Hamline launches e-discovery program
by Patrick Thornton, Minnesota Lawyer
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November 7, 2013 -- Hamline University is starting an e-discovery program to address what many say is a skills and knowledge gap in the creation, management and storage of information in the legal industry.

Starting in February, the course will be taught by professionals the school says are at the forefront of e-discovery developments both in law and in technology. It is one of the first programs in the country taught at an accredited bricks-and-mortar institution.

Over the course of nine months, about two nights a week, students will learn the origin of e-discovery, its purpose, and core principles of how to effectively run an e-discovery project and how to use some of the most common e-discovery software in the marketplace. Students also will learn how e-discovery actions and disputes are governed and how to identify the likely risks in any project. There also are plans to place each student with an internship during the course.

The class is aimed at lawyers, paralegals and IT professionals looking to add skills to their resume as well as new graduates looking for a leg up on their first job search. There is a need for people with the skills the course will teach, said Jeanne Kosieradzki, the chair of the Legal Studies Department at Hamline.

She said that most people only know enough to remain competent in the field and that many legal professionals don’t know how to effectively use the tools available or the extent of the requirements of e-discovery. Kosieradzki also will serve as director of the project at Hamline.

“We saw both an opportunity and an obligation to build an e-discovery program that would equip people to better serve their employers and improve their career outlook,” she said.

Two years in development

Tim Hood, a senior adviser at Redgrave law firm in Minneapolis, worked on the curriculum committee and will serve as lead instructor of a practical framework course. He said people with these skills are in demand.

“The hope is that some people could come out of this course and step in to high-level management roles, and then there will be others who can use this information to jump in at an entry level,” he said.

Participants will be trained on the software they likely will use in a job setting and will be asked to come up with budgets and timelines to run an extensive e-discovery project. Hood said he believes Hamline’s involvement gives the program more credibility than an online course. The course will evolve as new developments surface, he added. What was once novel will become routine, Hood said, but “as long as new information is created, we will be struggling to keep up.”
For more than two years, a curriculum committee worked on developing the content and structure of the program. A final proposal was submitted to and approved by both the Minnesota Office of Higher Education and the Higher Learning Commission. The course is 18 credits and costs $573 per credit. The plan going forward is to offer the class from September through May. The start of the course was delayed slightly because of approval from state boards so the first year will run from February through the summer.

The course instructors and volunteers who worked to get the project off the ground work at e-discovery management firms and service providers, large and small law firms, corporate legal departments and in-house information management departments at Fortune 250 companies. The class will discuss the responsibilities of both sides in an e-discovery request during a lawsuit and also will enumerate the responsibilities for data preservation that are ongoing and independent from litigation.

A career advantage

David Yerich is the director of e-discovery at UnitedHealth Group. He said the issue has come to the forefront in recent years as the e-discovery costs in some lawsuits now far exceed the amount disputed between the two parties. Education on e-discovery may be the only way to slow the cost of litigation. And very soon being illiterate in e-discovery will be a substantial disadvantage careerwise as more and more people embrace it, he said.

Traditionally, law schools and paralegal programs haven’t focused on e-discovery developments so it was up to ambitious professionals to seek out the skills on their own and hope their company would pay for it, he said.

“Many people are unaware of the tools available, or don’t know how to use them or [are] not aware of the risks of using them incorrectly,” Yerich said. “I think that just wasting money because you don’t know how to do something better is the worst thing you can do. You can arm yourself with the tools you need in a relatively cost-effective way.”

Kosieradzki said that the positive response and energy from her contacts in the e-discovery community helped to get the program off the ground and that their continued involvement will make sure the program evolves and stays on top of the changes in the industry.

There is good reason for the participation from the professional ranks, said Andrew Cosgrove, an attorney at Redgrave in Minneapolis who will teach a few courses. One reason a program like this one is needed is to train the next generation of professionals to address the next generation of e-discovery issues.

“E-discovery isn’t going away. [Redgrave] is an organization that is dependent upon new talent who can come in and take some of these skills and hopefully use them for our clients,” he said. “The core of this is the legal analysis and understanding the technology. In five years, the program could look completely different but the underlying issues will be the same.”