

## BOOK RELEASE

### FOR IMMEDIATE RELEASE

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### **NEW 3rd Edition - *Arkfeld on Electronic Discovery and Evidence* and Updated Best Practice Guides - The Only Complete eDiscovery Reference Source**

PHOENIX, AZ – Law Partner Publishing announces the release of the 3rd edition of its acclaimed *Arkfeld on Electronic Discovery and Evidence* treatise and updated practice guides by the well-known author, speaker and attorney, Michael R. Arkfeld. The treatise, best practice guides, forms and other material make this the only complete eDiscovery reference source.

#### **HIGHLIGHTS**

- *New 3rd Edition of treatise*
- *Newly revised *Electronic Discovery and Evidence Best Practices Guide**
- *New *Meet and Confer Planning Guide**
- *Newly revised *Legal Hold Best Practices Guide**
- *New *Information Technology Discovery Questions* section (47 pages)*

#### **NEW 3<sup>RD</sup> EDITION OF TREATISE**

Law Partner Publishing and Lexis are pleased to provide you with *Arkfeld on Electronic Discovery and Evidence* (3rd ed.) Building on the well-organized and acclaimed second edition of this treatise, the third edition is revised, enhanced in both substance and format, and expanded to cover the latest issues affecting e-discovery. These include: search types, protocol, and certification of search methodology; “legal hold” detailed analysis regarding “triggering events”; FRE 502 section analyzing inadvertent disclosure, attorney-client privilege and work product and limitations on waiver; latest analysis on cost allocation, proportionality, and “not reasonably accessible” issues, as well as a host of other ediscovery issues. This expanded edition builds upon the sections providing detailed analysis of technology concepts, authoritative discussion of court rules related to electronic information, case summaries of both federal and state cases, and an extended library of forms, checklists, and practical pointers.

In addition to the significant enhancements to this edition is a new 47-page section entitled *Information Technology Discovery Questions* on the CD-ROM that is designed to use in preparation of a discovery plan, client questionnaire, adversary preservation questions, meet and confer conferences, depositions, interrogatories, and request to produce and inspect. It covers a range of IT areas including backups, custodians, key players, document retention policy, ESI types and storage media, devices and locations and much more. This is the first comprehensive guide compiling the many IT questions that must be addressed in any case.

## **BEST PRACTICES GUIDES:**

As a bonus, the treatise is accompanied with four *Best Practices Guides*:

### **Newly revised! Arkfeld's Best Practices Guide for Electronic Discovery and Evidence (2010-2011 ed.)**

The *Electronic Discovery and Evidence Best Practice Guide* has been revamped and updated to offer an overview and workbook for the myriad of legal and technology issues that need to be addressed whether you are requesting or producing “electronically stored information” (ESI). This workbook will provide a plan and pretrial steps in discovering and disclosing ESI. It sets forth the key legal and technology issues you will encounter as you discover or produce ESI, cross-referenced into the main treatise for an in depth look at the various issues.

Besides the substantial update, and based upon customer survey results, a 15-page “meet and confer” planning guide has been developed and included with the Guide. This planning guide provides the key topics and questions that a party must address with their client and adversary as they prepare for, and participate in, a pretrial conference involving “electronically stored information” (ESI).

This Guide contains the following chapters and appendices:

- Chapter 1 — The Basics of Electronic Discovery
- Chapter 2 — Electronic Discovery Plan
- Chapter 3 — Requesting Electronic Information
- Chapter 4 — Responding to an Electronic Discovery Request
- Chapter 5 — Admission of Electronic Evidence
- Appendix A — Amendments to the Federal Rules of Civil Procedure
- Appendix B — “Meet and Confer” Planning Guide

### **Newly revised! Arkfeld's Best Practices Guide for Legal Hold (2010-2011 ed.)**

This completely revised publication provides strategic guidance, recommendations and practice forms for legal professionals, organizations, corporate counsel, and others in preparing for and implementing a “legal hold.” This Guide provides an overview of the information technology infrastructure of an organization and covers the components of a legal hold readiness plan to ensure that your client can identify, preserve, collect, process, and review electronic data for disclosure in a timely manner. Such a proactive approach will contribute to your success by properly identifying and preserving ESI once a triggering event occurs. This publication, which is included on the CD-ROM, provides sample legal hold procedures and forms manual for an organization, preservation notice letters for your client and opposing counsel, and a new section on information technology discovery questions.

This Guide contains the following chapters and appendices:

- Chapter 1 - Overview of Legal Hold and Electronic Discovery
- Chapter 2 - Overview of Information Technology
- Chapter 3 - Legal Hold Readiness Plan
- Chapter 4 - Legal Hold (Court Directives, Duties and Tasks)
- Appendix A — Organization Legal Hold Procedures and Forms Manual
- Appendix B — Law Firm Legal Hold Procedures and Practice Forms
- Appendix C — Information Technology Discovery Questions

***ESI Pretrial Discovery– Strategy and Tactics (2010-2011 ed.)***

This publication contains strategy and tactics for handling sixteen specific ESI issues throughout pretrial discovery. These include scope of discovery, preservation obligation, controlling costs, search methodology, form of production, accessibility of ESI and cost allocation, and much more. Whether it is a “meet and confer” or request for production, these are the sixteen critical issues to focus on in requesting or producing ESI.

