



Analyzing FRCP's Amendments On A Litigant's Lost ESI, *The Legal Intelligencer*, by Anne R. Myers

Anne R. Myers, partner in Kaufman Dolowich & Voluck's Pennsylvania office, had an article recently published in The Legal Intelligencer.

On Dec. 1, 2015, Federal Rule of Civil Procedure 37's directives on Electronically Stored Information (ESI) were amended to address "lost" ESI as follows:

Failure to Preserve Electronically Stored Information. If electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it, and it cannot be restored or replaced through additional discovery, the court: