

eDiscovery



What is eDiscovery?

eDiscovery refers to the legal procedure of identifying, preserving, and collecting electronic data relevant to a case, requested by the opposing party during the discovery process. eDiscovery lawyers are those lawyers who specialize in identifying and gathering electronic data ([Casey](#)).

Civil and criminal procedure rules govern eDiscovery procedures ([Broderick et al](#)). eDiscovery lawyers are responsible for managing the entire process of eDiscovery, from identifying relevant information, conducting custodian interviews with anyone who has access to the information, collecting and presenting the information to the opposing side, and processing incoming information. Because of their expertise in rules of discovery and in data storage, eDiscovery lawyers may also be responsible for creating policies for their companies or firms regarding data storage and protection. eDiscovery lawyers work with information technology staff, in-house counsel, and opposing counsel to determine the best methods to collect discoverable data ([Casey](#)).

eDiscovery materials can include emails, text messages, image files, text files, or certain text fields in electronic documents, and meta data ([Legal Information Institute](#)). The high volume of material an eDiscovery lawyer works with requires those lawyers to be highly organized and efficient. Furthermore, because eDiscovery items can contain sensitive, proprietary, or embarrassing information, the role of the eDiscovery lawyer is critical. For these reasons, eDiscovery lawyers should not only have a thorough understanding of the rules of discovery, they should also understand privacy, intellectual property, and copyright law ([Larosa](#)). eDiscovery lawyers should also have a working knowledge of recent information technology and data storage technology.

eDiscovery has become increasingly important as most data is now stored digitally. Specialized skills in eDiscovery are highly valued by law firms, government agencies, companies and organizations with legal departments ([Larosa](#)).

Where Do eDiscovery Lawyers Work?

Federal government agencies with legal departments, such as the [Department of Justice](#) and the [Environmental Protection Agency](#)

State and local government agencies with legal departments such as the [Tennessee Attorney General](#)

Law firms that handle litigation

In-house counsel for businesses, organizations, or institutions such as universities and hospitals

What Classes Should I Take?

Business Organizations I	Intellectual Property
Civil Procedure I, II	Non-Profit Organization
Copyright	Partnership Tax
Corporate Finance	Patent Law
Corporate Governance and Compliance	Pre-Trial Litigation
Criminal Procedure I, II	
Discovery	
Evidence	
Information Privacy Law	

eDiscovery Resources



Resume Boosters for eDiscovery

Pursue technical certifications, such as an [information technology certificate](#)

[Learn to code](#)

Pursue [records management certification](#)

Intern or extern with a firm that handles cases in which eDiscovery is important

Professional Associations

American Bar Association

All University of Memphis law students have free membership to the [American Bar Association](#). Their website provides routinely updated information and interest-specific career advice. Join different sections to find out what they offer. Check out the [Pretrial Practice & Discovery Committee](#).

Association of Certified eDiscovery Specialists

The [Association of Certified eDiscovery Specialists](#) provides networking, research, special events, and mentorship programs to lawyers, paralegals, forensic professionals, human resource managers, project managers, and records managers.

eDiscovery Articles

[“Data Privacy: More Than Just ‘The New Black’”](#)

This article, written by Daniel S. Wittenberg highlights the important role lawyers with special understandings of data privacy play in their firms. American Bar Association, August 21, 2020.

[“eDiscovery Challenges and Information Governance Solutions”](#)

This article, written by Lucas Newcomer and Johnny Lee, examines how eDiscovery lawyers can help their clients and employers with data storage and preservation. American Bar Association, February 14, 2019.