

ELECTRONIC DISCOVERY BIBLIOGRAPHY¹

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BOOKS

MICHAEL R. ARKFELD, ARKFELD'S BEST PRACTICES GUIDE FOR LITIGATION READINESS AND HOLD (Law Partner Publishing 2008).

MICHAEL R. ARKFELD, ELECTRONIC DISCOVERY AND EVIDENCE: BEST PRACTICES GUIDE (Law Partner Publishing 2006).

JOHN M. BARKETT, E-DISCOVERY: TWENTY QUESTIONS AND ANSWERS (First Chair Press 2008).

ADAM I. COHEN & G. EDWARD KALBAUGH, ESI HANDBOOK: SOURCES, TECHNOLOGY, AND PROCESS (Aspen 2009).

ADAM I. COHEN & DAVID J. LENDER, ELECTRONIC DISCOVERY: LAW AND PRACTICE (Aspen 2004).

STANLEY M. GIBSON ET AL., BUREAU OF NATIONAL AFFAIRS, RECORDS RETENTION FOR ENTERPRISE KNOWLEDGE MANAGEMENT (2006).

RONALD J. HEDGES, DISCOVERY OF ELECTRONICALLY STORED INFORMATION: SURVEYING THE LEGAL LANDSCAPE (BNA Books 2007).

INTERNATIONAL FEDERATION FOR INFORMATION PROCESSING, ADVANCES IN DIGITAL FORENSICS VOL. 194 (Mark Pollitt & Sujeet Sheno, eds., Springer 2006).

INTERNATIONAL FEDERATION FOR INFORMATION PROCESSING, ADVANCES IN DIGITAL FORENSICS III VOL. 242 (Philip Craiger & Sujeet Sheno, eds., Springer 2007).

*Law Librarian and Professor of Law, The University of Akron School of Law.

1. The following bibliography was compiled from various indices, bibliographies, and other sources on recent books, law review articles, electronic or print services, and web sites that contain information about various aspects of electronic discovery or electronically stored information. Continuing education materials, articles in legal newspapers, and practitioner publications are generally excluded.

The bibliography is organized by material type: books, law review articles, electronic or print services, and web sites. Material is then arranged by author with anonymous works presented first.

RALPH C. LOSEY, *E-DISCOVERY: CURRENT TRENDS AND CASES* (ABA Publishing 2008).

RALPH C. LOSEY, *INTRODUCTION TO E-DISCOVERY: NEW CASES, IDEAS, AND TECHNIQUES* (ABA PUBLISHING 2009).

SHARON D. NELSON ET AL., *THE ELECTRONIC EVIDENCE AND DISCOVERY HANDBOOK: FORMS, CHECKLISTS, AND GUIDELINES* (ABA Publishing 2006).

GEORGE L. PAUL, *FOUNDATIONS OF DIGITAL EVIDENCE* (ABA Publishing 2008).

GEORGE L. PAUL & BRUCE H. NEARON, *THE DISCOVERY REVOLUTION: E-DISCOVERY AMENDMENTS TO THE FEDERAL RULES OF CIVIL PROCEDURE* (2006).

POUND CIVIL JUSTICE INSTITUTE, *THE RULE(S) OF LAW: ELECTRONIC DISCOVERY AND THE CHALLENGE OF RULEMAKING IN THE STATE COURTS* (2006).

PAUL R. RICE, *ELECTRONIC EVIDENCE: LAW AND PRACTICE* (2d ed. 2008).

BARBARA J. ROTHSTEIN ET AL., *MANAGING DISCOVERY OF ELECTRONIC INFORMATION* (2007).

THE SEDONA CONFERENCE, *THE SEDONA PRINCIPLES* (2d ed. 2007).

SHIRA A. SCHEINDLIN, *MOORE'S FEDERAL PRACTICE, E-DISCOVERY: THE NEWLY AMENDED FEDERAL RULES OF CIVIL PROCEDURE* (2006).

LAW REVIEW ARTICLES

Panel discussion, *E-Discovery Under State Court Rules and United States District Court Rules*, 73 FORDHAM L. REV. 85 (2004).

