

New Course Request

Indiana University

Indianapolis Campus

Check Appropriate Boxes: Undergraduate credit Graduate credit Professional credit

1. School/Division Informatics 2. Academic Subject Code INFO

3. Course Number 1410 (must be cleared with University Enrollment Services) 4. Instructor Hook

5. Course Title Electronic Discovery

Recommended Abbreviation (Optional) Electronic Discovery

(Limited to 32 Characters including spaces)

6. First time this course is to be offered (Semester/Year): Fall 2009

7. Credit Hours: Fixed at 3 or Variable from _____ to _____

8. Is this course to be graded S-F (only)? Yes _____ No

9. Is variable title approval being requested? Yes No

10. Course description (not to exceed 50 words) for Bulletin publication: This course will cover the legal, ethical, financial, logistical, procedural and technological considerations of

electronic discovery and its implications for lawyers and their clients. It will

highlight recently revised federal and state rules, new state and federal

legislation and recent court cases that impact electronic discovery policies and processes

11. Lecture Contact Hours: Fixed at 3 or Variable from _____ to _____

12. Non-Lecture Contact Hours: Fixed at _____ or Variable from _____ to _____

13. Estimated enrollment: 25 of which 0 percent are expected to be graduate students.

14. Frequency of scheduling: annual Will this course be required for majors? no

15. Justification for new course: curriculum development

16. Are the necessary reading materials currently available in the appropriate library? yes

17. Please append a complete outline of the proposed course, and indicate instructor (if known), textbooks, and other materials.

18. If this course overlaps with existing courses, please explain with which courses it overlaps and whether this overlap is necessary, desirable, or unimportant.

19. A copy of every new course proposal must be submitted to departments, schools, or divisions in which there may be overlap of the new course with existing courses or areas of strong concern, with instructions that they send comments directly to the originating Curriculum Committee. Please append a list of departments, schools, or divisions thus consulted.

Submitted by: Sara Anne Hook 7/17/09

Approved by: _____

Barbara M. Hays Date 7-31-09
Department Chairman/Division Director

[Signature] Date July 31, 09
Dean

Date _____
Dean of Graduate School (when required)

Date _____
Chancellor/Vice-President

Date _____
University Enrollment Services

After School/Division approval, forward the last copy (without attachments) to University Enrollment Services for initial processing, and the remaining four copies and attachments to the Campus Chancellor or Vice-President.

Syllabus – I410 Electronic Discovery

Fall 2009

Course Information

Credit Hours: 3

Elective for undergraduate or graduate informatics and new media students

Faculty

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Course Coach



This is my virtual coach for the course. His name is "Tipster" and he will be helping you throughout the semester with tips, suggestions and encouragement.

Description

This course will cover the legal, ethical, financial, logistical, procedural and technological considerations of electronic discovery and its implications for lawyers and their clients. It will highlight recently revised federal and state rules, new state and federal legislation and recent court cases that impact electronic discovery policies and processes.

Importance of the Course

Lawyers face a new world of discoverable information in the digital age. Companies, organizations, governments and individuals are rely on computers and other electronic devices to create, share and preserve information rather than paper – in fact, it is estimated that 90% of all information is produced in electronic form. Digital materials, such as email messages, word processing documents, spreadsheets, images, and other computer-generated files, can play a significant role in court cases, regulatory disputes and internal investigations. New state and federal rules and major court cases have added to the complexity of the discovery process and mean significant legal, ethical, financial, logistical and technological implications for lawyers and their clients. A new area within law practice called “electronic discovery” is quickly developing which will have legal, financial, ethical, logistical and technological implications for law firms and their clients. The course will be focused on civil rather than criminal law cases.

Principles of Undergraduate Learning

This course incorporates IUPUI's Principles of Undergraduate Learning.
<http://www.iport.iupui.edu/selfstudy/tl/puls/>

- Core Communication and Quantitative Skills
- Critical Thinking
- Integration and Application of Knowledge
- Intellectual Depth, Breadth and Adaptiveness
- Understanding Society and Culture
- Values and Ethics

Learning Objectives

The course will cover:

- The new philosophy of discovery in the digital age and how it impacts the legal system
- Why the digital world has added to the complexities of law practice and the collection, storage and production of records and documents
- The revised state and federal rules for discovery and recent court cases
- Other major state and federal legislation that impacts the duties of lawyers and their clients
- The practical implications of electronic discovery for law firms from a legal, financial, procedural, ethical, logistical and technological standpoint
- The steps in crafting a records retention and destruction policy
- The duties of lawyers and their internal and external support teams in the discovery process
- Special dangers related to digital materials as evidence, such as metadata
- Readiness planning for electronic discovery
- The steps in crafting an electronic discovery plan
- The roles and selection of outside vendors
- Standards and best practices in electronic discovery
- The consequences of poor electronic discovery procedures, including costs and penalties

- Legal and technological steps in a discovery process
- How future technology may impact electronic discovery

Expectations/Guidelines/Policies

Assignments are due by the stated deadline, although you can certainly submit them earlier if you wish. If you need an extension, you must have prior approval via email and I reserve the right to deduct points for lateness. Assignments more than one week late will not be accepted without prior approval. Please note that all assignments except the Final Paper are due on Fridays at 5:00 p.m. Quizzes will open on Fridays at 5:00 p.m. and be available until Sundays at 5:00 p.m. The Final Paper will be due on Monday, December 14, at 5:00 p.m. There is no final examination for this course.

