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The Federal Judicial Center is the education and research agency for the federal courts. Congress created the FJC in 1967 to promote improvements in judicial administration in the courts of the United States. This site contains the results of Center research on federal court operations and procedures and court history, as well as selected educational materials produced for judges and court employees.

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Materials on Electronic Discovery: Civil Litigation

This page contains links to articles, PowerPoint slide presentations, and other items of interest on electronic discovery. Unless otherwise noted, these materials were prepared by Federal Judicial Center staff for use in judicial and continuing legal education programs and are not subject to copyright. They may be downloaded and republished without permission. ([Go here for Materials on Electronic Discovery: Search and Seizure of Computers and Data in Criminal Cases.](#))

FJC Publications

Barbara J. Rothstein, Ronald J. Hedges & Elizabeth C. Wiggins, [Managing Discovery of Electronic Information: A Pocket Guide for Judges](#), 2007 (26 pages) This pocket guide helps federal judges manage the discovery of electronically stored information (ESI). It covers issues unique to the discovery of ESI, including its scope, the allocation of costs, the form of production, the waiver of privilege and work product protection, and the preservation of data and spoliation.

Proposed Amendments to the Federal Rules of Civil Procedure

On September 20, 2005, the Judicial Conference of the United States approved the following E-Discovery amendments to the Federal Rules of Civil Procedure addressing a number of electronic discovery issues: [E-Discovery Amendments and Committee Notes](#). The amendments were effective December 1, 2006.

Workshop and Seminar Materials

[Surviving E-Discovery](#), by Judges James C. Francis IV, U.S. Magistrate Judge, Southern District of New York and Sidney I. Schenkier, U.S. Magistrate Judge, Northern District of Illinois, from the 2006 Magistrate Workshop (Powerpoint presentation).

Electronic Discovery, presented at the National Workshop for U.S. Magistrate Judges, June 12, 2002: [Presentation outline with illustrations of slides](#); [Slides only](#) in PDF format; [Slides only](#) in PowerPoint format

Annotated Bibliography

Kenneth J. Withers, [Federal Court Decisions Involving Electronic Discovery, December 1, 2006 – July 31, 2009](#) (PDF, 96 pp.)

FJC Research

Molly Treadway Johnson, Kenneth J. Withers & Meghan A. Dunn, [A Qualitative Study of Issues Raised by the Discovery of Computer-Based Information in Civil Litigation, September 13, 2002](#) September 13, 2002 (research report submitted to the Judicial Conference Advisory Committee on Civil Rules for its October 2002 meeting)

Selected Outside Resources (copyright restrictions on republication may apply)

[The Sedona Conference® Cooperation Proclamation: Resources for the Judiciary \(August 2011, Public Comment Version\)](#) (PDF, 40 pp.)

This public comment version of The Sedona Conference's Resources for the Judiciary is also posted at http://www.thesedonaconference.org/content/miscFiles/Judicial_Resources.pdf.

This document is a template for a web page that Sedona the Sedona Conference® will build in the fall and is intended to be a resource for federal and State judges on "electronic" discovery and

evidence.

You may note that there are various places where the Senior Co-Editors (Kenneth J. Withers and Ronald J. Hedges) are looking for sample orders and links to other publications. Thus, the Resources should be considered a continuing work in progress. And comments, links or sample orders would be appreciated and can be sent to kjw@sedonaconference.org and r_hedges@live.com.

Shira A. Scheindlin, [FAQ's of E-Discovery - The Ten Most FAQ's in the Post-December 1, 2006 World of E-Discovery](#), from *In Camera*, Federal Judges Association Newsletter, November 29, 2006 (posted here with the author's permission)

Kenneth J. Withers, [Electronically Stored Information: The December 2006 Amendments to the Federal Rules of Civil Procedure](#), 4 Nw. J. of Tech. & Intell. Prop. 171 (Spring 2006)

American Bar Association Electronic Discovery Task Force, [Civil Discovery Standards](#) (August 2004 update)

The Sedona Conference®, [The Sedona Principles: Best Practices, Recommendations & Principles for Addressing Electronic Document Production](#) (2004)

Kenneth J. Withers, [Computer-Based Discovery in Federal Civil Litigation](#), 2000 Fed. Cts. L. Rev. 2

State and Local Rules

Mississippi [Court Order 13](#) (May 29, 2003) amending Mississippi Rule of Civil Procedure 26

Texas Rule of Civil Procedure [193.3\(d\)](#) (privilege not waived by production) and [Rule 196.4](#) (electronic or magnetic data)

District of Arkansas, Eastern and Western, [Local Rule 26.1](#)

District of Delaware, [Default Standards for Discovery of Electronic Documents](#)

District of Kansas, [Guidelines for Discovery of Electronically Stored Information](#)

District of New Jersey, [Local Rule 26.1](#)

District of Wyoming, [Local Rule 26.1](#)

Sample Forms and Orders

Some of the following sample forms and orders are in RTF format and can be opened and edited in any standard word-processing format. They have been assembled from a variety of sources, and no endorsement of any particular form or order is implied. If you have a sample form or order you would like to contribute to this collection, please contact Richard Dargan, Sr. Judicial Education Attorney at rdargan@fjc.gov or 202-502-4057.

[Order Concerning Electronic Discovery](#), from [Prempro Products Liability MDL, 03-CV-1507](#) (E.D. Ark. Nov. 17, 2003)

[Order for Preservation of Records](#), from [Baycol Products Litigation, MDL 1431](#) (D. Minn. March 4, 2002)

[Preservation of Documents, Data, and Tangible Things](#), from the Manual for Complex Litigation, Fourth [Joint Stipulation and Order Regarding Meet and Confer Discussions](#), contributed by Ken Withers, Federal Judicial Center

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