Panel Discussion, *Rulemaking and E-Discovery: Is there a need to amend the civil rules?*, 73 FORDHAM L. REV. 23 (2004).

Panel discussion, *Rule 37 and/or a New Rule 34.1: Safe Harbors for e-Document Preservation and Sanctions*, 73 FORDHAM L. REV. 71 (2004).

Panel Discussion, *Rules 26 and/or 34: Protection Against Inadvertent Privilege Waiver*, 73 FORDHAM L. REV. 101 (2004).

Panel discussion, *Rules 26, 33, and/or 34: Burdens of Production: Locating and Accessing Electronically Stored Data*, 73 FORDHAM L. REV. 53 (2004).

Panel discussion, *Rules 33 and 34: Defining E-Documents and the Form of Production*, 73 FORDHAM L. REV. 33 (2004).

Panel discussion, *Technical Aspects of Document Production and e-Discovery*, 73 FORDHAM L. REV. 23 (2004).

Richard H. Agins, *An Argument for Expanding the Application of Rule 53(b) to Facilitate Reference of the Special Master in Electronic Data Discovery*, 23 PACE L. REV. 689 (2003).

Thomas Y. Allman, *The "Two-Tiered" Approach to E-Discovery: Has Rule 26(b)(2)(B) Fulfilled its Promise?*, 14 RICH. J.L. & TECH. 7 (2008).

Thomas Y. Allman, *Managing Preservation Obligations After the 2006 Federal E-Discovery Amendments*, 13 RICH. J.L. & TECH. 9 (2007).

Thomas Y. Allman, *Proposed National e-Discovery Standards and the Sedona Principles*, 72 DEF. COUNS. J. 47 (2005).

Thomas Y. Allman, *Safe Harbors and Preservation: A Response*, 5 SEDONA CONF. J. 117 (2004).

Thomas Y. Allman, *The Case for a Preservation Safe Harbor in Requests for e-Discovery*, 70 DEF. COUNS. J. 417 (2003).

Thomas Y. Allman, *The Need for Federal Standards Regarding Electronic Discovery*, 68 DEF. COUNS. J. 206 (2001).

Keith L. Altman, *Make the most of e-Data Experts*, 41 OCT TRIAL 42 (2005).

Lisa M. Arent et al., *Ediscovery: Preserving, Requesting & Producing Electronic Information*, 19 SANTA CLARA COMPUTER & HIGH TECH. L.J. 131 (2002).

Richard J. Arsenault & John Randall Whaley, *Gathering Digital Data*, 41 OCT TRIAL 20 (2005).

Craig Ball, *Electronic Evidence*, 41 OCT TRIAL 20 (2005).

Craig Ball, *A Practical Guide to e-Mail Discovery*, 41 OCT TRIAL 29 (2005).

Craig Ball, *20 Tips for Electronic Discovery*, 41 OCT TRIAL 34 (2005).

John T. Bandler, *The New York Rosario Rule Applied to Computerized Documents*, 22 PACE L. REV. 407 (2002).

John M. Barkett, *E-Discovery Help May Be On the Way . . . Sort Of*, 72 DEF. COUNS. J. 37 (2005).

John M. Barkett, *Bytes, Bits and Bucks: Cost Shifting and Sanctions in e-Discovery*, 71 DEF. COUNS. J. 334 (2004).

Jason R. Baron, *The TREC Legal Track: Origins and Reflections on the First Year*, 8 SEDONA CONF. J. 251 (2007).

Jason R. Baron, *Toward a Federal Benchmarking Standard for Evaluating Information Retrieval Products used in e-Discovery*, 6 SEDONA CONF. J. 237 (2005).

Salvatore Joseph Bauccio, *E-Discovery: Why and How E-Mail is Changing the Way Trials are Won and Lost*, 45 DUQ. L. REV. 269 (2007).

J. Brian Beckham, *Production, Preservation, and Disclosure of Metadata*, 7 COLUM. SCI. & TECH. L. REV. 1 (2005).

Steven C. Bennett & Thomas M. Niccum, *Two Views from the Data Mountain*, 36 CREIGHTON L. REV. 607 (2003).

