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BNA Presents a
Two-Day Conference on:

E-DISCOVERY FOR THE ENTERPRISE:

Preparing Your Corporate Clients for the Realities of the Post Rules Amendment World

Keep your clients compliant with regulatory requirements

Set up cost systems and contain expenses

Leverage ESI for both business and litigation readiness purposes

Manage your e-discovery team—both inside and outside

Prepare your international e-discovery system

Maximize efficient review protocols

KEYNOTE SPEAKERS

Honorable John M. Facciola
United States Magistrate Judge
for the District Court
of the District of Columbia
Washington, DC

Honorable Timothy S. Hillman
United States Magistrate Judge for the
District Court of Massachusetts
Boston, MA

Honorable John J. Hughes
United States Magistrate Judge
for the District Court of New Jersey
Trenton, NJ

Honorable Craig B. Shaffer
United States Magistrate Judge for the
District Court of Colorado
Denver, CO

September
18-19, 2008

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BNA
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Expert Analysis

E-DISCOVERY FOR THE ENTERPRISE: PREPARING YOUR CORPORATE CLIENTS FOR THE REALITIES OF THE POST RULES AMENDMENT WORLD

When your clients are serial litigators, they need a proactive approach to their electronically stored information.

In the wake of the 2006 Amendments to the Federal Rules of Civil Procedure, e-discovery has emerged as an enterprise endeavor that is no longer confined to the general counsel's office. As new technologies affect the way corporations do business, the issues that surround e-discovery have become increasingly intertwined with—and dependent upon—more traditional business functions and processes.

When your clients are constantly in litigation, a proactive approach to their

electronically stored information (ESI)—now widely recognized as a major business asset—will insure better organization and more efficiency when it must be culled for litigation or regulatory review. Ultimately, such an approach will enhance your ability to achieve a successful result from litigation.

But no repository or other document management approach works in a vacuum. Systems must be coordinated with other business units and programs. Join BNA and a distinguished group of judges, attorneys, business executives, scholars, and industry leaders to learn why e-discovery has become not only an enterprise venture, but a risk and compliance endeavor, and what you risk by not treating it as such.

Register today!
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Also of Interest

Digital Discovery & e-Evidence

NEWS & ANALYSIS | MONTHLY PUBLISHERS | CASES | ETHICS OPINIONS | COURT RULES | PRESS RELEASES | E-DISCOVERY RESOURCES

LATEST NEWS & ANALYSIS

- California Subpoena Seeking Bloggers' Identities May Be Quashed, Not Withdrawn (June 18, 2008)
- Anytime Bloggers whose identities have been subpoenaed may not move to quash the subpoenas under California law, the California Court of Appeal held June 18 in an unpublished opinion (Tendler v. www.jewishvirtuallibrary.blogspot.com, Cal. Ct. App., No. W031336, 6/18/08).
- These Subpoena Return Procedures Agree To Steps to Block Child Pornography (June 18, 2008)
- NEW YORK—Three of the world's largest Internet service providers have agreed to shut down access to Internet news groups and Web sites that carry images of child pornography, New York Attorney General Andrew M. Cuomo (D) announced June 18.
- Lawyers Permitted to Search for Metadata Unless They Are Alerted to Sender's Objection (June 17, 2008)
- While rules permit a lawyer to search for and review metadata embedded in an electronic document received from opposing counsel or a third party unless the lawyer was notified before receiving the document that such metadata information was inadvertently transmitted, the (California) bar's ethics...
- When the Draft Is in the Crucibles (June 17, 2008)
- Today's high-profile use of Electronically Stored Information (ESI) encourages a proliferation of e-discovery documents. For example, you may create a spreadsheet and save it to your local drive. Then, you may save it to a shared network drive for your colleagues to access. Finally, you may attach it...
- Support Says Most Breaches Can Be Avoided Through Use of Basic Data Security Measures (June 13, 2008)
- Nearly 70% of 10 best practices to help companies avoid the potential for engineering a high data security breach, according to a June 12 report released by Verizon...

