Insights: Perspectives

Impact of the Amendments to FRE 902 on E-Discovery Professionals

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Amendments to Federal Rule of Evidence 902 went into effect on December 1, 2017. One of the primary objectives of the amendments was to simplify the process of admitting into evidence electronically stored information (ESI), hopefully reducing discovery costs and burdens along the way. Specifically, the amendments added two new paragraphs: (1) FRE 902(13), which addresses records generated by an electronic process or system; and (2) FRE 902(14), which addresses data copied from an electronic device, storage medium or file, and contains a digital identification (a/k/a "hash value"). While addressing these important changes, the focus here is on the implications of these amendments for litigation support professionals.

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