

**REGISTER TODAY**

**May 19-20, 2010**

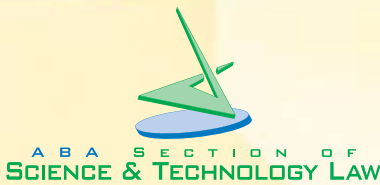
**ABA Section of Science & Technology Law  
e-Discovery and Digital Evidence (EDDE) Committee**

# **First Annual Electronic Discovery and Digital Evidence Practitioners' Workshop**

**Chicago-Kent College of Law  
565 West Adams Street  
Chicago, IL 60661-3652**

**Click [here](#) to view program information**

**Register Now**



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Women's Bar Association of Illinois**

# WELCOME

The ABA Section of Science & Technology Law is pleased to invite you to the ***First Annual Electronic Discovery and Digital Evidence Practitioners' Workshop*** in Chicago on May 19-20, 2010.

This practitioners' workshop will provide in-depth and hands-on education for in-house and retained counsel who are involved in (or who expect to become involved in) litigation involving electronic discovery and digital evidence. Executives and other litigation stakeholders from large and small public and private organizations will also gain invaluable insights on how best to prepare your technical staff and information systems to respond to requests for electronically stored information (ESI). Addressed to intermediate and advanced ESI litigation practitioners, the workshop will be taught by our faculty of leading judges, ESI litigation practitioners, forensics experts, and technology thought-leaders, all of whom have significant experience in managing all aspects of ESI litigation. This workshop is unique in that its scope is much broader and deeper than traditional eDiscovery courses that address only basic ESI concepts.

The curriculum consists of case studies, a mock trial, keynote sessions and panel discussions with luminaries in the field, and small workshops for practitioners, technologists and forensics experts. We expect the entire program will be both illuminating and entertaining. Topics will range from the Seventh Circuit's Electronic Discovery Pilot Program, and ESI search trends and developments, to emerging digital evidence issues. The sessions will address the key rules from the Federal Rules of Civil Procedure that impact eDiscovery. There will also be plenty of time for networking at the receptions at the end of each day.

This is a one-of-a-kind program you will not want to miss.

**Register today** to attend the ***First Annual Electronic Discovery and Digital Evidence Practitioners' Workshop***.

With best regards,

Co-Chairs of the ABA SciTech e-Discovery and Digital Evidence Committee

**George L. Paul**  
Lewis and Roca LLP  
Phoenix, AZ

**Steven W. Tepler**  
Edelson McGuire, LLC  
Chicago, IL

**Lucy L. Thomson**  
CSC  
Alexandria, VA

*Vice-Chair*  
**Eric Hibbard**  
Hitachi Data Systems  
San Jose, CA

# SCHEDULE OF EVENTS

## WEDNESDAY MAY 19, 2010

8:00 – 8:30 a.m.

### Registration and Pre-Conference Breakfast—Networking with Colleagues

8:30 – 8:35 a.m.

### Welcome by the ABA Section of Science & Technology Law

**Stephen S. Wu**

Chair-Elect  
Cooke Kobrick & Wu LLP  
Los Altos, CA

**Lucy L. Thomson**

Secretary  
CSC  
Alexandria, VA

8:35 – 10:05 a.m.

### Morning Module One: Forensics Deep Dive—Sylint Group, Inc.

Case studies and interactive discussion involving computer forensic extractions, and examination and search from within the context of electronic discovery. Topics covered include preservation, spoliation, concealment, search, deduplication, encryption, pattern analysis and the myths of “industry standards” and “industry standard rates.”

*Panelists:*

**John Jorgensen**

Sylint Group, Inc.  
Sarasota, FL

**Serge Jorgensen**

Sylint Group, Inc.  
Sarasota, FL

**Stephen S. Wu**

Cooke Kobrick & Wu LLP  
Los Altos, CA

**Lawrence Wolfenden**

Federal Bureau of Investigation  
Washington, DC

10:05 – 10:15 a.m.

### Break

10:15 – 11:45 a.m.

### Morning Module Two: Proven Strategies to Increase Value and Contain Costs Beginning Early in the Litigation Lifecycle—Autonomy, Inc.

Recent case law and federal rules that highlight best practices to improve compliance and reduce risk and cost in eDiscovery.

In today's economic climate, legal departments and law firms urgently seek new approaches to address eDiscovery risks, meet client needs and contain costs. However, many hesitate to adopt new methods and technology, such as conceptual analysis and cloud computing, concerned that they can't

- “achieve reasonable ROI”,
- “be accepted in court” or
- “be implemented fast enough—we need results now.”