Tracey L. Boyd, *The Information Black Hole: Managing the Issues Arising from the Increase in Electronic Data Discovery in Litigation*, 7 VAND. J. ENT. L. & PRAC. 323 (2005).

Mike Breen, *Nothing to Hide: Why Metadata should be Presumed Relevant*, 56 U. KAN. L. REV. 439 (2008).

Jeffrey J. Bresch & Stephanie L. Hadgkiss, *Best Practices in Electronic Discovery and Document Retention*, 28 ENERGY & MIN. L. INST. Ch.4 (2008).

Kenneth S. Broun & Daniel J. Capra, *Getting Control of Waiver of Privilege in the Federal Courts: A Proposal for a Federal Rule of Evidence 502*, 58 S.C. L. REV. 211 (2006).

Mary Kay Brown & Paul D. Weiner, *Digital Dangers: A Primer on Electronic Evidence in the Wake of Enron*, 30 No. 1 LITIG. 24 (2003).

Mark A. Buchanan, *Uncovering the Employer's e-Data*, 41 OCT TRIAL 38 (2005).

Emily Burns et al, *E-Discovery: One Year of the Amended Federal Rules of Civil Procedure*, 64 N.Y.U. ANN. SURV. AM. L 201 (2008).

John L. Carroll, *Developments in the Law of Electronic Discovery*, 27 AM. J. TRIAL ADVOC. 357 (2003).

Barbara A. Caulfield & Zuzana Svihra, *Electronic Discovery Issues for 2002: Requiring the Losing Party to Pay for the Costs of Digital Discovery*, 2 SEDONA CONF. J. 181 (2001).

Center for Constitutional Litigation, *Proposed e-Discovery Rules Changes Could Help Business Litigants*, 40 OCT TRIAL 10 (2004).

Ross Chaffin, *The Growth of Cost-Shifting in Response to the Rising Cost and Importance of Computerized Data in Litigation*, 59 OKLA. L. REV. 115 (2006).

Julie Cohen, *Look Before You Leap: A Guide to the Law of Inadvertent Disclosure of Privileged Information in the Era of E-Discovery*, 93 IOWA L. REV. 627 (2008).

Alfred W. Cortese Jr., *Proposed Amendments to the Federal Civil Rules Strike a Healthy Balance: How Will the Proposed e-Discovery Rules Influence Your Practice?*, 72 DEF. COUNS. J. 354 (2005).

Moze Cowper & John Rosenthal, *Not Your Mother's Rule 26(F) Conference Anymore*, 8 SEDONA CONF. J. 261 (2007).

Maria Perez Crist, *Preserving the Duty to Preserve: The Increasing Vulnerability of Electronic Information*, 58 S.C. L. REV. 7 (2006).

Lucia Cucu, *The Requirement for Metadata Production Under Williams v. Sprint/United Management Co.*, 93 CORNELL L. REV. 221 (2007).

Shannon M. Curreri, *Defining "Document" in the Digital Landscape of Electronic Discovery*, 38 LOY. L.A. L. REV. 1541 (2005).

Laura Catherine Daniel, *The Dubious Origins and Dangers of Clawback and Quick-Peek Agreements*, 47 WM. & MARY L. REV. 663 (2005).

Sasha K. Danna, *The Impact of Electronic Discovery on Privilege and the Applicability of the Electronic Communications Privacy Act*, 38 LOY. L.A. L. REV. 1683 (2005).

Gal Davidovitch, *Why Rule 37(e) does Not Create A New Safe Harbor for Electronic Evidence Spoliation*, 38 SETON HALL L. REV. 1131 (2008).

Jessica DeBono, *Preventing and Reducing Costs and Burdens Associated with E-Discovery*, 59 MERCER L. REV. 963 (2008).

Daniel T. DeFeo, *Unlocking the Door to Automaker Databases*, 40 FEB TRIAL 26 (2003).

