

## Rely on Routine IM Practices to Avoid Sanctions

The case law cited in this article illustrates the approaches the courts have taken to broad requests for social media content in the discovery process. In terms of scope, there is a clear pattern of narrowing discovery requests to more reasonable measures. Further, the courts are showing greater reluctance to issue severe sanctions, while issuing a warning shot to parties that the days

of “scorched earth” discovery are past. For information management professionals, this means that a reliance on routine, good-faith business operations will help their organizations avoid serious spoliation sanctions.

Editor’s Note: This article is based on the 2017 ARMA International Annual Conference presentation “Ensuring Social Media Litigation and Discovery Readiness” and an updated version presented with the Honorable Ron Hedges, a retired federal magistrate, at the 2018 MER conference. **E**



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