LATEST CASES

- Tendler v. www.jewishvirtuallibrary.blogspot.com (Cal. Ct. App., 2008) (June 18, 2008)
- S-800 Corbin's Inc. v. Lewis.com Inc. (3d. Utah 2008) (June 17, 2008)
- Kleinfelder Corporation v. East S-30 (N.D. Cal. 2008) (June 10, 2008)
- Water Works Inc. v. Creative Pipe Inc. (E. Pa. 2008) (May 29, 2008)
- Hampel v. S.S.L. Stem Lab Lab. (3d. N.Y. 2008) (May 23, 2008)

Privacy & Security Law Report

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- The nuts-and-bolts of preserving, collecting, and producing electronic records.
- The best ways to obtain and analyze digital evidence.
- Practical tips on managing electronic data and responding to requests for them.
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- Enhance clients' records management practices.

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Program Highlights

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DAY 1 September 18, 2008

3:00 p.m. – 3:30 p.m.

Registration opens

3:30 p.m. – 3:40 p.m.

Welcome and Program Introduction

3:40 p.m. – 4:50 p.m.

The Requirements: Case Law Overview

How do the cases that have been decided under the revised Federal Rules of Civil Procedure affect the way businesses must approach their electronically stored information with regard to:

- Adequacy and Scope of Production
- Accessibility
- System Inspection
- Forms of Production
- Privilege and Work Product
- Preservation
- Sanctions

Ronald J. Hedges, Nixon Peabody LLP (NY)
Former United States Magistrate Judge

Jeanne A. Thomas, Crowell & Moring LLP (DC)

4:50 p.m. – 5:30 p.m.

Networking Break and Cocktail Reception

5:30 p.m. – 6:45 p.m.

Workshop: Technology Roundtable

Barclay T. Blair, Kahn Consulting, Inc.
(Calgary, Alberta)

Daniel K. Gelb, Gelb & Gelb LLP (MA)

Rob Hellewell, Applied Discovery (DC)

Mark Koehn, Paul, Hastings, Janofsky & Walker LLP (DC)

DAY 2 September 19, 2008

8:00 a.m. – 9:00 a.m.

Registration and Continental Breakfast

9:00 a.m. – 9:10 a.m.

Opening Remarks

9:10 a.m. – 9:55 a.m.

The Requirements:

Regulatory Requirements

- How are various regulated industries responding to the demands of ESI?
- What specific ESI challenges are presented to different industry sectors?
- What is the government looking for, and how can you prepare your corporate clients?
- How can you keep your corporate clients in compliance?

Maria N. Lerner, Fulbright & Jaworski LLP (DC)

Linda S. Riefberg, Financial Industry Regulatory Authority (FINRA) (DC)

Edward H. Rippey, Covington & Burling LLP (DC)

9:55 a.m. – 10:45 a.m.

Setting Up Your Systems: Costs—Where They Are Coming From and How To Contain Them

A discussion of each step of the e-discovery enterprise to pinpoint where cost savings can be achieved. From records management, to archiving, collection and review, an overview of technological and business processes best practices to maximize efficiencies and reduce costs.

Courtney Ingraffia Barton, Crowell & Moring LLP (DC)

David M. Conca, Paul Hastings, Janofsky & Walker LLP (NY)

10:45 a.m. – 11:00 a.m.

Break

11:00 a.m. – 11:50 a.m.

Setting Up Your Systems: Records Management as Part of the Enterprise System

- What components of a Records Management System are necessary to address Electronically Stored Information (ESI)?
- What is the best way to get management support for establishing a Records Management System that leverages ESI for both business and litigation readiness purposes?

- How extensive should involvement of legal and IT advisors be?
- Is a Records Management System feasible for a small company?

Christina "Tina" Ayiotis, Booz Allen Hamilton (VA)

Kevin F. Brady, Connolly Bove Lodge & Hutz LLP (DE)

Jim Michalowicz, ACT Litigation (PA)

12:00 p.m. – 1:30 p.m.

