



The Sedona Conference Primer on Social Media, Second Edition (February 2019)

Social media is ubiquitous throughout most of the world, with users numbering in the billions irrespective of age, geography, or socioeconomic status. Not only consumers, but also governments and businesses employ social media to communicate with their constituencies and target audiences. With so many individuals and organizations communicating through social media, it is increasingly becoming a subject of discovery in litigation and investigations. Lawyers must understand the different types of social media and the unique discovery issues they present so they can advise and assist their clients in properly preserving, collecting, producing, and requesting such information in discovery.

The Sedona Conference’s Working Group 1 on Electronic Document Retention & Production (WG1) initially addressed these issues when it published the first edition of *The Sedona Conference Primer on Social Media* in December 2012. Since then, however, there has been a proliferation of new messaging technologies and business applications, in addition to major evolution in “traditional” social media platforms like Facebook, Twitter, and LinkedIn. There have also been significant developments in the law addressing social media and in the rules of discovery, evidence, and professional responsibility. Therefore, WG1 recognized a compelling need to update the *Primer* and draft this Second Edition.

After a brief introduction in Section I of the *Primer on Social Media, Second Edition*, Section II discusses traditional and emerging social media technologies and the discovery challenges that they present. Section III examines relevance and proportionality in the context of social media. It also explores preservation challenges, collection and search obligations, and the impact of the Stored Communications Act (“SCA”), together with review and production considerations. Section IV describes the impact of cross-border issues on social media discovery while Section V explores authentication issues. The *Primer* concludes in Section VI by analyzing ethical issues that lawyers should consider in connection with social media discovery.

The full text of *The Sedona Conference Primer on Social Media, Second Edition* is available free for individual download from The Sedona Conference website at https://thesedonaconference.org/publication/Primer_on_Social_Media

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