

## ACEDS Annual Conference Program

<b>Sunday, April 1, 2012</b>	
9:30 AM - 4:30 PM	Registration
10:00 AM - 4:30 PM	Certified E-Discovery Specialist (CEDS) Examination Preparation Seminar
<b>Monday, April 2, 2012</b>	
7:30 AM - 6:30 PM	Registration
7:30 AM - 8:30 AM	E-Discovery Knowledge Breakfasts - Courtesy of QuisLex, Kroll OnTrack
7:30 AM - 8:45 AM	Continental Breakfast - Exhibition Hall
8:45 AM - 9:00 AM	Opening Remarks
9:00 AM - 10:15 AM	<p><b>General Session: Succeeding in catastrophic cases like BP Oil, Penn State and Siemens – Preserving evidence and executing winning strategies on offense and defense</b></p> <p>Catastrophes are inescapable and usually spawn legal actions that generate activity in investigation, information technology, computer forensics, litigation support, reputation management and other fields. Environmental debacles, child abuse outrages, airplane crashes and pandemic corporate corruption are man-made calamities, as the BP oil spill, the Penn State child abuse tragedy and the Siemens global corruption attest. They are characterized by mounds of electronically stored information (ESI) that is vital to offense and defense. What threat response plan should an organization have? What is a good data preservation strategy? When should a litigation hold notice be sent? How do you assure preservation of email, network file shares, personal computers and other devices? What about Cloud accounts, personal email, enterprise databases, share points and e-rooms? What do you do with departed employees and their data and devices? Here, four experts with a unique perspective share their invaluable knowledge. This panel is worth the price of admission.</p> <p><b>Speakers: John Bagby, Steve Fernelius, Ervin Gonzalez, Jeff Jacobson</b> <b>Moderators: Charles Intriago and Helen Bergman Moure</b></p>
10:15 AM - 10:45 AM	Networking Refreshment Break - Exhibition Hall
10:45 AM - 12:00 PM	<p><b>General Session: Harnessing social media's power and potential harm – 'Friending' can be hazardous to your case (and career)</b></p> <p>Facebook, LinkedIn, Twitter, YouTube, IM, Google+ and others have changed the way we communicate with friends and the world. They have chipped away at our privacy. They have created indelible repositories of electronic information that say a lot about us, and which these companies control. It is no surprise that social media conduct and content increasingly affect the outcome of legal disputes and investigations. Smart litigants and lawyers start their research by checking social media sites. How do you obtain social media content for use in a case? When may a court order a social media host to disclose password-protected information? How can preservation of data be managed in the Cloud? In what format should social media data be produced? May a company put a 'legal hold' on employees' social media content? Here, experts give you vital knowledge and guidance on these crucial subjects and answer your questions on these important subjects.</p> <p><b>Speakers: John Bagby, Jett Hanna, Noah Lang, Seth Row</b> <b>Moderators: Dale Beauchamp and Helen Bergman Moure</b></p>
12:00 PM - 1:30 PM	Networking Luncheon
1:30 PM - 2:45 PM	<b>Concurrent Sessions</b>
	<p><b>Best practices in project management – It's all about the team, documents and process</b> Demanding requirements, tight deadlines and small budgets are standard in e-discovery projects. The quality of a project manager's work often dictates the outcome of a case and the size of the bill. Good project management should start by asking seven vital questions: who, what, when, where, why, how and how much. Who are vital members of project teams? What first steps should be taken? Where are the vital documents, who is the custodian and how can they be obtained? How can you meet budget and time constraints? What bottlenecks exist and how can they be overcome? Streamlining the process of identifying, preserving and collecting ESI takes careful and thoughtful collection strategies to find, preserve and collect it. Here, experts show you how to meet these challenges, like selecting the team, locating vital documents, and achieving efficiencies. They will give you answers and the questions you must ask to conduct your project well.</p> <p><b>Speakers: Julie Brown, Emma Quinn, Ram Vasudevan, Charles Volkert</b> <b>Moderators: Jeff Jacobson and Kimarie Stratos</b></p>
	<p><b>Special Masters, referees, liaisons and neutrals – The new e-discovery court fixtures and how to use them</b> E-discovery has become the most expensive, time-consuming part of most cases in litigation. As electronic data grows, so does the need to nip disputes over electronically stored information (ESI) in the bud, before they prolong litigation at great cost to all. Enter e-discovery neutrals, an emerging class of court-appointed special masters, liaisons, referees and other "auxiliaries" increasingly used to resolve ESI issues. The increase in e-discovery mediation firms and special master pilot projects indicates a demand for such neutrals. When should you use them, and how? How much do they cost? How do you measure their effectiveness? Where do you find qualified auxiliaries, and how do you assure their competence? When are adversaries too far apart for mediation to make a difference? In this panel, experts show how judges, litigants and other parties can use these neutrals to save time and money in resolving e-discovery disputes.</p> <p><b>Speakers: John Barkett, Robert Barth, Seth Row, John Upchurch</b> <b>Moderators: Steve Fernelius and Ervin Gonzalez</b></p>