This workshop will assist inside and outside counsel to think strategically and in an integrated way about their litigation profile and discovery process, start to finish. Participants will explore how to optimize the discovery process based on their organization's litigation profile. Drawing from the expertise of industry thought leaders, workshop attendees will learn how recent case law and federal rules apply to proportionality, reasonableness and defensibility. They will map a high level, 360° view of their end-to-end process, identify gaps and begin to chart a path forward. The discussion will include new methods, best practices and technologies like Meaning Based Computing that firms and companies utilize to reduce risk and contain costs in eDiscovery.

*Panelist:*

**Deborah Baron**

Autonomy, Inc.  
San Francisco, CA

# SCHEDULE OF EVENTS

11:45 a.m. – 12:15 p.m.

## **Working Lunch**

12:20 – 12:55 p.m.

## **Introductions and Conference Keynote**

*Co-Chairs* of the SciTech e-Discovery and Digital Evidence (EDDE) Committee

**George L. Paul**  
Lewis and Roca LLP  
Phoenix, AZ

**Steven W. Tepler**  
Edelson McGuire, LLC  
Chicago, IL

**Lucy L. Thomson**  
CSC  
Alexandria, VA

Vice-Chair  
**Eric Hibbard**  
Hitachi Data Systems  
San Jose, CA

*Keynote Speaker:*

**Hon. Nan R. Nolan**  
United States Magistrate Judge  
Northern District of Illinois  
Chicago, IL

A discussion of the Seventh Circuit's E-Discovery Pilot Program Phase I, its application to matters within the Northern District of Illinois, and emerging case trends. Recent developments in e-Discovery and Digital Evidence; Challenging Issues from Recent Cases.

1:00 – 2:10 p.m.

## **Track I**

### **Module 1: Practitioners Update: Practicing ESI by the Numbers**

This session will include preservation letters, counsel meet and confer, discovery stipulations, initial disclosures, preservation obligations, discovery abuse sanctions, electronically stored information format designation, non-party discovery, and ESI clawback practice under new FRE 502 in state and federal proceedings.

*Co-Moderators:*

**Steven W. Tepler**  
Edelson McGuire, LLC  
Chicago, IL

**Lucy L. Thomson**  
CSC  
Alexandria, VA

*Panelists:*

**Alexandra G. Buck**  
Abbott Laboratories  
Chicago, IL

**Bennett B. Borden**  
Gibson Dunn  
Washington, DC

**William Butterfield**  
Hausfeld, LLP  
Washington, DC

**Justin Murphy**  
Crowell & Mooring, LLP  
Washington, DC

### **Module 2: ESI Forensics Workshop**

This session will provide a hands-on discussion of current and emerging computer forensics tools, how and when these tools are used in the electronic discovery process through trial, the emergence of antiforensic tools, and the participation of forensics specialists in early ESI Fed.R.Civ.P. Rule 26(f) meet and confer sessions.

*Moderator:*

**John E. Jorgensen**  
Sylint Group, Inc.  
Sarasota, FL

# SCHEDULE OF EVENTS

*Panelists:*

**Joseph M. Burton**  
Duane Morris, LLP  
San Francisco, CA

**Matt Sorensen**  
Sylint Group, Inc.  
Sarasota, FL

**Liam Ferguson**  
Mesirov Financial Consulting  
Los Angeles, CA

**Lawrence Wolfenden**  
Federal Bureau of Investigation  
Washington, DC

**Module 3: Emerging Technologies—Real Technology Addressing Real Problems**

ESI Discovery technologies are rapidly emerging and the sector is commoditizing, resulting in substantial cost reductions and smaller resourcing overhead. This panel will discuss usage models for ESI technologies now available, in development undergoing refinement.

*Co-Moderators:*

**Eric Hibbard**  
Hitachi Data Systems  
San Jose, CA

**Hoyt L. Kesterson II**  
Terra Verde Services  
Glendale, AZ

*Panelists:*

**Deborah Baron**  
Autonomy, Inc.  
San Francisco, CA

**Lisa Habbeshaw**  
FTI Technology  
San Francisco, CA

**Jon Stanley**  
Law Office of Jon Stanley  
Cape Elizabeth, ME

**Robert Thibadeau**  
Wave Systems  
Pittsburgh, PA

**K. Krasnow Waterman**  
LawTech Intersec  
New York, NY

2:10 – 2:20 p.m.

**Break**

2:20-3:30 p.m.

**Track II**

**Module 1: Practitioners Update: Practicing ESI by the Numbers**

**Module 2: ESI Forensics Workshop**

**Module 3: Emerging Technologies – Real Technology Addressing Real Problems**

3:30 – 3:40 p.m.

**Break**

3:40 – 4:50 p.m.

**Track III**

**Module 1: Practitioners Update: Practicing ESI by the Numbers**

**Module 2: ESI Forensics Workshop**

**Module 3: Emerging Technologies – Real Technology Addressing Real Problems**

# SCHEDULE OF EVENTS

5:00 – 6:10 p.m.

