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Ninth Annual National Institute on E-Discovery: Practical Solutions for Dealing with Electronically Stored Information (ESI)

May 15, 2015
Proskauer Rose LLP
New York, NY



Ninth Annual National Institute on E-Discovery

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Program Description

Nationally-acclaimed E-Discovery professionals will convene for a full day to analyze and discuss the latest developments and best strategies for managing the E-Discovery process.

Program Focus

Noted practitioners and jurists will address:

- Practical tips for managing litigation holds
- Preserving personal data devices in light of the varying interpretations of “possession, custody, and control”
- Judges’ perspectives on the Proposed Federal Rule of Civil Procedure amendments
- Recent court decisions, as reviewed by one of the industry’s leading authorities on E-Discovery case law
- Meeting ethical obligations related to securing clients’ E-Discovery data
- The unique aspects of cross-border E-Discovery between the U.S., the European Union, Latin America, Asia-Pacific, and Canada

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and Technology
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Lauren Schwartzreich, Co-Chair*

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Retired General
Counsel and Adjunct
Professor of Law at the
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*Shook, Hardy & Bacon
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Hon. Joy Flowers Conti

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Agenda

Thursday, May 14, 2015

5:30 p.m.–7:00 p.m. Welcome Reception

Hosted by Proskauer 

Please join us for a cocktail reception at Proskauer Rose LLP where you can network, meet other guests, and get to know our faculty.

Friday, May 15, 2015

7:30 a.m.–8:00 a.m. Registration and Continental Breakfast

8:00 a.m.–8:15 a.m. Welcome Remarks

8:15 a.m.–9:15 a.m. Securing Law Firm Data: When the Advice Givers Need Advice

Panelists: Cecil A. Lynn III, Gavin W. Manes, Lisa Markey

Moderator: John M. Barkett

Law firms and sole practitioners may not think of themselves as cloud computing vendors but they very well could be depending upon how and where they store their clients' data. Consequently, law firms have obligations to safeguard the security and privacy of their clients' data. They also have ethical responsibilities to protect it from unauthorized or inadvertent access by third parties. This session discusses the inherent risks and provides practical solutions.

9:15 a.m.–10:15 a.m. Litigation Holds: Know When (and Where and How) to Hold 'Em

Panelists: Hon. Joy Conti, Megan Jones, Anthony S. Lowe, Lauren Schwartzreich

Moderator: Martha Mazzone

The obligation to preserve information relevant to litigation is axiomatic as is a litigant's obligation to notify its employees or agents who possess potentially relevant information. This session tackles the often overlooked nuances related to issuing litigation holds and offers practical solutions.

Agenda *(Continued)*

10:15 a.m. – 10:30 a.m. Break

10:30 a.m. – 11:30 a.m. BOYD, COPE or DUD: A Detailed Look at the Preservation of Personal Data

Panelists: Aaron Crews, Margaret Dale, Hon. Elizabeth LaPorte, Ariana J. Tadler

Moderator: Ronni Solomon

This session takes a detailed look at both the preservation obligation and effort related to personal data sources. The panel will discuss the Bring Your Own Device Movement, Dual Use Devices, and the discovery of data sources from plaintiffs and non-party employees.

11:30 a.m. – 11:45 a.m. Lunch

11:45 a.m. – 1:00 p.m. Case Law Update

Panelist: Kenneth J. Withers

A review of recent court decisions by the industry's leading authority on E-Discovery case law.

1:00 p.m. – 2:15 p.m. Judicial Roundtable: The Emperor's New [Proposed] Rules

Panelists: Hon. Joy Conti, Hon. James C. Francis IV, Hon. Elizabeth LaPorte, Hon. David Nuffer, Hon. Lee H. Rosenthal

Moderator: Thomas Y. Allman

In August 2013, the Federal Civil Rules Advisory Committee released a series of proposed Rule amendments for public comment. This panel of leading E-Discovery jurists will discuss the takeaways from the public comment hearings, the key proposals and proposed timelines.

2:15 p.m. – 2:30 p.m. Break

Agenda *(Continued)*

2:30 p.m. – 3:30 p.m. International E-Discovery: EU Edition

Panelists: Jerone J. English, Hon. James C. Francis IV, Natascha Gerlach, Jennifer Hamilton

Moderator: David Kessler

The European Union and its member states abide by rigorous data privacy directives that require special attention related to the preservation, production and transfer of personal data outside of Europe. This panel not only explains the complex rules on cross-border discovery, but also explores how to navigate this challenging area of the law.

3:30 p.m. – 4:30 p.m. International E-Discovery: Rest of World

Panelists: Renato Blum, Eric Lieber, Ashley A. Smith, James Swanson

Moderator: David Kessler

When lawyers think of international data privacy laws, their attention is often focused on the European Union's Data Privacy Directives. This session picks up where the E.U. Discussion ends and focuses on E-Discovery for the "Rest of the World."

4:30 p.m. – 4:45 p.m. Closing Remarks

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Program Location

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