2:45 PM - 3:15 PM	Network Refreshment Break - Exhibition Hall
3:15 PM - 4:45 PM	<p><b>General Session: E-discovery knowledge nirvana – Top service providers' experts give you golden tips and best practices</b> The great software and services offered by the many e-discovery service providers are made possible by the knowledge and guidance of top experts the companies and firms employ. Many of these experts will attend the ACEDS conference with their companies. We make sure the experts not only meet you at our social events and Exhibition Hall, but also share their best practices and job tips with you. So, we have arranged a conference session where the experts participate in a "lightning e-discovery knowledge nirvana." In rotation, they will give you their best, most current practice tips. They will not be product or services infomercials. They will be golden nuggets of advice the experts share with their companies in developing their products. You will leave with dozens of invaluable pointers from some of the leading minds in the field. This unique 90-minute session will give you an invaluable potpourri of sound advice!</p> <p><b>Speakers: 50 Great E-Discovery Service Provider Subject Matter Experts</b></p>
5:15 PM - 6:45 PM	Beachside Networking Reception

	<b>Tuesday, April 3, 2012</b>
7:30 AM - 6:30 PM	Registration
8:00 AM - 9:00 AM	E-Discovery Knowledge Breakfasts Courtesy of Huron Consulting Group
7:30 AM - 9:00 AM	Continental Breakfast - Exhibition Hall
9:00 AM - 10:15 AM	<p><b>General Session: E-discovery malpractice – Preventing the new risk that lawyers face, cutting malpractice insurance costs and protecting reputation</b></p> <p>A Los Angeles state court case filed in 2011 against megafirm McDermott Will &amp; Emery has put a spotlight on lawyer e-discovery malpractice. It is the first such case. New e-discovery duties and penalties have elevated risk and sensitized clients to high standards lawyers should keep. Law firms of all sizes that litigate now face this challenge -- a client claim or lawsuit for e-discovery malpractice. Vendors of software, staffing and outsourcing and consultants also face this risk. Their lawyer and business clients also wield the malpractice weapon. Malpractice insurance carriers are watching this closely. They look for "risk management." What should lawyers do to control this risk? What are the best internal and external processes to limit potential malpractice? What do malpractice insurers say about "risk management"? How can lawyers protect their reputation when a claim appears? Here, four experts answer these questions and guide you on this crucial subject.</p> <p><b>Speakers: Rafael Bernardino, Noah Lang, Al Lindsay, Nancy Stuparich</b>  <b>Moderators: Robert Hilson and Charles Intriago</b></p>
10:15 AM - 10:45 AM	Networking Refreshment Break - Exhibition Hall
10:45 AM - 12:00 PM	<b>Concurrent Sessions</b>
	<p><b>Core training for new e-discovery players and those who need a refresher – What you must know to get by</b></p> <p>For those who think e-discovery might be a passing fancy, it's time to face reality. It's here to stay. If terms like ESI, metadata, concept searching, proportionality, and data protection laws evoke quizzical looks on your face, this session is a must-attend for you. Ignorance is not bliss in e-discovery because it carries great risk and cost. The first provision of the Rules of Professional Responsibility of most bar associations imposes a duty of "competence." This mini-seminar is an outstanding way for those who are new to the field to learn the essentials. It will give you knowledge that helps you understand e-discovery and become conversant with it. It is also a great refresher course for those who have been in the field. Top experts give you an introduction to the field that now permeates litigation and the essential knowledge to help you cope in today's environment of electronically stored information.</p> <p><b>Speakers: Andrea Gibson, Helen Bergman Moure, Seth Row</b>  <b>Moderators: Michele Lange and Kimarie Stratos</b></p>