Frank P. DeGiulio, *Electronic Discovery: A Practicum for the Maritime Lawyer*, 19 U.S.F. MAR. L.J. 1 (2006).

Dennis J. Drasco, *Public Access to Information in Civil Litigation v. Litigant's Demand for Privacy: Is the "Vanishing Trial" an Avoidable Consequence?*, 2006 J. DISP. RESOL. 155 (2006).

Maureen Duffy-Lewis & Daniel B. Garrie, *Dancing in the Rain: Who is Your Partner in the Corporate Boardroom?*, 25 J. MARSHALL J. COMPUTER & INFO. L. 267 (2008).

Rena Durrant, *Spoliation of Discoverable Electronic Evidence*, 38 LOY. L.A. L. REV. 1803 (2005).

Jonathan B. Ealy & Aaron M. Schutt, *What--if Anything -- is an e-Mail? Applying Alaska's Civil Discovery Rules to e-Mail Production*, 19 ALASKA L. REV. 119 (2002).

Laura E. Ellsworth & Robert Pass, *Cost Shifting in Electronic Discovery*, 5 SEDONA CONF. J. 125 (2004).

Lynn A. Epstein, *The Technology Challenge: Lawyers have Finally Entered the Race but Will Ethical Hurdles Slow the Pace?*, 28 NOVA L. REV. 721 (2004).

Philip J. Favro, *A New Frontier in Electronic Discovery: Preserving and Obtaining Metadata*, 13 B.U. J. SCI. & TECH. L. 1 (2007).

Ophir D. Finkelthal, *Scope of Electronic Discovery and Methods of Production*, 38 LOY. L.A. L. REV. 1591 (2005).

James P. Flynn & Sheldon M. Finkelstein, *A Primer on "E-Vide-N.C.E."*, 28 LITIG. 34 (2002).

William S. Friedlander, *Electronic Evidence in Everyday Cases: All in the Family Computer*, 41 OCT TRIAL 36 (2005).

Joseph Gallagher, *E-Ethics: The Ethical Dimension of the Electronic Discovery Amendments to the Federal Rules of Civil Procedure*, 20 GEO. J. LEGAL ETHICS 613 (2007).

Daniel B. Garrie et al., *Hiding the Inaccessible Truth: Amending the Federal Rules to Accommodate Electronic Discovery*, 25 REV. LITIG. 115 (2006).

Christopher N. George, *Someone's Watching: Protecting Privilege on both Sides of the Table During Electronic Discovery*, 2004 U. ILL. J.L. TECH. & POL'Y. 283 (2004).

John Gergacz, *Using the Internet to Attract Clients and the Attorney-Client Privilege*, 33 RUTGERS COMPUTER & TECH. L.J. 17 (2006).

Stanley A. Goldman, *Seizing Private Papers: Greater Protections for a Digital Age*, 41 LOY. L.A. L. REV. 61 (2007).

John C. Goodchild III & Stephanie A. Blair, *Focusing on Reasonableness and Cost Trends in e-Discovery and Record Retention*, 121 BANKING L.J. 308 (2004).

Roland C. Goss, *Hot Issues in Electronic Discovery: Information Retention Programs and Preservation*, 42 TORT TRIAL & INS. PRAC. L.J. 797 (2007).

The Hon. Paul W. Grimm et al., *Proportionality in the Post-Hoc Analysis of Pre-Litigation Preservation Decisions*, 37 U. BALT. L. REV. 381 (2008).

Carol E. Heckman & Jerauld E. Brydges, *Winning Electronic Discovery Motions*, 4 SEDONA CONF. J. 151 (2003).

Kenneth Heineman et al., *Recent Developments in Corporate Counsel Law*, 40 TORT TRIAL & INS. PRAC. L.J. 311 (2005).

William A. Herbert, *The Electronic Workplace: To Live Outside the Law You Must Be Honest*, 12 EMP. RTS. & EMP. POL'Y J. 49 (2008).

Richard K. Herrmann et al., *Managing Discovery in the Digital Age: A Guide to Electronic Discovery in the District of Delaware*, 8 DEL. L. REV. 75 (2005).

