



Lana Fadel



How E- discovery will change the practice of Law, particularly amid COVID-19

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E-discovery is a term that has been recently emphasized on, particularly in the legal field as online investigation is on the way to becoming one of a crucial aspect of law enforcement. However, the term has created confusion with respect to its definition and its implementation. This article will focus on giving an overview of what e-discovery is in essence, in addition to its impact on the law and predominately its use post coronavirus.

E-discovery is essentially a process which first identifies information, then preserves this information in order to then process it, review it, and finally produce this information in the final step called electronic stored information, also known as “ESI”. All information discovered is considered useful and helpful data particularly in civil litigation and criminal internal or external investigation. This process could also be used for any regulatory enquiries and also for disclosing compliance related matters. ¹

Why E-discovery as opposed to a typical evidence process that the world has been used to? E-discovery encompasses several benefits, some of which include:

-Speed: some cases take an immense amount of time to gather evidence. This may affect the lawyer in charge of the case as he will be focused on the research and distract him from the ability to represent his client properly. This time will be abolished since e-discovery makes the compiling evidence process much faster and more accurate.

-Efficiency: during trial, evidence and findings must be presented to the judge in a very organized manner in order to prevent a negative outcome. E-discovery already organizes all evidence that should be submitted, which increases efficiency over traditional evidence gathering.

-Cost effective: E-discovery is in fact less costly than traditional evidence gathering methods since it does not involve costs related to document and shipping fees, making it more cost efficient.

These benefits are significantly important in today’s legal world as documents are mostly generated digitally rather than physically thus, the discovery process must be adapted accordingly. The ESI captures all digitally created content, which involves: emails, all Microsoft related applications, social media and etc.² This E-discovery process can begin upon foreseeing a litigation procedure, in which attorneys from both parties shall commence with their e-discovery requests. As soon as the documents have been selected through ESI, they can be converted to PDF documents and presented in court.

As the world is converting into a digital world, it is only rational to adopt a legal process that fills in the blanks and creates more competent representation in courts. With the spread of the coronavirus being on the rise, it has only conveyed the importance of adopting e-discovery and recognize it as a central process. With people staying at home and having to cope with working remotely, it is vital for every company and organization to

¹ <https://www.pwc.com/ca/en/services/deals/forensic-services/forensic-technology/e-discovery.html>

² <https://www.natlawreview.com/article/everything-you-need-to-know-about-e-discovery>

adapt to the virtual world. The legal field is no different. With COVID-19 disabling onsite collection for evidence, making e-discovery the most important and liable source for collection to practice the law despite a pandemic.