

# Like It or Not, E-Discovery is Here to Stay

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A common misconception among lawyers is that e-discovery is something that someone else engages in (like perhaps patent lawyers in Silicon Valley) but that it does not apply to the cases they are handling. A lot of this “head in the sand” thinking can be attributed to an innate fear of technology and the concern that the jargon associated with e-discovery is impenetrable.

Unfortunately for these lawyers, e-discovery is not going away. It is now part of the civil discovery rules in both state and federal court. Moreover, as a practical matter, the vast majority of relevant data for discovery purposes is no longer in hard copy form. Rather, it is in electronic form such as emails and Word-based documents which are stored on a client’s (and the opposing party’s) server. Further, the use of cloud-based storage (whereby a third-party maintains a shared server) is becoming increasingly common.

Admittedly, I was one of these lawyers too. Instead of cursing the darkness, however, I decided to light a candle. I have created a practice group which is devoted to assisting fellow lawyers with producing and receiving information in an electronic format which is both complete in form and readily searchable in a cost-effective manner. I can definitely relate to the seeming impenetrability of the subject and the visceral reaction to it (like talking to an electronics salesman about purchasing a high-tech product), and am devoted to providing practical and easily understandable advice and assistance.

As part of that commitment, I will provide monthly practice tips regarding e-discovery on this blog. In that regard, please let me know if there are any particular areas you would like to see covered. Stay tuned and bravely embrace the future because the future is already here . . .