



## Electronic Discovery Is Good for Young Lawyers

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**S**anctions; adverse jury instructions; spoliation lawsuits; doom; despair; disaster; the sky is falling. That's what most of us think when we hear the dreaded word *e-discovery*. Electronic discovery is important, and doing it wrong can have severe consequences for the client. Even when done right, e-discovery is expensive and tricky, and there are pitfalls to avoid. But don't be fooled—e-discovery is not all bad. Here are 10 reasons why electronic discovery is actually a good thing for young lawyers.

### 1. E-discovery is an easy concept to grasp.

The idea that electronic documents are different from hard copies is not that difficult to understand. An email in its native, computer form has more information (known as metadata) than its printed counterpart. Consequently, you have to produce the email in its native and hard-copy forms. But producing all versions of a document is hardly a new idea; it is just like producing an original of a document as well as all copies with handwritten notes.

### 2. E-discovery is cheaper to review and faster to produce.

Law firms and copy services generally charge more than 10 cents a page to photocopy a document. Burning electronic data to a compact disk is considerably cheaper and faster. Even converting an image to searchable text often costs less than what a law firm charges to make copies. Even better, federal courts are warming to the idea of cost shifting.

### 3. E-discovery makes being a young lawyer a whole lot easier.

Documents stored electronically can easily be loaded onto a computer platform that can be made accessible via the Internet. As a result, you can review documents stored in a virtual warehouse from your home, your hotel, at an airport, or even at the pool or on the beach. The days of flying hundreds of lawyers to document repositories in the middle of nowhere are soon to be long gone.

### 4. E-discovery allows for sleep.

Along the same lines, electronic documents can be culled through the use of search terms. Thus, document discovery may no longer require a team of young lawyers and paralegals to spend an all-nighter looking for a document that must be placed on the senior partner's chair the next morning. Moreover, computer search terms are more reliable. The all-nighter might not have even resulted in finding the document, but the computer search probably would have.

### 5. E-discovery can also save the day.

Have you ever attended a deposition or hearing when someone mentions a document or an issue that you've never heard of? Rather than freaking out, you can now rifle through millions of pages of documents in a short amount of time so you can find the document or read about the issue—before the deposition or hearing comes to a close.

### 6. Electronic documents are easy to file.

E-filing documents with courts is becoming increasingly popular and, in some areas, mandatory. Documents produced in electronic form can easily be attached to a pleading or motion and then filed through the Internet and served by electronic mail.

### 7. Electronic documents can contain favorable information.

We all know that emails can often be "smoking gun" evidence. Just ask Martha Stewart and Bill Gates. However, the general assumption that computer files are evidence of bad behavior ignores the fact that emails also can be favorable evidence that would never have been found, or would never have even existed, absent electronic searches and storage.

### 8. E-discovery is an area where young lawyers can succeed.

Here's the best part: Young lawyers grew up using computers and are familiar with email. Many used the Internet in grade school and high school. Electronic discovery is one area where young lawyers are ahead of the learning curve.

### 9. It's now or never.

And now the worst part: We don't have a choice. The law says that we must preserve, search for, and produce electronic data. Period. No questions asked. No excuses.

### 10. Help is on the way.

Many state and local federal courts have rules that govern electronic discovery to assist and guide us in the process. Revisions to the Federal Rules of Civil Procedure have recently been approved and will go into effect during the next year or so. Help is finally near. ■

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