Contents include:

- The Basics of Electronic Discovery and Information Technology
- Preparing an Overall Plan and Strategy
- ESI Issues and Strategy
- Litigation Stages and Procedural Discovery Rules
- Checklist - IT systems and ESI type, storage and locations

***Information Technology Primer for Legal Professionals (2009 - 2010 ed.)***

This publication provides a much-needed primer for understanding the “information technology infrastructure” of organizations. Understanding the infrastructure and technology concepts will enable legal professionals to apply e-discovery legal mandates in order to request and produce “electronically stored information” (ESI). The primer includes important sections in identifying, locating, and managing ESI using computer technology.

Contents include:

- Overview of information technology in organizations and the electronic discovery process
- Characteristics and “form or forms” of ESI
- IT infrastructure of a company’s IT people, hardware, software and networks
- ESI types, file systems and structure of data
- Sources, storage, locations, metadata and concealment of ESI
- Computer technology available to search, identify, review and produce ESI

***PRACTICE FORMS, CHECKLISTS AND OTHER RESOURCES***

In addition, with the purchase of the treatise, customers can access over a hundred practice forms and other valuable information online by enrolling on a password-protected members’ website that can be found at eLawExchange ([www.elawexchange.com](http://www.elawexchange.com)).

***COMPANION CD-ROM***

This fully-searchable companion eBook CD-ROM contains the full text of the treatise and *Best Practices Guides* with hypertext links to the full text of case law, statutes, regulations and rules (no need to go online) cited by the author. The CD-ROM also includes checklists, practice forms, guidelines, and many other resources. The user-friendly and intuitive interface permits the user to print, copy and paste, and save materials to your computer.

## **AUTHOR COMMENTS**

In his comments on the new edition Michael Arkfeld stated, “the Courts are continuing to impose severe sanctions on law firms, counsel and their clients for failing to properly preserve and disclose ESI. Whether it is federal or state court, it is mandatory that all counsel learn about his or her obligations with identifying and preserving ESI. Whether it is text messaging, social networking or twitter it is necessary to not only understand the technology, but how to advise your clients on the legal issues affecting their use of these new forms of communication. The transition to digital information is no longer in its infancy; we are now in the midst of using mature digital technologies in business and in our personal lives. This edition and the revised practice guides are directed to providing counsel and others with guidance in this important area.”

## **TREATISE OVERVIEW**

A detailed legal treatise for lawyers and other legal professionals, *Arkfeld on Electronic Discovery and Evidence* explores nearly every legal dilemma that may confront the discovery and 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, forms, checklists and practical pointers.

*Arkfeld on 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 produce this evidence.

In Chapter 2, *Creation and Storage of Electronic Information*, basic information is provided as to how electronic information is created, stored and retrieved. This includes an analysis of storage media, devices and locations.

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 (e-mail, web pages, etc.), as well as citations to legal authorities when applicable.

Chapter 4, *Computer Forensics, Experts and Service Bureaus*, explores the role of forensic specialists to assist in the collection and processing of electronic information.

Chapter 5, *Collecting, Processing and Searching Electronic Information*, focuses on the actual collection, processing and searching of electronic information as well as the different data formats.

In Chapter 6, *Discovery and Production Process*, the discovery and production steps 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 data.

Chapter 7, *Court Procedural Rules and Case Law*, focuses on the pending e-discovery Federal Rules of Procedure and case law in production and disclosure of electronic information. It covers a broad area including Rule 16 pretrial conference, Rule 26 initial disclosures, experts' reports, relevancy, overbroad claims, cost allocation issues, work product, attorney-client waiver issues and protective orders, etc.

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 as they pertain to specific electronic data.

## **REVIEWS AND CITATION**

Reviewers have labeled the treatise as “peerless among publications,” “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](http://www.lawpartnerpublishing.com)).

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).

This leading treatise has been purchased by more than 10,000 of the top law firms, corporations, service bureaus, government organizations and law libraries in the country. The treatise has become the textbook of choice for the Department of Justice, law schools and is provided online for the SEC’s enforcement unit.

## **ORDERING**

For additional information about *Arkfeld on Electronic Discovery and Evidence* (3rd ed.) treatise, *Best Practices Guides* or other resources for your associates, classes or seminars please contact us in the manner most convenient to you:

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## **AUTHOR**

**Michael R. Arkfeld, Esq.** Michael an attorney, speaker and author. Among his writings are *Arkfeld on Electronic Discovery and Evidence* (3<sup>rd</sup> Ed.), *Arkfeld’s Best Practices Guide for Electronic Discovery and Evidence*, *ESI Pretrial Discovery — Strategy and Tactics*, *Legal Hold and Information Technology Primer for Legal Professionals* from LexisNexis ([www.lexisnexis.com/arkfeld](http://www.lexisnexis.com/arkfeld)). Michael is a member of the State Bar of Arizona and the recipient of the national 2004 E-Evidence Thought Leading Scholar Award.

As a former assistant United States Attorney for the District of Arizona, Michael handled cases involving personal injury, medical malpractice, wrongful termination and a host of other tort claims. He has appeared before both federal and state appellate courts and has extensive experience in jury (over 30 trials) and bench trials. Since 1985, Michael has incorporated personal computers extensively in his legal practice. He educates and consults throughout North America and internationally on the impact of technology on the practice of law and the discovery and admission of electronic evidence.

Michael can be reached by e-mail at Michael@Arkfeld.com. His web sites at Arkfeld and Associates ([www.arkfeld.com](http://www.arkfeld.com)) and eLawExchange ([www.elawexchange.com](http://www.elawexchange.com)) feature electronic discovery case law, litigation and other law office resources

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

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