Issues  
FRCP 502 v. ARCP 502  
Clawback v. Sneak Peek  
Waiver  
Use of e-Neutrals  
Ethics  
Conflict Resolution  
Divide case assignments from next week’s reading assignment |
| 11   | 11/02/15   | Victor Stanley II – entire class                | Spoliation  
Types of Sanctions  
2015 Amendment to Rule 37(e)  
Each student will read one spoliation case and present to the class. The case will be assigned on October 21 |
| 12   | 11/09/15   | 264-290                                        | Meet & Confer  
Cooperation  
2015 Amendment to Rule 1 |
| 13   | 11/16/15   | 763—777; 802-816                               | Admissibility |
| 14   | 11/23/15   | Follow-Up  
Review Day                                      | |

**Case Material:**

Scheindlin, Capra, and The Sedona Conference®, ELECTRONIC DISCOVERY AND DIGITAL EVIDENCE CASES AND MATERIALS, 2nd ed. (West 2012) and Handouts

**Class Expectations:**

Students are expected to attend class and participate. The class has several components:

1. The class is one of about fifty+ courses taught in law schools across the country. The class will have traditional reading assignments from the casebook to learn the theories and analysis evolving from this new and expanding body of law. Each student is expected to read the assigned pages for each class and to be prepared to discuss the case law contained within the assigned pages.

2. During the course, we will have guest speakers. The goal of having guest speakers is to expose the students to real world participants in the e-discovery arena. Be prepared to ask these speakers practical questions. Attendance is mandatory and any absences must be excused in advance.

3. Because e-discovery is constantly evolving, the class will receive supplemental information from online sources.

4. The exam is scheduled for TBA.


**Learning Objectives:**

In each class we will read and discuss assigned materials, discuss “real time” issues and complete exercises that advance the following objectives:

1. Improve legal analysis of trial level discovery orders
2. Develop strategies for using procedural rules to advance legal positions
3. Advance legal skills for understanding the risks and benefits of technology
4. Promote legal professionalism and ethics.

Administrative Issues:
ADA Accommodations: The Law School is committed to meeting the needs of students with physical, learning, and other disabilities, and provides appropriate accommodations and services tailored to each person’s specific requirements. The Law School’s administration and the University’s Office of Disability Services work together to help individuals with disabilities achieve and maintain individual autonomy. Students with disabilities are encouraged to contact the Office of Disabilities Services so that the individual’s needs for support services can be evaluated and accommodated in a timely manner. If you have any questions, please contact Associate Dean Claude Arrington at carrington@law.ua.edu.

Conduct: All students are expected to be honorable and to observe standards of conduct appropriate to a community of scholars. University policies, the Law School Honor Code, and other appropriate policies will be followed in the event of misconduct.

Diversity: The University is committed to providing an atmosphere of learning that is representative of a variety of perspectives. In this class, you will have the opportunity to express and experience cultural diversity. Individuality and creative expression are welcome. Take advantage of these opportunities in your own work, but also learn from the information and ideas shared by others.

Contact Information:
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205-223-6109 (cell – you may text me, but you must identify yourself)