

# Presented a webinar for Lawline: Electronic Discovery – Avoiding Disaster (Part 1 and 2)

April 10, 2014

E-Discovery is quickly becoming the most expensive and important part of any litigation. Unnecessary expenses can be avoided, however, with a proper protocol in place for e-discovery. This pro-active approach would substantially cut e-discovery costs in instances where litigation arises or even where litigation is threatened and a litigation hold must be placed. Today, because the Federal and state judges are becoming increasingly familiar with e-discovery rules and practices, non-compliance with the rules can be devastating in a case because the penalties include, among others, monetary sanctions, adverse inferences or even dismissal. This program assists attorneys in keeping up-to-date on the latest e-discovery topics and trends by reviewing the rules surrounding e-discovery, recent case law in the area, and the standardized process for managing electronic discovery known as the Electronic Discovery Reference Model (EDRM).

## Overall Learning Objectives

- I. Understand Electronically Stored Information (ESI) and the Zubulake case
- II. Know the current Federal and New York State rules
- III. Grasp the EDRM diagram and the various stages of the e-discovery process

## Part 1: Introduction to E-Discovery

In the first of the three-part program, Cynthia A. Augello introduces participants to the ever-evolving field of e-discovery. This program provides a foundation for attorneys litigating in today's world by providing an overview of the seminal line of e-discovery cases known as Zubulake v. UBS Warburg LLC, which essentially created today's current standards for an attorney and his or her clients' e-discovery obligations, the importance of following the e-discovery rules, and the potential consequences of not following these rules.

## Part 2: The Federal and New York State Rules

Sometimes the e-discovery rules can be a bit tricky, especially where courts have not had a chance to interpret or analyze them. In the second part of this three-part program, Cynthia A. Augello, a senior associate at Cullen and Dykman, provides an introduction and summary of each of the rules governing e-discovery. Understanding what the rules are and how courts are currently applying them is imperative to any litigator practicing in the twenty-first century. This program focuses on the basic skills required for navigating those rules, and the potential consequences of failing to properly follow them.

# Practices

- eDiscovery
- Large Exposure, Catastrophe and Event Response