## **Hot Topics in ESI Search and Retrieval**

- Mock strategy session on negotiating search protocols with opposing counsel
- Latest search tools and technologies for undertaking efficient review
- Ethical issues raised by search strategies

*Moderator:*

**Jason R. Baron**  
National Archives  
Washington, DC

*Panelists:*

**Bennett B. Borden**  
Gibson Dunn  
Washington, DC

**Maura R. Grossman**  
Wachtell, Lipton, Rosen & Katz  
New York, NY

6:10 – 7:00 p.m.

## **Cocktail Reception—Networking with Colleagues**

7:00 p.m.

## **Dinner on Your Own**

## **THURSDAY MAY 20, 2010**

8:00 – 8:30 a.m.

## **Registration, Continental Breakfast and Networking; Welcome and Recap**

8:30 - 9:00 a.m.

## **Digital Evidence—Now that you have ESI—What to do with it?**

The next frontier in litigation involving electronically stored information is ESI authentication and admissibility. This panel of nationally recognized experts will discuss admissibility and authentication issues and challenges uniquely inherent to computer-generated information and data, including hearsay, metadata, and encryption.

**George L. Paul**  
Lewis and Roca LLP  
Phoenix, AZ

**Steven W. Tepler**  
Edelson McGuire, LLC  
Chicago, IL

9:00 – 10:30 a.m.

## **Plenary One**

In this first set of mock proceedings, attorneys and their technology experts will conduct an ESI-focused Fed.R.Civ.P. Rule 26(f) counsel-meet-and-confer session. This session will underscore the role of cooperation between the parties, and illustrate how disputes over electronic discovery (i.e., native format, search terms, network mapping, privilege, and preservation) may properly be formulated for presentation to a court for adjudication.

In this next mock proceeding, a Fed.R.Civ.P. Rule 16(b) hearing will be held before U.S. Magistrate Judges Karla Spaulding and Frank Maas, who will take up these disputed issues. In this hearing, counsel and their technology experts will raise the disagreements and issues not resolved in the Rule 26(f) meet and confer, and provide unique insight into how best to prepare for and participate in these hearings.

**John Jorgensen**  
Sylint Group, Inc.  
Sarasota, FL

**Hoyt L. Kesterson II**  
Terra Verde Services  
Glendale, AZ

**Larry Kunin**  
Morris Manning  
Atlanta, GA

**Farrah Pepper**  
Gibson Dunn  
New York, NY

*Judges:*

**Hon. Frank Maas**  
United States Magistrate Judge  
Southern District of New York  
New York, NY

**Hon. Karla R. Spaulding**  
United States Magistrate Judge  
Middle District of Florida  
Orlando, FL

# SCHEDULE OF EVENTS

10:30 – 10:40 a.m.

## **Break**

10:40 – 12:10 a.m.

## **Plenary Two**

In this session, an ESI spoliation/discovery abuse hearing will be conducted before U.S. Magistrate Judges Karla Spaulding and Frank Maas. Counsel will argue their positions, supported by their respective technology experts, who will provide testimony in connection with assertions or defenses. The decisions rendered by the judges will reflect their respective circuit's decisional authority, and the session will conclude with an in depth question and answer session with attendees.

### **Joseph Burton**

Duane Morris, LLP  
San Francisco, CA

### **John Jorgensen**

Sylint Group, Inc.  
Sarasota, FL

### **Hoyt L. Kesterson II**

Terra Verde Services  
Glendale, AZ

### **George L. Paul**

Lewis and Roca, LLP  
Phoenix, AZ

*Judges:*

### **Hon. Frank Maas**

United States Magistrate Judge  
Southern District of New York  
New York, NY

### **Hon. Karla R. Spaulding**

United States Magistrate Judge  
Middle District of Florida  
Orlando, FL

12:15 – 12:50 p.m.

## **Working Lunch**

ESI-Centric Discovery Request and Deposition—Some Lunchtime Thoughts

1:00 – 2:30 p.m.

## **Plenary Three**

In this concluding plenary session, Magistrate Judges Spaulding, Maas, and Chief Magistrate Judge Sidney Schenkier will discuss emerging trends, issues, challenges and approaches to the practice of electronic discovery and digital evidence management in their respective courts. The session will include an interactive question and answer session with attendees.

### **Joseph M. Burton**

Duane Morris, LLP  
San Francisco, CA

### **Hon. Karla R. Spaulding**

United States Magistrate Judge  
Middle District of Florida  
Orlando, FL

*Judges:*

### **Hon. Frank Maas**

United States Magistrate Judge  
Southern District of New York  
New York, NY

### **Hon. Sidney I. Schenkier**

United States Magistrate Judge  
Northern District of Illinois  
Chicago, IL

2:30 – 3:00 p.m.

