

VIII.A | GENERAL

The Court's e-discovery goal is to facilitate fair, open, proportional discovery of the facts underlying a dispute so that it is resolved on the merits and not by gamesmanship. This requires cooperation among counsel. The discovery of electronically stored information ("ESI") stands on equal footing with the discovery of paper documents. The Federal Rules of Civil Procedure and Evidence provide a framework within to conduct cost effective e-discovery but they cannot be effective unless attorneys become familiar with their applicability and use them where appropriate. The early discussion and resolution of discovery issues is an important factor in reducing overall case length and the cost of litigation. Attorneys must take the time to educate themselves about ESI and because attorneys often lack the technical knowledge to fully understand ESI they should consult their clients' information technology departments and vendors regarding ESI issues. The Sedona Principles and the Sedona Cooperation Proclamation published by the Sedona Conference are an excellent source of information on the duties of clients and counsel and best practices for addressing the discovery of ESI. Additionally, The United States District Court for the District of Maryland has made available on its website, Judge Paul Grimm's Suggested Protocol for Discovery of Electronically Stored Information which provides an excellent template for counsel.