

Electronic Discovery

Spring 2012

Professor Todd Cheesman
Cheesman @ mslaw.edu



Note: this is a preliminary syllabus. You are to contact me at the above email address for login information for our website and to receive a complete syllabus.

Course Description: This course explores the developing issues and new rules and practices involving the application of e-discovery, digital evidence and computer forensics issues in litigation and general practice. Students will learn what electronic discovery is, and how the federal rules of civil procedure, the federal rules of evidence, and case law affect this aspect of litigation. This course will also discuss what an attorney and his team need to consider when handling Electronically Stored Information (ESI) prior to and during the litigation process, how to manage the cost of production and processing, and how those considerations should affect an attorney's thought process when working with this type of information. Students will learn how preservation obligations and spoliation claims can come into play. NOTE: The most recent version of this syllabus supersedes all previous handouts and class information.

Technology Issues: when you encounter a problem with the webpage, make every attempt to resolve the matter yourself before contacting me. Sometimes, simply hitting the refresh button or checking to make sure your "caps lock" button is off will fix your problem. I have a large number of students this semester and while I intend to make sure the site functions correctly, I only have time to help with legitimate problems, not user error.

Website Resources: when you receive your login information, please acquaint yourself with the website. A couple of great resources include a page on maximizing your course grade and writing samples of what I consider to be sound student writing.

Lateness: lateness, either on weekly assignments or on the exam will be penalized.

Class Schedule:

This class meets entirely online. The Spring semester begins Tuesday, January 17 with our first assignment due that Saturday at noon sharp. We have no assignment the week of Spring Break, March 11-18. I reserve the right to modify the syllabus, re-schedule a class, or change the order of class subject matters.

Reading:

Electronic Discovery and Digital Evidence: Cases and Materials (American Casebook) by Shira Scheindlin, Daniel J. Capra, and The Sedona Conference. Copyright: 2009. ISBN-13: 9780314191311. Readings for classes may be supplemented via email as necessary.

Contact:

When emailing me, do not simply hit "Reply" but rather start a new discussion thread. Also, please place the words "Electronic Discovery" or "E-Discovery" in the subject line. It will help prevent me from inadvertently deleting an email because I do not recognize the sender of the email. You will need to contact me at the email address listed above ASAP to receive a username and password in order to access our webpage. You will need to access our webpage to access course materials including assignments and class lectures. Also, I would appreciate your labeling all assignments in the format (Your Name_Electronic Discovery_Week #.doc). This will ensure I do not lose or misplace your assignment and that I can locate it at all times. If you do not submit your homework in this format, it may be lost, or worse, not graded.

Grading:

Assignments/Class Participation- Class readings are critical. You will have no more than six written assignments this semester so it is important to do well on each one and to submit your work in a timely fashion. Missing more than two assignments will result in a full grade reduction. Also, unexcused lateness of any assignment will be treated as your having missed the assignment.

Take home Exam: The final exam will be conducted online. It will be open book, open note and will consist of essay questions designed to measure your analytic and writing skills and application of subject knowledge.

Course Readings:

Readings and assignments are subject to change and will be posted on our website: cheesmanlaw.com

Class One: Read pp 1-38; 577-593.

Contact me for login information.

No written assignment.

Class Two: Read pp 39-66.

No written assignment.