Keynote Luncheon

Honorable John M. Facciola

United States Magistrate Judge for the District Court of the District of Columbia, Washington, DC

Honorable Timothy S. Hillman

United States Magistrate Judge for the District Court of Massachusetts Boston, MA

Honorable John J. Hughes

United States Magistrate Judge for the District Court of New Jersey Trenton, NJ

Honorable Craig B. Shaffer

United States Magistrate Judge for the District Court of Colorado Denver, CO

1:30 p.m. – 2:20 p.m.

Setting Up Your Systems: E-Discovery/ Risk Management and Preservation Obligations

- The trigger of the duty to preserve in a pre-litigation context
- The relationship between e-risk management and e-records management
- Whether e-mails are business records and, if so, should they be?
- "Yikes!" How should risk/records managers treat voice mail, instant messages, and text messages?

September 18-19, 2008

Marriott Crystal City Gateway Hotel, Arlington, VA

- “The before, during, and after” of litigation holds
- Production breakdowns: the jurisprudence of search terms, vendor/error contracts, and sanctions avoidance

Robert B. Friedman, King & Spalding (GA)

David J. Kessler, Drinker Biddle & Reath LLP (PA)

Madeline M. McDonough, Shook, Hardy & Bacon, L.L.P. (MO & DC)

- How useful has the Safe Harbor program proved to be, and how can you help your client derive the greatest benefit from it?

Anita Cicero, Drinker Biddle & Reath LLP (DC)

Damon Greer, Safe Harbor Program, U.S. Department of Commerce, International Trade Administration (DC)

Lisa J. Sotto, Hunton & Williams LLP (NY)

2:20 p.m. – 3:10 p.m.

Setting Up Your Systems:

Rule 26(g) Setting Up An E-Discovery

Team: Outside Counsel/In-House Counsel Relationships

- When should outside counsel be called in to handle a complex e-discovery process, and how should their capabilities be accessed?
- Are courts pitting in-house counsel against outside counsel (and their clients) when preservation and production of ESI prove to be problematic?
- How can conflicts be avoided?
- What are the lessons from *Qualcomm*?

Daniel K. Gelb, Gelb & Gelb LLP (MA)

Anne Milem, Sallie Mae, Inc. (VA)

Jeffery Ritter, Waters Edge Consulting, LLC (VA)

Jonathan Sablone, Nixon Peabody LLP (MA & NY)

3:10 p.m. – 3:25 p.m.

Break

3:25 p.m. – 4:15 p.m.

Setting Up Your Systems:

International E-Discovery

- What systems can be implemented to help your clients bridge the gap between cross-border privacy protections and production of ESI?
- What problems emerge when class actions implicate international issues and how should they be addressed?

4:15 p.m. – 5:00 p.m.

Review Protocols: Working Towards A More Efficient Review

- What is the most current approach to maximizing efficient review?
- Is increasing reliance on a technical solution to review inevitable? Is it advisable?
- Is it becoming mandatory to engage forensic experts to help organize your review?

Christopher C. Jensen, Hudson Legal (DC)

Virginia “Ginger” Henschel, Sunoco, Inc. (MA)

Karl Schieneman, Esq./MBA, 1-2-3 Law Group & Making Law Easy (PA)

Pradeep K. Victor, Howrey LLP (VA)

5:00 p.m. – 5:50 p.m.

Review Protocols: Protecting the Attorney-Client Privilege

What enterprise systems can be implemented to help lawyers deal with the most common threats to attorney-client privilege, such as:

- Volume and inevitable inadvertent waiver of the privilege
- Automated purging policies interfering with the duty to preserve
- Use of third-party vendors
- Communicating with clients via e-mail

David J. Lender, Weil, Gotshal & Manges LLP (NY)

Leslie Wharton, Arnold & Porter LLP (DC)

5:50 p.m. - 6:00 p.m.

Closing Remarks

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JUDICIAL KEYNOTE SPEAKERS

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United States Magistrate Judge for the
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Founder
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Leslie Wharton
Senior Counsel
Arnold & Porter LLP
Washington, DC

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