Theodore C. Hirt, *The Two-Tier Discovery Provision of Rule 26(B)(2)(B) – A Reasonable Measure for Controlling Electronic Discovery?*, 13 RICH. J.L. & TECH. 12 (2007).

Daniel Renwick Hodgman, *A Port in the Storm?: The Problematic and Shallow Safe Harbor for Electronic Discovery*, 101 NW. U. L. REV. 259 (2007).

Rebecca Huang, *E-Discovery: Should the Discovery Costs be Shifted to the Requesting Party?*, 33 ADVOC. Q. 419 (2007).

Rachel Hytken, *Electronic Discovery: To What Extent Do the 2006 Amendments Satisfy Their Purposes?*, 12 LEWIS & CLARK L. REV. 875 (2008).

Mohammad Iqbal, *The New Paradigms of e-Discovery and Cost-Shifting: Determining Who Pays for Electronic Discovery*, 72 DEF. COUNS. J. 283 (2005).

Sheryl Jackson, *New Challenges for Litigation in the Electronic Age*, 12 DEAKIN L. REV. 81 (2007).

Lynn Jokela, *Electronic Discovery Disputes: Will the Eighth Circuit Courts Move Beyond Ad-Hoc Decision Making?*, 30 WM. MITCHELL L. REV. 1031 (2004).

Sara Hoffman Jurand, *Judicial Conference OKs e-Discovery Rules, with Revised Notes*, 41 DEC. TRIAL, 60 (2005).

Sara Hoffman Jurand, *California e-Discovery Statute Doesn't Mandate Cost-Shifting, Court Says*, 41 FEB. TRIAL 73 (2005).

Charles L. Kerr, *Turbulence Ahead: Adjusting for e-Discovery in Aviation Litigation*, 72 J. AIR L. & COM. 465 (2007).

Elaine Ki Jin Kim, *The New Electronic Discovery Rules: A Place for Employee Privacy?*, 115 YALE L.J. 1481 (2006).

Todd L. Krause & Brian D. Coggio, *Electronic Discovery: Where We Are, and Where We're Headed*, 16 INTELL. PROP. & TECH. L.J. 16 (2004).

Vlad J. Kroll, *Default Production of Electronically Stored Information Under the Federal Rules of Civil Procedure: The Requirements of Rule 34(b)*, 59 HASTINGS L.J. 221 (2007).

Richard Marcus, *Only Yesterday: Reflections on Rulemaking Responses to e-Discovery*, 73 FORDHAM L. REV. 1 (2004).

Richard L. Marcus, *E-Discovery Beyond the Federal Rules*, 37 U. BALT. L. REV. 321 (2008).

Richard L. Marcus, *E-Discovery & Beyond: Toward Brave New World Or 1984?*, 25 REV. LITIG. 633 (2006).

Richard L. Marcus, *Confronting the Future: Coping with Discovery of Electronic Material*, 64 LAW & CONTEMP. PROBS. 253 (2001).

Ellie Margolis & Susan L. DeJarnatt, *Moving Beyond Product to Process: Building a Better LRW Program*, 46 SANTA CLARA L. REV. 93 (2005).

Andrew Moerke Mason, *Throwing Out the (Electronic) Trash: True Deletion Would Soothe e-Discovery Woes*, 7 MINN. J.L. SCI. & TECH. 777 (2006).

Mia Mazza et al., *In Pursuit of FRCP 1: Creative Approaches to Cutting and Shifting the Costs of Electronic Information*, 13 RICH. J.L. & TECH. (2007).

Lynn McLain, *Advanced Issues in Electronic Discovery: The Impact of the First Year of the Federal Rules and the Adoption of the Maryland Rules*, 37 U. BALT. L. REV. 315 (2008).

Dion Messer, *To: Client@workplace.com: Privilege at Risk?*, 23 J. MARSHALL J. COMPUTER & INFO. L. 75 (2004).

Richard H. Middleton, *The "Complexities" of Electronic Discovery*, 5 SEDONA CONF. J. 105 (2004).

