E-Discovery

APRIL 2, 2020  NEW YORK, NY

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THE PREMIER SOURCE FOR CLE
CHAIR’S WELCOME
Please join us at the 14th Annual National Institute on E-Discovery for practical solutions to today’s e-discovery challenges. We are bringing the Institute back to New York City in 2020 for a day of engaging and thoughtful discussion of e-discovery issues in an intimate setting conducive to meaningful dialogue between faculty and attendees. Highlights for this year’s program include improving in-house processes, enhancing written and investigative e-discovery skills, managing data security, understanding cross-border discovery and privacy, and gleaning insights from judicial perspectives on key e-discovery issues. This is a high-quality program designed to be accessible and interesting for all litigators, regardless of experience or expertise with e-discovery. I hope to see you there.

IN-HOUSE COUNSEL SPECIAL OFFER
The ABA is offering one complimentary registration per organization to in-house counsel. "In-house" counsel refers to a practicing lawyer whose primary responsibility is providing legal advice to the organization itself. The ABA reserves the right to determine whether a registrant is eligible for the "in-house" counsel special offer. Offer expires February 28, 2020. APPLY NOW

PAST PARTICIPANTS HAVE SAID:

“Speakers were knowledgeable and engaging. Struck a perfect balance between practical and basics and current updates. Well-balanced attention to covering many topics without repetition. One of the best programs in over 25 years of practice. Nice interplay between practitioner and judicial perspectives.”

“Excellent speakers, excellent content.”

“Content was excellent; appropriate even for very experienced practitioners.”

7.5 hrs CLE credit (including 1 hr Ethics)

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Section of Litigation
THURSDAY, APRIL 2

7:30- 8:00 am  Registration and Breakfast

8:00-8:15 am  Opening Remarks

Lauren Schwartzreich, Littler Mendelson, P.C., New York, NY

8:15-9:15 am  Cheap Tricks: Challenging Fabricated Evidence

Digital tools have made it easy for individuals to fabricate and alter digital evidence. Forensic experts and skilled trial attorneys will discuss how to spot suspicious electronic evidence; techniques for demonstrating evidence alteration or fabrication; and how to leverage metadata to authenticate ESI.

Andy Gandhi, Alvarez & Marsal, New York, NY
Corey Lee, Hunton Andrews Kurth, Miami, FL
Martin Tully, Actuate Law, Chicago, IL
Hon. Maria Valdez, U.S. District Court, Northern District of Illinois, Chicago, IL

Moderator: Lauren Schwartzreich, Littler Mendelson, PC, New York, NY

9:15-10:15 am  The Purge: Legacy Data, Legal Holds, and Data Destruction

Over-retention of information can impose unnecessary burdens and costs on an organization and increase litigation risk. Defunct databases, sunsetting legacy systems, and extraordinary data volumes pose unique challenges to organizations committed to sensible information hygiene and reducing risk and cost. This panel will explore these challenges and consider when and how to best mitigate these risks and reduce the burden and cost of data over-retention while ensuring compliance with legal and regulatory preservation obligations.

Mira Edelman, DISH Network, Denver, CO
David Moncure, DaVita Inc., Denver, CO
Stacey Blaustein, IBM, Armonk, NY
Marla Crawford, Goldman Sachs, New York, NY

Moderator: Kevin Brady, Redgrave, Washington, DC

10:15-10:30 am  Break

10:30-11:30 am  Anatomy of a Document Request Response in 2020 (It’s Not as Easy as it Looks!)

The 2015 Amendments to the Federal Rules of Civil Procedure were designed to curtail the common use of boilerplate and vague responses to document requests and to encourage greater specificity. While these changes may harken back to the good old days when parties did not rely on templates to respond to discovery, they may not fully account for the realities of modern civil litigation. This panel will explore the challenges inherent in responding to requests for documents and propose solutions, including with regard to: responding to overbroad requests, time constraints that do not account for ever-increasing volumes of ESI, timing for asserting objections, new statements required to be included in written responses, protecting privilege, and novel individual court rules further restricting discovery responses.

Rebekah Bailey, Nichols Kaster, Minneapolis, MN
Steven V. Hunter, Quarles & Brady, Chicago, IL
Hon. Karen Wells Roby, U.S. District Court, Eastern District of Louisiana, New Orleans, LA
Anthony M. DiSenso, New York City Law Department, New York, NY

Moderator: Claudia Morgan, Wachtell, Lipton, Rosen & Katz, New York, NY

11:30-12:00 pm  Lunch

12:00-1:00 pm  Ethics of Law Firm Security

Data breaches are an everyday event, and hackers increasingly target law firms to obtain sensitive information, reroute payments, and hold law firm systems hostage.

Agenda subject to change without notice.
Law firms big and small are ethically obligated to protect themselves and their clients’ interests from exposure to these threats. This session will address the ever-increasing challenges for law firms in managing data security, related ethics rules, and practical solutions for achieving better law firm security.

