

BOOK RELEASE

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Electronic Discovery and Evidence: Avoiding the Perils and Pitfalls

PHOENIX, AZ – Answers on how to discover, produce and admit electronic evidence to avoid ethical problems and court sanctions can be found in the latest edition of *Electronic Discovery and Evidence*.

Law Partner Publishing has announced the release of the 2004-2005 edition to the acclaimed *Electronic Discovery and Evidence* treatise by the well known speaker and author, Michael R. Arkfeld.

A detailed legal treatise for lawyers and laypersons alike, *Electronic Discovery and Evidence* explores nearly every legal dilemma that may confront the discovery and admissibility of electronic evidence. It covers electronic storage devices and locations, data types, as well as legal issues regarding preservation and discovery with a special focus on admissibility of electronic evidence. All this is accomplished with clear explanations of technology and legal concepts; authoritative discussion of court rules and case law; evidentiary analysis and forms, checklists and practical pointers.

This expanded edition (over 150 additional pages) will update you on all the latest developments with particular emphasis on scope and duty of preservation of electronic information, cost allocation, e-mail, backups, databases, voicemail, searching electronic information and electronic data formats.

In his comments on the new edition Michael Arkfeld stated, "failing to properly advise your client as to duties relating to electronic information can have severe consequences. Beside the significant ethical issues involved, the courts are issuing decisions imposing sanctions and other spoliation remedies for failure to preserve and disclose electronic evidence on a daily basis."

Recently the *Electronic Discovery and Evidence* treatise was referenced by the Honorable Shira A. Scheindlin in *Zubulake v. UBS Warburg LLC*, No. CIV.02C1243, 2004 WL 1620866, at * 49 (S.D. N.Y. July 20, 2004).

Reviewers have labeled the book as "an extraordinarily useful, practical and accessible guide," "magnificent resource," "a solid digital discovery reference resource, packed full of detailed information and replete with case citations," "extremely valuable new book," "comprehensive and comprehensible" and a "powerhouse of information." (Complete reviews are available at www.lawpartnerpublishing.com).

Electronic Discovery and Evidence is organized into eight chapters to guide you through the process of discovering and admitting electronic evidence. Chapter 1, ***Electronic Information in Litigation***, sets the stage for understanding the pervasive change from paper to electronic evidence. It discusses the unique characteristics of electronic data and why you have to discover and also produce electronic evidence. In Chapter 2, ***Creation and Storage of Electronic Information***, basic information is provided as to how electronic information is created, stored and retrieved. Chapter 3, ***Structure and Types of Electronic Information***, discusses the underlying

computer setup, business software applications and how electronic material is organized. It explores special issues unique to electronic information and provides a detailed analysis of the different software types, and citations to legal authorities when applicable. Chapter 4, **Computer Forensics, Experts and Service Bureaus**, explores the role of forensic specialists to assist you in the collection and processing of electronic information. Chapter 5, **Collecting, Processing and Searching Electronic Information**, focuses on the actual collection and processing of electronic information. In Chapter 6, **Discovery and Production Process**, the discovery and production steps for electronic information are discussed. The focus here is on the overall plan, scope of request, preservation request, production format and other practical issues involved in discovering and producing electronic data. Chapter 7, **Court Procedural Rules and Case Law**, focuses on the relevant Federal Rules of Procedure and case law in the production and disclosure of electronic information. It covers a broad area including Rule 16 pretrial conference, Rule 26 initial disclosures, expert's reports, relevancy, overbroad claims, cost allocation issues, work product, attorney-client waiver issues and protective orders as well as other rules. Chapter 8, **Admissibility of Electronic Evidence**, examines the evidentiary considerations for the admission of electronic evidence. It discusses the general concepts of preliminary questions, judicial notice, relevancy, expert witness testimony, hearsay, authentication and the Best Evidence rule.

Recent case summaries, practice forms and other information are included with the book and updated regularly on the Law Partner Publishing web site (password protected) located at www.lawpartnerpublishing.com.

The book is available by ordering from the Law Partner Publishing, LLC web site located at www.lawpartnerpublishing.com. It can also be obtained by mail or phone orders at Law Partner Publishing, LLC at 9602 North 35th Place, Phoenix, AZ 85028 or by phone at 602-993-1937. Like the original book, this edition is a one volume, loose-leaf, (with annual supplementation), 611 pages and sells for \$149.99 plus shipping and handling. The 2004-2005 edition, without the binder, sells for \$129.99 plus shipping and handling.

Author - Michael R. Arkfeld, Esq. Mr. Arkfeld is a practicing civil litigator who is involved on a daily basis in the discovery and admission of electronic information. His practice includes cases involving personal injury, medical malpractice, employment discrimination, immigration and a host of other civil claims. He has appeared before both federal and state appellate courts and has tried over 30 cases before a jury. He lectures frequently throughout North America and internationally on the impact of technology in the practice of law, and on discovery and admission of electronic evidence. Michael is also the author of *The Digital Practice of Law (5th Ed.): A Practical Reference for Applying Technology Concepts to the Practice of Law*. In addition, Michael is the chair for the e-Discovery Conference presented by American Lawyer Media to be held in New York in the fall of 2004 and was recently awarded the 2004 E-Evidence Thought Leading Scholar Award.

NOTE TO EDITORS: A limited number of review copies are available if you are planning on preparing a review article based on this book.

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