Thomas R. Mulroy & Kristopher Stark, *A Suggested Rule for Electronic Discovery in Illinois Administrative Proceedings*, 3 DEPAUL BUS. & COM. L.J. 1 (2004).

Devin Murphy, *The Discovery of Electronic Data in Litigation: What Practitioners and Their Clients Need to Know*, 27 WM. MITCHELL L. REV. 1825 (2001).

Daniel R. Murray et al., *Taking a Byte Out of Discovery: How the Properties of Electronically Stored Information have Shaped E-Discovery Rules*, 41 U.C.C. L.J. 35 (2008).

Daniel R. Murray et al., *Discovery in a Digital Age: Electronically Stored Information and the New Amendments to the Federal Rules of Civil Procedure*, 39 U.C.C. L.J. 509 (2007).

Bradley C. Nahrstadt, *What's the Deal with Litigation Hold Letters?*, 18 PRAC. LAW. 23 (2007).

Kristin M. Nimsgger, *Digging for e-Data*, 39 JAN. TRIAL 56 (2003).

Henry S. Noyes, *Good Cause is Bad Medicine for the New E-Discovery Rules*, 21 HARV. J.L. & TECH. 49 (2007).

Henry S. Noyes, *Federal Rule of Evidence 502: Stirring the State Law Of Privilege and Professional Responsibility with a Federal Stick*, 66 WASH. & LEE L. REV. (forthcoming 2009).

Henry S. Noyes, *Is e-Discovery So Different That It Requires New Discovery Rules?: An Analysis of Proposed Amendments to the Federal Rules of Civil Procedure*, 71 TENN. L. REV. 585 (2004).

Mark Phillips, *Electronique Juridique Et Juridisme Electronique*, 20 LES CAHIERS DE PROPRIETE INTELLECTUELLE 155 (2008).

Sarah A. L. Phillips, *Discoverability of Electronic Data Under the Proposed Amendments to the Federal Rules of Civil Procedure: How Effective are Proposed Protections for "Not Reasonably Accessible" Data?*, 83 N.C. L. REV. 984 (2005).

Lucille M. Ponte, *Victims of Gender Discrimination Or Disgruntled Employees?: The Evolving Role of Candid E-Mails in Gender Disparate Treatment Cases*, 19 WIS. WOMEN'S L.J. 47 (2004).

Ashish S. Prasad, *U.S. Discovery of Electronic Documents in Europe*, 5 SEDONA CONF. J. 119 (2004).

Jonathan M. Redgrave, *The Sedona Principles: Best Practices Recommendations & Principles for Addressing Electronic Document Production*, 4 Sedona Conf. J. 197 (2003).

Martin H. Redish, *Electronic Discovery and the Litigation Matrix*, 51 DUKE L.J. 561 (2001).

Jessica Lynn Repa, *Adjudicating Beyond the Scope of Ordinary Business: Why the Inaccessibility Test in Zubulake Unduly Stifles Cost-Shifting During Electronic Discovery*, 54 AM. U. L. REV. 257 (2004).

Douglas L. Rogers, *A Search for Balance in the Discovery of ESI since Dec. 1, 2006*, 14 RICH. J.L. & TECH. 8 (2008).

Leah Voigt Romano, *Electronic Evidence and the Federal Rules*, 38 LOY. L.A. L. REV. 1745 (2005).

James E. Rooks Jr., *Will e-Discovery Get Squeezed?*, 40 NOV. TRIAL 18 (2004).

Hon. Lee H. Rosenthal & James C. Francis IV, *Managing Electronic Discovery: Views from the Judges*, 76 FORDHAM L. REV. 1 (2007).

Mary Rumsey, *Electronic Media Discovery [EMD]: Issues in Electronic Records, Discovery and Evidence*, 20(4) LEGAL REFERENCE SERVICES Q. 19 (2001).

Michael J. Ryan, *10 Ways to Beat e-Discovery Abuse*, 40 SEP. TRIAL 42 (2004).