Work must be your own and it must be identified as such. Work of others, such as quotes used in a paper, must be properly identified and cited. Studying together is encouraged; however, sharing significant amounts of work or presenting the work of others as your own is not allowed. Please let me know if you have questions about the proper way to use quotations and citations. Also, please state the answers to assignment questions in your own words rather than cutting and pasting text from modules, websites, databases or other materials.

Since we do not meet face-to-face, I will rely on you to pick up your homework assignments from me in IT 475J once they are graded. I will mail graded assignments back to you if you wish - please provide your preferred U.S. or campus mailing address. According to campus policy, I am only required to keep your assignments for one month after they are graded and I reserve the option to dispose of them after that time.

Regulations, policies, guidelines, requirements and updates are to be followed, including those of Indiana University, IUPUI and the School of Informatics. This includes those that are printed in the IUPUI Fall 2009 Class Schedule, the IUPUI Campus Bulletin, posted or referenced in the course's website on OnCourse, posted in a classroom, laboratory, office or other campus building or those presented or noted by faculty and staff members.

Course Management and Helpful Hints

There are no class meeting times per se for this course. Instead, online courses are conducted "asynchronously", which means that we will be sending and receiving email messages and participating in "virtual discussions" using the OnCourse Discussion Forum tool. If you click on the Forums link on the left side of the OnCourse screen, you can see that I have already set up a Discussion Forum for each module of the course. Please make an effort to participate in the Discussion Forums regularly - not only is this 20% of your grade, but it will also be a much more rewarding course if we all share our thoughts and expertise. This is a 3-credit hour course and we cover a great deal of material, so you can expect to be at least as busy as you would be in a course that meets face-to-face every week.

The course will be divided into weekly modules. Each module will officially begin on Monday. Modules will officially end on Sundays, but once I have posted a module, it will be available throughout the semester in case you want to review.



For each module, there will be a reading assignment, designated by a book icon. Most of the reading assignments will be from the course textbooks, but I may upload, reference or provide a link to other materials as well.



For each module, there will also be a series of online discussion questions, indicated by a computer icon. We will use the OnCourse Discussion Forum to share the answers to these questions.



Each week, I will also provide a mini-lecture or outline of the topic of the module, designated by the microphone icon.



For many of the modules, there may also be a PowerPoint presentation, guest lecture or online demonstration, which will be indicated by a movie projector. You will simply click on the link and view the presentation as often as you like.



For each module, I will provide a "Fireside Chat" to remind you about deadlines, explain concepts or alert you to new issues. You will simply click on the link and listen.



Finally, if you have questions, please do not hesitate to email me.



Tipster says, "The most important advice for the course is to stay organized. One way to do this is to print the Course Calendar and put it in the front or on the cover of your notebook or binder. This way you will be able to tell at a glance when assignments are due and what you need to read in the textbooks."



Also, Tipster cannot stress enough the importance of keeping up with the reading assignments and posting to the Discussion Forum every week. He has noticed a direct correlation between posting regularly to the Discussion Forum and doing well in the course.

Also, if this is your first online course, please understand that the burden is on you to stay organized, to know what needs to be done each week and to pay attention to the deadlines for

assignments. I will use the Announcements feature in OnCourse to let you know when modules are available and to remind you when assignments are due.

Text

Required:

Lange, Michele C.S. and Nimsgar, Kritin M.: *Electronic Evidence and Discovery: What Every Lawyer Should Know Now*, 2nd ed. Chicago, IL: American Bar Association, 2009. ISBN 978-1-60442-382-2.

The textbook may be supplemented with readings from business, legal and technology journals, PowerPoint presentations, websites and sample forms and contracts. This material will be posted on OnCourse or linked to specific modules.

See Also:

Scheindlin, Shira A., Capra, Daniel J., and The Sedona Conference: *Electronic Discovery and Digital Evidence: Cases and Materials*. St. Paul, MN: West American Casebook Series, 2009, ISBN 978-0-314-19131-1.

Paul, George L. *Foundations of Digital Evidence*. Chicago, IL: American Bar Association, 2008. ISBN 978-1-60442-104-0.

Grading Information

200 points possible

Quiz #1 – 20 points – 10% of your grade

Case Study #1 – 20 points – 10% of your grade

Case Study #2 – 20 points – 10% of your grade

Case Study #3 – 20 points – 10% of your grade

Quiz #2 – 20 points – 10% of your grade

Final Paper - 60 points - 30% of your grade – due Monday, December 14, 5:00 p.m.

Participation in weekly Discussion Forums - 40 points (2.5 points per week) - 20% of your grade

I use the gradebook function in OnCourse to post grades and provide feedback on your assignments.