

# Sanctions Under FRCP 37(e) Flowchart

A flowchart to help counsel determine whether Federal Rule of Civil Procedure (FRCP) 37(e) applies to the loss, destruction, or alteration of electronically stored information (ESI) in a case. Specifically, this flowchart demonstrates the elements required for a court to sanction a party in federal civil litigation under FRCP 37(e) for ESI spoliation. For more information on FRCP 37(e), see [Practice Note, Sanctions for ESI Spoliation Under FRCP 37\(e\): Overview](#).