Sonia Salinas, *Electronic Discovery and Cost Shifting: Who Foots the Bill?*, 38 LOY. L.A. L. REV. 1639 (2005).

Rodney A. Satterwhite & Matthew Quatrara, *Asymmetrical Warfare: The Cost of Electronic Discovery in Employment Litigation*, 14 RICH. J.L. & TECH. 9 (2008).

Paula J. Schauwecker, *Electronic Discovery and the Environmental Litigator*, 20 NAT. RESOURCES & ENV'T. 72 (2006).

Shira A. Cheindlin & Jonathan M. Redgrave, *Special Masters and E-discovery: The Intersection of Two Recent Revisions to the Federal Rules of Civil Procedure*, 30 CARDOZO L. REV. 347 (2008).

The Sedona Conference, *The (2004) Sedona Principles: Best Practices, Recommendations & Principles for Addressing Electronic Document Production*, 5 SEDONA CONF. J. 151 (2004).

The Sedona Conference, *Overview of Changes to the Sedona Principles in 2004*, 5 SEDONA CONF. J. 215 (2004).

The Sedona Conference, *The Sedona Conference Best Practices Commentary on the use of Search and Information Retrieval Methods in e-Discovery*, 8 SEDONA CONF. J. 189 (2007).

Bahar Shariati, *Zubulake v. UBS Warburg: Evidence that the Federal Rules of Civil Procedure Provide the Means for Determining Cost Allocation in Electronic Discovery Disputes?*, 49 VILL. L. REV. 393 (2004).

Gregory D. Shelton, *Don't Let the Terabyte You: New E-Discovery Amendments to the Federal Rules of Civil Procedure*, 73 DEF. COUNS. J. 324 (2006).

Cameron G. Shilling, *Electronic Discovery: Litigation Crashes into the Digital Age*, 22 LAB. LAW. 207 (2006).

John Siemietkowski, *E-Discovery Amendments to Federal Rules of Civil Procedure Celebrate First Anniversary*, 2007 DEC. ARMY LAW. 77 (2007).

Robert H. Smit & Tyler B. Robinson, *E-Disclosure in International Arbitration*, 24 ARB. INT'L. 105 (2008).

Todd A. Smith, *Preserve our Clients' Discovery Rights*, 41 JAN. TRIAL 9 (2005).

Stephen J. Snyder & Abigail E. Crouse, *Applying Rule 1 in the Information Age*, 4 SEDONA CONF. J. 165 (2003).

Howard L. Speight & Lisa C. Kelly, *Electronic Discovery: Not Your Father's Discovery*, 37 ST. MARY'S L.J. 119 (2005).

Val Stieglitz, *Four Practical Rules for Electronic Discovery*, 72 DEF. COUNS. J. 400 (2005).

Mikah K. Story, *Twenty-First Century Pillow-Talk: Applicability of the Marital Communications Privilege to Electronic Mail*, 58 S.C. L. REV. 275 (2006).

Ralph Streza, *Discovery Unplugged: Should Internal E-Mails Be Privileged Confidential Communications?*, 70 DEF. COUNS. J. 36 (2003).

Tara McGraw Swaminatha, *The Fourth Amendment Unplugged: Electronic Evidence Issues & Wireless Defenses*, 7 YALE L. & TECH. J. 51 (2004).

Thomas C. Tew, *Electronic Discovery Misconduct in Litigation: Letting the Punishment Fit the Crime*, 61 U. MIAMI L. REV. 289 (2007).

Leroy J. Tornquist & Christine R. Olson, *A Last Vestige of Oregon's Wild West: Oregon's Lawless Approach to Electronically Stored Information*, 45 WILLAMETTE L. REV. 161 (2008).

Samantha Trepel, *Digital Searches, General Warrants, and the Case for the Courts*, 10 YALE J.L. & TECH. 120 (2007).

Roland L. Trope & E. Michael Power, *Lessons in Data Governance: A Survey of Legal Developments in Data Management, Privacy and Security*, 61 BUS. LAW. 471 (2005).