## **Closing Keynote: Where We Go From Here?**

### **Hon. Frank Maas**

United States Magistrate Judge  
Southern District of New York  
New York, NY

3:15 – 4:15 p.m.

## **Wine and Cheese Reception**

# REGISTRATION AND PROGRAM INFORMATION

**TO REGISTER** [click here](#)

## REGISTRATION FEES

Register before April 26th to receive the special early registration rate.

	<b>Before 4/26</b>	<b>After 4/26</b>
ABA Section of Science & Technology Law Member	\$500	\$600
Asian American Bar Association Member	\$500	\$600
The Chicago Bar Association Member	\$500	\$600
Cook County Bar Association Member	\$500	\$600
Government Employee	\$500	\$600
Illinois State Bar Association Member	\$500	\$600
Lesbian and Gay Bar Association of Chicago Member	\$500	\$600
Women's Bar Association of Illinois Member	\$500	\$600
ABA Member	\$650	\$750
General Attendees (not ABA member)	\$750	\$850

The registration fee includes admission to the workshop, course materials, breakfast, lunch, and receptions.

## CANCELTION POLICY

Request for a registration fee refund (less a \$100 administrative fee), must be received by the ABA by April 26, 2010. No requests received after that date will be granted. A cancellation request should be e-mailed to [gamboam@staff.abanet.org](mailto:gamboam@staff.abanet.org). Registrants who are unable to attend may send a substitute or will receive course materials in lieu of a refund. The ABA reserves the right to cancel the program and assumes no responsibility for personal expenses.

## PROGRAM LOCATION AND HOTEL INFORMATION

The First Annual Electronic Discovery and Digital Evidence Practitioners' Workshop will be held at **Chicago-Kent College of Law**, 565 West Adams Street, Chicago, Illinois.

All participants must make their own lodging arrangements. Suggested hotels nearby are the **Holiday Inn Hotel & Suites Chicago, W Hotel Chicago, Hotel Monaco Chicago** and **Club Quarters Chicago**. ABA members may refer to the **ABA Preferred Rate Hotel Program** for discounts.

## TRANSPORTATION

Participants are encouraged to make airline reservations on the ABA Online Travel site where they automatically receive ABA airfare discounts from a variety of carriers. Access the ABA provider **Orbitz for Business** or the Orbitz toll free number (877) 222-4185.

## CLE CREDIT INFORMATION

Accreditation will be requested for this program from every state with mandatory continuing legal education (MCLE) requirements for their lawyers. Please be aware that each state has its own CLE rules and regulations, including the definition of "CLE." Check with your state agency for confirmation of approval for this program. Attorneys seeking to obtain MCLE credit in Pennsylvania are required to pay state accreditation fees directly to that state. Certificates of attendance will be available at the conclusion of the program. In order to receive CLE credit, attorneys will be required to sign attendance sheets and obtain a Uniform Certificate of Attendance. Participants may contact Maria Gamboa at (312) 988-5599 two weeks prior to the conference for confirmation of the number of CLE credit hours requested by the ABA or approved by any particular state.

# REGISTRATION AND PROGRAM INFORMATION

## MEMBERSHIP INFORMATION

For only \$50, ABA members may join the **Section of Science & Technology Law**. To join the Section, please [click here](#). To become a member the American Bar Association and to obtain information about the ABA [click here](#) or join by phone (800) 285-2221.

## PERSONS WITH DISABILITIES

Service for persons with disabilities are available. If special arrangements are required for an individual to attend this program, please notify the ABA at (312) 988-5599. Reasonable advance notice is requested.

## ABOUT THE ABA SECTION OF SCIENCE & TECHNOLOGY LAW

The ABA Section of Science & Technology Law is widely recognized and sought after as the premier global authority on science and technology law. The ABA, external organizations, and individuals routinely consult with the Section's leaders for their expertise and insights. The Section is viewed by the ABA, the media, policymakers, judges, scientists, and technologists as the authoritative voice on science and technology law. For more information about the Section please refer to the [homepage](#).

## ABOUT THE E-DISCOVERY AND DIGITAL EVIDENCE COMMITTEE

The EDDE Committee brings together leading thinkers and practitioners in the area of e-discovery: jurists, litigators, policy-makers, technology experts, and business leaders, to work collaboratively with participants from related disciplines on projects designed to bridge the gap between technology and law in a way that will foster better client representation—both prior to as well as during litigation. For more information about the committee please refer to their [homepage](#).

## PROGRAM COMMITTEE

### George L. Paul

Lewis and Roca LLP  
Phoenix, AZ

### Eric Hibbard

Hitachi Data Systems  
San Jose, CA

### Steven W. Tepler

Edelson McGuire, LLC  
Chicago, IL

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