	<p><b>No sabía que teníamos que guardar estos archivos (Translation: I didn't know we had to preserve these records) – Curing cross-border language, norms, custodians and venue headaches</b></p> <p>The legal obstacles surrounding international e-discovery steal the headlines, but the logistics of securing and reviewing foreign data from worldwide repositories pose an equally difficult task. As the world shrinks and litigants traverse national borders more often, they encounter obstacles from cultural differences and different attitudes toward "e-disclosure." Therefore, obtaining evidence abroad can be a headache even for experienced international attorneys. How do foreign technologies complicate document reviews? Should documents overseas be brought home for review or searched there? How do distinct languages complicate discovery? How do you ensure a reliable translation? Assembling teams of multidisciplinary experts at home and abroad is crucial to tackling these dilemmas. Where do you find them? Are your country's foreign missions helpful in any of these steps? Here, seasoned cross-border professionals show you how to prepare for and successfully navigate the challenges you'll face on the ground, wherever that may be.</p> <p><b>Speakers: Steve Fernelius, Stephanie Giammarco, Adam Landa, Jon Talotta</b>  <b>Moderators: Ervin Gonzalez and Al Lindsay</b></p>
12:00 PM - 1:30 PM	Networking Luncheon
1:30 PM - 2:45 PM	<b>Concurrent Sessions</b>
	<p><b>Do-It-Yourself (DIY) Discovery – Just do it? Key factors in deciding when doing it in-house or outsourcing is right for you</b></p> <p>E-discovery is expensive. Businesses, law firms, government agencies and other organizations that seek to meet their e-discovery responsibilities are constantly exploring the alternatives of doing it in-house or outsourcing their work to hundreds of companies and firms that profess to be competent to do the work. Choosing the correct in-source, out-source or hybrid model for performing e-discovery work can have a major impact on operations, costs and profitability. What e-discovery functions are moving in-house and why? What tasks are best handled outside and internally? Does it make sense to purchase particular applications that may soon be outdated? What capital investments and records management policies should you have when you seek to hire vendors? What products does every in-house e-discovery group need to succeed in this field? Should data be hosted internally or in the Cloud? How reversible are these decisions? Here, experts share best practices in making the right decision on these important options.</p> <p><b>Speakers: Michele Lange, Arnaldo Perez, Kimarie Stratos, David Yerich</b>  <b>Moderator: James Bickley</b></p>
	<p><b>The ethics of e-discovery in the electronic information age – Safeguarding your career and your reputation</b></p> <p>E-discovery presents a range of ethical pitfalls that didn't exist in the paper era. How much transparency do you really owe your opponent? What type of advice to a client is permissible concerning harmful posts on social media sites? How closely must you manage and supervise document reviews by vendors? Money brings temptation and there's lots of it here. Are your litigation support staff and vendors engaged in the unauthorized practice of law? What is the responsibility of a litigating lawyer who is not competent in e-discovery and does not meet the duty of "competence" that all Codes of Professional Responsibility impose? Are you aiding and abetting a violation of foreign law by obtaining information overseas that the nation's data protection law prohibits from disclosure? Experts here will identify many of the crucial ethical challenges that e-discovery has surfaced and show you how to meet them, safeguard your career and protect your reputation.</p> <p><b>Speakers: John Barkett, Rafael Bernardino, Andrea Gibson, John Upchurch</b>  <b>Moderators: Robert Hilson and Charles Intriago</b></p>
2:45 PM - 3:15 PM	Networking Refreshment Break - Exhibition Hall
3:15 PM - 4:30 PM	<b>Concurrent Sessions</b>

	<p><b>Managing contract lawyers and document reviews effectively to avoid client problems and angry superiors</b></p> <p>Discovery, generally, requires disclosure of information that bears on the issues or is requested. It does not require disclosure of privileged information, such as attorney-client communications. The proliferation of records in the electronic age has made the weeding out privileged records from those that must be disclosed costly and risky. Law firms and companies now use vendors for tasks like "document reviews." In big cases, a vendor may put dozens of employees on a case assigned by a law firm. They may do the work, but the lawyer is always responsible to the client. If something goes wrong, the client may seek remedies. The challenge is to produce quality service, stay within budget and meet deadlines. What quality control standards must you follow with the work of outside vendors? How do you select competent ones? Here, experts answer these questions and guide you on how to manage projects successfully.</p> <p><b>Speakers: Adam Landa, Nancy Stuparich, Ram Vasudevan, Charles Volkert</b>  <b>Moderators: Seth Row</b></p>