Georgene Vairo, *Developments in the Law: Electronic Discovery*, 38 LOY. L.A. L. REV. 1529 (2005).

Richard Van Duizend, *Guidelines for State Trial Courts regarding Discovery of Electronically—Stored Information—What? Why? How?*, 35 W. ST. U. L. REV. 237 (2007).

Allison O. Van Laningham, *Navigating in the Brave New World of E-Discovery: Ethics, Sanctions and Spoliation*, 57 FED'N. DEF. & CORP. COUN. Q. 327 (2007).

Loyd S. van Oostenrijk, *Paper Or Plastic?: Electronic Discovery and Spoliation in the Digital Age*, 42 HOUS. L. REV. 1163 (2005).

Christopher D. Wall, *Ethics in the Era of Electronic Evidence: To Represent Your Clients Effectively and Ethically, You Need a Good Grasp of the e-Discovery Process—and the Obligations it Creates for You and Opposing Counsel*, 41 OCT. TRIAL 56 (2005).

Matthew Werner, *Google and Ye Shall Be Found: Privacy, Search Queries, and the Recognition of a Qualified Privilege*, 34 RUTGERS COMPUTER & TECH. L.J. 273 (2007).

W. Lawrence Wescott II, *The Increasing Importance of Metadata in Electronic Discovery*, 14 RICH. J.L. & TECH. 10 (2008).

Clyde H. Wilson Jr. & Douglas A. Cherry, *Success in Electronic Discovery*, 39 MAY TRIAL 60 (2003).

John S. Wilson, *MySpace, Your Space, or Our Space? New Frontiers in Electronic Evidence*, 86 OR. L. REV. 1201 (2007).

Kenneth J. Withers, *"Ephemeral Data" and the Duty to Preserve Discoverable Electronically Stored Information*, 37 U. BALT. L. REV. 349 (2008).

Kenneth J. Withers, *Electronically Stored Information: The December 2006 Amendments to the Federal Rules of Civil Procedure*, 7 SEDONA CONF. J. 1 (2006).

Elizabeth M. Youngdale, *Reviewing the Law Reviews*, 72 DEF. COUNS. J. 310 (2005).

ELECTRONIC OR LOOSELEAF SERVICES

Digital Discovery & e-Evidence, Home Page, <http://www.ddee.bna.com>.

Discovery: Mealey's Combined Reports, http://www.lexis.com/research/form/search?_m=d7fd7d9be8660e0a140dfb24eae7896a&_src=297923.3009541&_cat=3009541&wchp=dGLzVzzzSkAA&_md5=aff3303be1a8cc2d812967f97c19ed3b.

WEB SITES AND BLOGS

Michael Arkfeld, *Electronic Discovery and Evidence*, (Sept. 1, 2006), http://arkfeld.blogs.com/ede/2006/09/electronic_disc.html.

Discovery Resources, Home Page, <http://www.discoveryresources.org/library/featured-articles/>.

Electronic Evidence Information Center, Home Page, <http://www.e-evidence.info/index.html>.

K&L Gates, *Electronic Discovery Law*, Home Page, <http://www.ediscoverylaw.com/>.

Kroll Ontrack, Home Page, <http://www.krollontrack.com/>.

Law.com LegalTechnology, *Electronic Data Discovery*, <http://www.law.com/jsp/legaltechnology/edd.jsp>.

Robert Losey, E-Discovery Team, <http://ralphlosey.wordpress.com/>.

National Center for State Courts, Electronic Discovery: Resource Guide, <http://www.ncsconline.org/wc/CourTopics/ResourceGuide.asp?topic=ElDisc#805>.

Uniform Law Commission, Electronic Discovery, <http://www.nccusl.org/Update/CommitteeSearchResults.aspx?committee=248>.

U.S. Federal Judicial Center, Materials on Electronic Discovery: Civil Litigation, http://www.fjc.gov/public/home.nsf/autoframe?penform&url_r=pages/54 (follow “Materials on Electronic Discovery” hyperlink).

W. Lawrence Westcott II, Electronic Discovery Blog, <http://www.electronicdiscoveryblog.com/>.