CUYAMACA COLLEGE
COURSE OUTLINE OF RECORD

PARALEGAL STUDIES 175 – ELECTRONIC DISCOVERY: FUNDAMENTALS AND PROCEDURE

1 hour lecture, 1 unit

Catalog Description
This course explores the developing issues, rules and practices involving the application of e-discovery in litigation and general practice. Students will learn about the evolution of electronic discovery, its current use, and how the rules of civil procedure, evidence and case law affect this aspect of litigation. This course will deal with matters a paralegal and the legal team should consider when handling Electronically Stored Information (ESI) prior to and during the litigation process as well as managing the cost of production and processing. Students will study the distinctions in applicable Federal and California laws and study the ethics issues implicit in e-discovery.

Prerequisite
"C" grade or higher or "Pass" in PARA 100 or equivalent

Recommended Preparation
PARA 110

Entrance Skills
Without the following skills, competencies and/or knowledge, students entering this course will be highly unlikely to succeed:
1) Possess a basic understanding of the legal system
2) Be familiar with basic legal concepts and legal language.
3) Demonstrate knowledge of the major substantive areas of the law and how they differ from procedural law.
4) Demonstrate the ability to find their way around a law library, and write interoffice memorandum and various types of letters.
5) Identify the various types of software and technology used in a law office.
6) Understand the importance of ethics and the rules of Professional Responsibility.

Course Content
1) Introduction and Effects of Electronically Stored Information (ESI) on Discovery
2) Preservation of ESI
3) Collection and Processing of ESI during litigation
   a. Create a litigation discovery plan for ESI
4) Analysis, Production and Presentation of ESI
   a. Manage the knowledge, data, and litigation support for the lifecycle of a litigation matter.
5) Federal and State Rules and case law relating to ESI
6) Common ethical issues regarding E-discovery
7) Informational speakers / interviews with industry professionals: Opportunities for students to make contact with E-Discovery industry representatives to hear firsthand about E-Discovery occupations; explore career opportunities in E-Discovery; the skills and education required for entry and success; the long-term growth potential; and the career path taken by the representative in arriving at his/her current position.

Course Objectives
Students will be able to:
1) Examine the laws and rules governing the discovery of electronically stored information (ESI) in Litigation, including distinctions between Federal and California law.
2) Explain the obligations to preserve ESI in anticipation of litigation and the events that trigger such duties.
3) Explore information governance and identification of ESI
4) Create a litigation discovery plan for ESI
5) Manage the knowledge, data, and litigation support for the lifecycle of a litigation matter.
6) Identify and evaluate ethical implications inherent in E-discovery.

Method of Evaluation
A grading system will be established by the instructor and implemented uniformly. Grades will be based on demonstrated proficiency in the subject matter determined by multiple measurements for evaluation, one of which must be essay exams, skills demonstration or, where appropriate, the symbol system.
1) Examinations
2) Peer Discussions
3) Work-based learning activities in accordance with the class objectives

Special Materials Required of Student
Computer or device with consistent internet access or regular time scheduled in a computer lab on campus.

Minimum Instructional Facilities
1) Lecture classroom with whiteboard, projector, document camera, and computer station
2) Access to Canvas

Method of Instruction
1) Virtual Lectures and demonstrations
2) Hands-on exercises

Out-of-Class Assignments
1) Peer Discussions
2) Work based learning activities in accordance with the class objectives

Texts and References
1) Required (representative example): National Society for Legal Technology (NSLT) e-Discovery Certificate program (2022), https://legaltechsociety.org/Student
2) Supplemental: None

Exit Skills
Students having successfully completed this course exit with the following skills, competencies and/or knowledge:
1) Demonstrate an understanding of, and properly use, legal terminology in E-discovery.
2) Recognize potential ethical problems in E-discovery.
3) Demonstrate writing skills necessary to communicate in a professional setting.

Student Learning Outcomes
Upon successful completion of this course, students will be able to:
1) Identify the different stages of data retention and production.

2) Explain the obligations to preserve ESI in anticipation of litigation and the events that trigger such duties.
3) Identify and evaluate ethical implications inherent in E-discovery.
4) Distinguish between the various occupational opportunities in the Paralegal profession and their accompanying skills (Work-Based Learning Outcome).