John Barkett, Shook, Hardy & Bacon, Miami, FL

1:00-1:10 pm  **Break**

1:10-2:10 pm  **Striking a Balance: How In-House Teams Manage Litigation, Privacy, and HR**

When responding to litigation, organizations need to be nimble enough to comply with discovery obligations while achieving the goals of various stakeholders within the organization. E-Discovery teams need to work effectively with other teams, including human resources and privacy, in order to efficiently and effectively deliver evidence to litigators. How do organizations balance time-sensitive e-discovery demands while managing employee information and data privacy requirements? This panel will explore potential frameworks for a workflow with litigation, human resources, privacy teams, and other stakeholders to meet e-discovery obligations and build stronger cross-departmental relationships.

Claire Hass, Google, Mountain View, CA
Sandra Rampersaud, UBS Group AG, New York, NY
Jeff Nass, Société Générale Americas, New York, NY
Scott Wandstrat, Kindred at Home, Atlanta, GA
**Moderator:** Alison Grounds, Troutman Sanders, Atlanta, GA

2:10-3:10 pm  **Compliance Quagmires: Protecting EU Citizens’ Data in U.S. Litigation**

A panel of cross-border discovery experts will provide practical insights for mitigating risks associated with handling EU citizens’ data in U.S.-based litigation and investigations, including: best practices for collection, managing incoming data, and production; intra-company data transfer mechanisms to facilitate cross-border exchange of information; transfer mechanisms, such as standard contractual clauses, binding corporate rules, and Privacy Shield; and EDPB guidance on data transfers.

Taylor Hoffman, Swiss Re, Armonk, NY
Emily Fedeles, Colgate-Palmolive, New York, NY
Neasa Ní Ghráda, Eversheds Sutherland, Dublin, Ireland
Ronni Solomon, King & Spalding, Atlanta, GA
**Moderator:** Jeane Thomas, Crowell & Moring, Washington, DC

3:10-3:20 pm  **Break**

3:20-4:50 pm  **Judicial Perspectives: Reasonableness, Proportionality, and Sanctions**

Distinguished jurists will explore the impact of recent eDiscovery case law and their perspectives on topics including what constitutes “reasonable steps” under Rule 37(e); use and misuse of clawback agreements; demonstrating proportionality; reasonableness of search efforts; and the roles of the judge and jury in Rule 37(e).

Hon. Katharine H. Parker, U.S. District Court, Southern District of New York, New York, NY
Hon. Karen Wells Roby, U.S. District Court, Eastern District of Louisiana, New Orleans, LA
Hon. Maria Valdez, U.S. District Court, Northern District of Illinois, Chicago, IL
Hon. Ona T. Wang, U.S. District Court, Southern District of New York, New York, NY
**Moderator:** David Kessler, Norton Rose Fullbright, New York, NY

4:50 pm  **Closing Remarks**

Lauren Schwartzreich, Littler Mendelson, P.C., New York, NY
INSTITUTE CHAIR
Lauren Schwartzreich
Shareholder and E-Discovery Counsel
Littler Mendelson
New York, NY

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Minneapolis, MN

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Partner
Shook, Hardy & Bacon
Miami, FL

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New York, NY

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Senior Associate
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Dublin, Ireland

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Executive Director and Global Head of eDiscovery
UBS Group AG
New York, NY

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Presiding U.S. Magistrate Judge
U.S. District Court, Northern District of Illinois
Chicago, IL

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Chief Litigation Officer
Kindred at Home
Atlanta, GA

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Magistrate Judge
U.S. District Court, Southern District of New York
New York, NY

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U.S. District Court, Eastern District of Louisiana
New Orleans, LA

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Martin Tully
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Actuate Law
Chicago, IL
Registration Information

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Save when you register three (3) or more attendees for in-person events:
- 3-5 attendees—SAVE 5%
- 6-10 attendee—SAVE 10%

To register your group of attendees, please call (800) 285-2221.

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Meeting Information

MCLE
The ABA will seek 7.5 hours of CLE general credit in 60-minute states, and 9 hours of CLE general credit for this program in 50-minute states, including 1 hours of CLE ethics credit in 60-minute states and 1.2 hours of CLE ethics credit in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit the program website at ambar.org/edv20 for program CLE details or visit www.americanbar.org/mcle for general information on CLE at the ABA.

Scholarships
Financial scholarship applications are available for this conference. To request an application or receive additional information, please go to this link: https://www.americanbar.org/events-cle/abacle/scholarship.

Cancellations
Cancellations received five (5) business days or more before the program will receive a 100% refund, less a $50 cancellation fee. No refunds will be provided for cancellations after that date; however, substitute registrants are welcome before the program starts. Registrants who do not cancel within the allotted time period and who do not attend the program will receive a copy of the program course materials after the program.

Meeting Location Information
The meeting will take place at:
NORTON ROSE FULBRIGHT
1301 Avenue of the Americas
Lillian Gish Boardroom (22-016)
New York, NY 10019

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Airfare: ABA members are eligible for discounted airfare through our travel provider Egencia.
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| | | | $ 150 | |

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