Thirteenth Annual National Institute on E-Discovery

April 26, 2019
Mesirow Financial Auditorium | Chicago, IL
Program Description:
Join nationally acclaimed e-discovery lawyers, judges, consultants, and in-house counsel from corporate law departments including Microsoft, Allstate, and Wickr, as they convene for a full day to analyze and discuss the latest developments and best strategies for managing the e-discovery process. The 13th Annual National Institute on E-discovery will provide practical guidance for navigating cutting-edge e-discovery issues in civil litigation, including developing strategies for:

• discovery of data in the cloud
• leveraging blockchains for evidence
• managing ephemeral messages
• navigating early discovery pilot programs
• maintaining ethical obligations in discovery
• staying on the good side of the judge

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ABA CLE National Institutes bring you face-to-face with nationally recognized experts on substantive topics—often while fulfilling most of your annual CLE requirements.
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Redmond, WA

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Partner  
Shook, Hardy & Bacon  
Miami, FL

Guillermo Christensen  
Partner  
Ice Miller  
Washington, DC

Adam Cohen  
Managing Director  
Berkeley Research Group  
New York, NY

Hon. Sara Ellis  
U.S. District Judge  
U.S. District Court, N.D. Ill.  
Chicago, IL

Phil Favro  
Consultant  
Driven  
Los Angeles, CA

Alison Grounds  
Partner  
Troutman Sanders  
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Christopher Howell  
Chief Technology Officer  
Wickr  
New York, NY

Timothy Hudson  
Partner  
Tabet DiVito & Rothstein  
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David Kessler  
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Corey Lee  
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Joanne Lee Molinaro  
Partner  
Foley & Lardner  
Chicago, IL

Robert Musliala  
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Baker & Hostetler Chicago, IL

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Martin Tully  
Partner  
Actuate Law  
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Jordan Vick  
Partner  
Seyfarth Shaw  
Chicago, IL

Karen Wagshul  
Corporate Counsel  
Allstate Insurance  
Northbrook, IL

** Faculty subject to change without notice

Program Chair
## Agenda

### Friday, April 26, 2019

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>7:30 a.m.</td>
<td>Registration</td>
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<tr>
<td>8:00 a.m.</td>
<td>Opening Remarks</td>
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<tr>
<td>8:15 a.m.</td>
<td><strong>Stormy Skies: Harnessing the Cloud for E-Discovery</strong></td>
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<td><strong>Speakers:</strong> Mara Arenson, Adam Cohen, Karen Wagshul</td>
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<td><strong>Moderator:</strong> Corey Lee</td>
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<td>Organizations routinely store data in the cloud and use cloud platforms for e-discovery purposes. This panel will examine common e-discovery risks and benefits associated with preserving, collecting, and producing data from the Cloud. The panel will discuss strategies for managing retention of cloud data, data privacy implications of storing data in the cloud, and risks inherent in using cloud applications for discovery purposes, including data security, protecting confidentiality, and anticipating collection limitations.</td>
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<td>9:15 a.m.</td>
<td><strong>Now You See Me, Now You Don’t: Discovery of Ephemeral Messages</strong></td>
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<td><strong>Speakers:</strong> Guillermo Christensen, Phil Favro, Chris Howell</td>
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<td><strong>Moderator:</strong> Lauren Schwartzreich</td>
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<td>Ephemeral messages are an increasingly popular way for people to communicate, but what risks do ephemeral messages pose to e-discovery? This panel will explore what ephemeral messaging means; whether such messages truly disappear; how they can (or can’t) be preserved, collected, or produced; and how their usage impacts obligations under data privacy laws.</td>
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<td>10:15 a.m.</td>
<td>Break</td>
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<tr>
<td>10:30 a.m.</td>
<td><strong>Evolving Ethical Considerations in E-Discovery</strong></td>
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<td><strong>Speakers:</strong> Allison Grounds</td>
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<td><strong>Moderator:</strong> John Barkett</td>
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<td>Lawyers face an ever-evolving landscape of complex technological and legal issues as new technologies create new sources of data and new tools for evidence analysis. Understanding the benefits and risks of various technologies is a basic competency requirement in an evolving legal landscape. This panel will present real-world examples and guidance for navigating these challenges.</td>
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<td>11:30 a.m.</td>
<td>Luncheon Buffet</td>
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<td>12:00 p.m.</td>
<td><strong>E-Discovery Case Law Update</strong></td>
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<td><strong>Speaker:</strong> John Rosenthal</td>
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<td>A curated review of timely do-not-miss e-discovery case law presented by one of the</td>
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<td>1:00 p.m.</td>
<td>Break</td>
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<td>Time</td>
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| 1:15 p.m.| **Building Blocks for Litigation: Leveraging Blockchains in Discovery**  | **Speakers:** Joanne Lee Molinaro, Robert Musiala, Eric Schwarz  
**Moderator:** Martin Tully | Blockchains are all the rage for crypto-currencies and smart contracts, but what does the increased use of blockchains mean for discovery? This panel will explain what blockchains are and how they are useful to evidence authentication, and then provide practical suggestions for collecting, evaluating and producing blockchain data in litigation. |
| 2:15 p.m.| **Pilot Perspectives: Evaluating an Early Discovery Pilot Program**       | **Speakers:** Timothy Hudson, Thomas Staunton, Jordan Vick  
**Moderator:** Martin Tully | The Mandatory Initial Discovery Pilot Program has been in place for almost two years, providing a series of standard discovery requests and expediting early discovery. This panel will discuss the intent of the pilot project, litigation experiences within the program, and predictions for the future of the program. |
| 3:15 p.m.| Break                                                                   |                                                                                           |                        |
| 3:20 p.m.| **Judicial Perspectives on E-Discovery**                                | **Speakers:** Hon. Sarah Ellis, Hon. Katharine H. Parker  
**Moderator:** David Kessler | A panel of federal court judges will provide their perspectives on pressing and important e-discovery issues facing litigators and courts, including: balancing management of discovery without micromanaging it (In re Broiler Chicken); effective use of FRE 502(d); improving assertions and challenges to privilege; moving beyond boilerplate objections and improving quality of requests; and assessing proportionality’s impact on discovery and what facts parties need to present to demonstrate the existence or lack of proportionality. |
| 4:50 p.m.| **Closing Remarks**                                                      | **Speaker:** Lauren Schwartzreich                                                            |                        |

*** Agenda subject to change without notice.***
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Effective February 22, 2019

Effective March 29, 2019

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