	<p><b>Asking the right questions, getting the right answers – A how-to guide on buying products and services</b></p> <p>The rapid proliferation of electronically stored information in all types of litigation and business processes has made hiring outside help a necessity in many instances. Technology vendors and other service providers have proliferated at the same pace and happily oblige. They offer many products that promise better results than those of their competitors. Faced with a vast array of choices, how do you decide which products or services best fit you and your case? Which services do you need and which are little more than an unnecessary frill? How should you negotiate service and technology agreements? When the clock is ticking and your budget is tight, should you purchase from one vendor that purports to offer "end-to-end" e-discovery or buy from a "best-in-breed" provider that excels in one area? In e-discovery, one size does not fit all. Here, experienced experts who have bought in the marketplace show you how to navigate purchases skillfully.</p> <p><b>Speakers: Dale Beauchamp, James Bickley, Julie Brown, David Yerich</b>  <b>Moderators: Michele Lange and Emma Quinn</b></p>
4:30 PM - 4:40 PM	Time to Move to General Session Room
4:40 PM - 5:50 PM	<p><b>General Session: International e-discovery -- Getting data in countries with tough data protection and privacy laws, but little or no discovery</b></p> <p>The US practice of allowing wide, mutual discovery with tough penalties on non-cooperative litigants and their lawyers is unknown in the rest of the world. Beyond that, many nations have strict privacy and data protection laws that prohibit disclosure of information that is sought in US litigation. The result is that litigants and lawyers increasingly face conflicts of laws at a time when a shrinking world produces more transnational litigation. A US court may order disclosure of data that another country says cannot be divulged. Is there a solution for this dilemma? What is the best way to navigate cases successfully and reduce the risk of violating the requirements of either country? How do "safe harbor" provisions work? What must a US company with records in other countries do when they are sought in a US case? Here, experts give you answers and show you how to maneuver through conflicting national policies.</p> <p><b>Speakers: Ervin Gonzalez, Al Lindsay, Emma Quinn, Jon Talotta</b>  <b>Moderators: Charles Intriago and Kimarie Stratos</b></p>
6:15 PM - 7:45 PM	Beachfront Networking Reception - Exhibition Hall
	<b>Wednesday, April 4, 2012</b>
7:30 AM - 5:00 PM	Registration
7:30 AM - 9:00 AM	Continental Breakfast - Exhibition Hall
9:00 AM - 10:15 AM	<p><b>General Session: Paying your opponent's e-discovery bills – Facing and navigating the risks of the US 'Taxation of Costs' laws</b></p> <p>A federal law allows a judge or clerk of court to "tax costs" on parties. Some states have similar laws. A civil procedure rule says a "prevailing party" may have its costs, except attorneys' fees, paid by the losing party. These provisions are now being applied to e-discovery costs, even though they are silent on such costs. This may deter aggressive e-discovery demands and prompt great scrutiny of the bills e-discovery vendors present to prevailing parties. What standards do courts and clerks use to determine what costs are taxed? The cost taxation law uses terms like "exemplification," "copying" and "necessarily obtained for use" in a case, but not "e-discovery." Can losing parties limit taxable costs? Will this law deter meritorious plaintiffs' cases? Is it being applied consistently in the 93 federal districts? Leading experts on this panel, including a chief federal court clerk, guide you in this important cost-shifting arena.</p> <p><b>Speakers: John Barkett, Robert Barth, Jeff Jacobson, Helen Bergman Moure</b>  <b>Moderators: Robert Hilson and Charles Intriago</b></p>
10:15 AM - 10:45 AM	Networking Refreshment Break - Exhibition Hall
10:45 AM - 12:00 PM	<p><b>General Session: How predictive coding and other emerging forms of 'intelligent review' are altering the e-discovery landscape – Is keyword searching out?</b></p> <p>Once conducted by large teams of lawyers at prohibitive cost, "document review" is being reshaped by powerful new technologies that are rendering obsolete a generation of keyword-based approaches. Computer-assisted review, or "predictive coding" as it is called, can automate reviews by leveraging complex algorithms with minimal lawyer participation. Its proponents call it the future of document review, capable of cutting costs while surpassing the accuracy of techniques once thought to be invincible. Still, intelligent review is not for everyone. Should it be used as a stand-alone method, or only in tandem with others? Can it be conducted in-house? Can it cut costs in small cases? How can you defend its use in court if a review goes awry? Is its technology difficult to learn? Experts on this panel answer these and other questions and help you reap the benefits and avoid the pitfalls of this new search frontier.</p> <p><b>Speakers: Dale Beauchamp, James Bickley, Jett Hanna, Michele Lange</b>  <b>Moderators: Ervin Gonzalez and Seth Row</b></p>
12:00 PM - 12:10 PM	Closing Remarks
12:15 PM - 2:00 PM	Lunch on Your Own
12:30 PM - 4:30 PM	<b>ACEDS 2nd Annual 'Legal Hold-in-One' Golf Tournament - Westin Diplomat Resort Golf Course</b>