

# **Electronic Discovery: *Zubulake* Revisited**

by

Robert B. Fitzpatrick, Esq.  
Robert B. Fitzpatrick, PLLC  
Universal Building South  
1825 Connecticut Ave., N.W.  
Suite 640  
Washington, D.C. 20009-5728  
(202) 588-5300  
(202) 588-5023 (fax)

[fitzpatrick.law@verizon.net](mailto:fitzpatrick.law@verizon.net)

<http://www.robertbfitzpatrick.com> (website)

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1. *The Pension Comm. On the Univ. of Montreal Pension Plan v. Banc of Am. Sec.*, 2010 U.S. Dist. LEXIS 4546 (S.D.N.Y. Jan. 15, 2010).
2. [Zubulake Revisited? Dissecting the Pension Committee vs Banc of America Opinion](#) The first major judicial opinion on e-discovery for 2010 was delivered by a judge who was already a distinguished jurist in the field and it harkened back to a landmark decision from the past. The January 15 Amended Opinion and Order in *Pension Committee of the University of Montreal Pension Plan, et al. v. Banc of America Securities, LLC, et al.* was titled "[Zubulake Revisited: Six Years Later](#)" by its author, Hon. Shira A. Scheindlin of the U.S. District Court for the Southern District of New York, who stated, "Once again, I have been compelled to closely review the discovery efforts of parties in a litigation, and once again have found that these efforts were flawed. As famously noted, '[t]hose who cannot remember the past are condemned to repeat it.'" [Ledjit](#) - <http://ledjit.com>
3. [Article on Most Important Recent E-Discovery Decision](#) *The Pension Committee of the University of Montreal Pension Plan et al., v. Banc of America Securities, LLC, et al.*, 2010 WL 184312 (S.D.N.Y.). This decision, by the author of the *Zubulake* decision, which established several e-discovery standards, is subtitled "Zubulake Revisited: Six Years Later". This is the most important recent decision on e-discovery. [Delaware Corporate and Commercial Litigation Blog](#) - <http://www.delawarelitigation.com/>
4. [Zubulake Revisited: Six years Later](#) A new treatise has been written on field of electronic stored information and sanctions for spoliation. In the Amended Opinion and Order for *The Pension Committee of the University of Montreal Pension Plan et al., v. Banc of America Securities, LLC, et al.* Judge Shira A. Scheindlin of the Southern District of New York, addressed the issues of parties' preservation obligations and spoliation in great detail. [Compliance Building](#) - <http://www.compliancebuilding.com>
5. [Judge Scheindlin Issues 85-page Opinion on E-Discovery entitled "Zubulake Revisited: Six Years Later"](#) Kevin Brady, a nationally-recognized expert in electronic discovery, prepared this short overview. For those who follow the case law dealing with electronic discovery, there is a new a "must-read" decision that was just issued. [Delaware Corporate and Commercial Litigation Blog](#) - <http://www.delawarelitigation.com/>
6. [Zubulake Revisited Causes a Reaction](#) It is not very often a Federal Judge will subtitle her written order. Judge Shira Scheindlin in *Pension Comm. of Univ. of Montreal Pension Plan v. Banc of America Sec., LLC*, 2010 WL 184312 (S.D.N.Y. Jan. 15, 2010) rightly subtitled her order granting sanctions: "Zubulake Revisited: Six Years Later." *Zubulake*, a case with a series of 5 written opinions - the last of which was decided in July of 2004 - were the seminal decisions in e-discovery that are widely cited authority in discovery disputes. [DRI](#) - <http://192.168.2.12/>

7. ["Zubulake Revisited" -- Judge Scheindlin Holds Carelessness In Preserving Electronic Evidence Warrants Spoliation Sanctions](#) Zubulake v. UBS Warburg LLC, 220 F.R.D. 212, 217 (S.D.N.Y. 2003) is, as I wrote before, the Tale of Genji for electronic discovery. It is as widely-cited as all but the most prominent of Supreme Court opinions. Gregory P. Joseph brings us selections from Judge Scheindlin's new magnum opus on the subject, Pension Comm. of Univ. of Montreal, 2010 U.S. Dist. LEXIS 4546 (S.D.N.Y. Jan. 15, 2010). [Litigation and Trial - Max Kennerly - http://www.litigationandtrial.com/](http://www.litigationandtrial.com/)
  
8. ["Zubulake Revisited: Six Years Later": Judge Shira Scheindlin Issues her Latest e-Discovery Opinion](#) Issued earlier this month, Judge Shira Scheindlin's opinion in Pension Comm. of Univer. of Montreal Pension Plan v. Bank of Am. Secs., LLC, addresses the issues of parties' preservation obligations and spoliation in great detail, including detailed and informative discussions of the varying levels of culpability in failing to uphold discovery obligations. [Electronic Discovery Law - http://www.ediscoverylaw.com/](http://www.ediscoverylaw.com/)