

BOOK REPORT

TITLE: **Electronic Evidence: Disclosure, Discovery & Admissibility**

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This book introduces lawyers to the practical concepts of electronic evidence, how it is created, stored and structured, including computer forensics and experts. It covers disclosure, procedural process and admissibility. The aim is to bring to the attention of lawyers information about electronic evidence, such that they begin to understand what questions to ask of experts, rather than to rely upon experts exclusively, and to make experts appreciate the finer points of procedural and evidential issues relating to electronic evidence.

An increasing number of cases involve the use of electronic evidence, including e-mails, and many lawyers are not familiar with the concepts surrounding such evidence. Electronic evidence now affects every aspect of law, including criminal and civil law. Electronic evidence has become of greater importance now the internet and world wide web have become ubiquitous. It is increasingly apparent that criminals will target the electronic environment to steal, carry out extortion and abuse children. Additionally, in the civil arena, organizations (both public and commercial) now rely on their electronic environment so much that it has become critical to their business and survival. From contracting to dealing with employees when they misuse the e-mail and internet facilities, lawyers, whatever their speciality, will have to become familiar with electronic evidence. This includes employment, family, crime, civil, intellectual property, land law: in effect, no area of law is excluded. It is necessary for lawyers to begin to understand the technical issues relating to electronic evidence – especially knowing what sorts of questions to ask of experts when preparing expert reports.

The text introduces lawyers to the complexities of electronic evidence, which will help them advise on

electronic evidence confidently, with assurance and competently. The text covers a mix of common law jurisdictions, enabling lawyers and judges to be aware of decisions made in other, related jurisdictions.

The text covers:

The sources of digital evidence, The characteristics of electronic evidence, Investigation and examination of digital evidence, The evidential foundations, written by Stephen Mason, Director of the Digital Evidence Research Programme at the British Institute of International and Comparative Law

Using Graphical Technology to Present Evidence by Dr Damian Schofield, an Associate Professor of Computer Games and Digital Media at the School of Creative Media, RMIT University, Melbourne, Victoria, Australia and Ms Lorna Goodwin, a researcher at the University of Nottingham

Individual jurisdictions covered:

Australia by Philip N Argy, a Senior Partner in the Intellectual Property & Technology Group at Mallesons Stephen Jaques, Sydney, Australia

Canada by Steve Coughlan, Professor at Dalhousie Law School, Halifax Nova Scotia and Robert J. Currie, Assistant Professor at Dalhousie Law School in Halifax, Nova Scotia

England & Wales by Stephen Mason

India by Ms Manisha T. Karia, a practicing Advocate in the Supreme Court of India at New Delhi, and Mr Tejas D. Karia, a Senior Associate with Amarchand & Mangaldas & Suresh A. Shroff & Co, Advocates & Solicitors, New Delhi, India

Hong Kong Special Administrative Region, People’s Republic of China by David Leung is the Deputy Section Head of the Appeals Section, Prosecutions Division, Department of Justice, HKSAR.

Ireland by Ruth Cannon LLB (Dub) BCL (Oxon) BL, a

practising barrister and member of the Department of Legal Studies, the Dublin Institute of Technology

New Zealand by Laura O’Gorman, a partner at Buddle Findlay, Wellington, New Zealand

Scotland by Iain G. Mitchell, QC, Chairman of the Faculty of Advocates Information Technology Group, the Scottish Lawyers’ European Group and Vice-Chairman of the Scottish Society for Computers and Law

Singapore by Daniel Seng, BCL (Oxon), Associate Professor with the Faculty of Law, National University of Singapore and Bryan Tan, an advocate and solicitor and managing director of Keystone Law Corporation

South Africa by Julien Hofman, Associate Professor at the Department of Commercial Law, University of Cape Town, South Africa

United States of America by Brian W. Esler, a partner in the Intellectual Property Group at Miller Nash LLP in Seattle, Washington.

BOOK REPORT

TITLE: **Electronic Signatures in Law**

AUTHORS: **Stephen Mason; Valerie C. Mann, Anila Srivastava and Thomas S. Woods (Canada chapter); Dr Martin Eßer (Germany chapter); and Thomas M. Dunlap (USA chapter)**

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Electronic signatures are ubiquitous. Every person that uses e-mail, uses an electronic signature. Every person that uses a cash card, debit card or credit card uses a form of electronic signature. The second edition of this book provides a practical and comprehensive guide to understanding electronic signatures, providing an analysis of what constitutes an electronic signature, the form an electronic signature can take issues relating to evidence, formation of contract and negligence.

The case law on electronic signatures covers a vast range of law, including: employment, family, divorce proceedings, formation of contracts, insurance, wills, public administration, judicial use, Statute of Frauds, property transactions, local government planning, criminal, and corporations. The text includes pertinent case law from 28 jurisdictions: Argentina, Australia, Brazil, Canada, China, Colombia, Czech Republic, Denmark, Dominican Republic, England & Wales, Estonia, Finland, France, Germany, Greece, Hungary, Israel, Italy, Lithuania, Netherlands, Papua New Guinea, Poland, Portugal, Singapore, South Africa, Spain, Switzerland and the United States of America.

The text covers:

- 1 The signature
- 2 The form of a signature
- 3 International initiatives
- 4 European Union Directive on electronic signatures
- 5 Canada
- 6 England & Wales, Northern Ireland and Scotland
- 7 Germany
- 8 United States of America
- 9 International comparisons
- 10 The form of an electronic signature
- 11 Parties and the risks
- 12 Contractual liability
- 13 Non contractual disclaimers and negligence
- 14 Evidence
- 15 Digital signatures
- 16 Data protection

Appendices:

- 1 International Statutes
- 2 UK Orders
- 3 Standards
- 4 Correspondents
- 5 Resources