

The Legal and Strategic Guide to E-Discovery

Optimizing Your Protocols for E-Data Management and Discovery

June 13-14, 2006

New York, NY

Pre-Conference Workshops: June 12, 2006

Workshop A: Master Class on Devising Your E-Discovery Strategy: How to Streamline Your Legal Requirements with Your Technological Infrastructure

Workshop B: E-Discovery Response Strategy Masterclass How to Build your Litigation Team, Minimize your Litigation Liability and Synergize your Resources for Cost-Effective Data Discovery

Chairperson:

Lonnie D. Nunley

Partner, Litigation, Intellectual Property and Antitrust

Hunton & Williams LLP

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US Magistrate Judge

District of New Jersey

The Honorable Andrew J. Peck

Chief US Magistrate Judge

Southern District of New York

The Honorable James M. Rosenbaum

Chief District Judge

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- **Leading members of the Judiciary** on meeting your obligations in today's tech-savvy courts
- **Verizon** and **GlaxoSmithKline** on effectively handling electronically stored information before, during, and after litigation
- The **Central Intelligence Agency** on how to incorporate the latest document management technologies and policies
- The **Altria Group** on best practices and lessons learned in effective e-discovery management
- **Citigroup Global Markets** on successfully reducing document risks associated with internal and government investigations

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Chief Litigation Counsel

American Express Company

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McDonalds Corporation

Julia Brickell

Associate General Counsel

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Chief, Records and Classification
Management Group

Central Intelligence Agency

Patrick L. Oot

Director, Electronic Discovery
and Senior Counsel

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R. Bruce Whitney, Esq.

Assistant General Counsel, Litigation

Air Products and Chemicals, Inc.

John W. Woods, Partner, Litigation,

Intellectual Property and Antitrust

Hunton & Williams LLP

Pre-Conference Workshops | Monday, June 12, 2006

12:00 Workshop A Begins

Master Class on Devising Your E-Discovery Strategy: How to Streamline Your Legal Requirements with Your Technological Infrastructure

This in-depth workshop led by industry leading experts will demonstrate how technology is continuing to alter the discovery process. Through a series of examples attendees will learn about the practical technological solutions that corporations can use to improve their E-Discovery and document retention policies and procedures. Learn how to leverage technological advancements to prepare your legal department for facing the continuing challenges in electronic discovery.

This workshop will:

- Identify differences in paper and electronic discovery
- Explore technological innovations that you should be aware of

It will show you how to:

- Successfully craft strategic discovery requests
- Effectively respond to motions to compel
- Pre-empting sanctions for spoliation and other deficient discovery practices
- Utilizing new technology to save time and money

3:00 Workshop A Ends

3:15 Workshop B Begins

E-Discovery Response Strategy Masterclass: How to Build your Litigation Team, Minimize your Litigation Liability and Synergize your Resources for Cost-Effective Data Discovery

With successful electronic discovery responses starting well before a request is made, the need for a comprehensive approach to reducing information-sharing inefficiencies inherent in many corporate practices has become critical. Only by maintaining control over information creation and storage during the regular course of business can you find the key facts, hot documents and privileged materials that can make or break your case become a reality.

Benchmark your litigation response strategy and learn how to maximize the effectiveness of attorney review time. Ensure that everyone on your litigation team is adding value and gain insight into minimizing the risk of the exorbitant costs often associated with e-discovery proceedings.

Facilitated by Hunton & Williams LLP, this workshop will give attendees the tools they need to manage the unpredictability of litigation expenditure and overcome the tight budgetary and time constraints.

This workshop will enable attendees to learn about the tools and techniques that in-house counsel and outside experts can collaboratively put in place to better predict and control litigation costs and improve response efficiency.

Key topics to be covered include:

- Successfully reigning in and controlling storage costs through responsible and effective retention policies
 - Key factors to consider when controlling your costs
 - Utilizing non-enterprise based investigation techniques
- Allocating roles and responsibilities within your legal team effectively to mitigate discovery risks and costs
 - Emerging case law trends that in-house counsel should be aware of
 - Navigating the current e-discovery landscape for tips, pointers, and best practices for your IT executives
 - The role of outside counsel as a strategic partner in a company's ongoing discovery response plan
- Practical strategies to decrease your e-discovery related costs before, during and after litigation
- Critical update on the latest archiving technologies and applications that de-dupe and increase retrieval efficiency

Facilitated By:

Michael J. Lockerby

Partner, Litigation, Intellectual Property and Antitrust

Hunton & Williams LLP

6:15 Workshop B Ends

Business Opportunities:

A limited amount of exhibition space is available at the conference. Sponsorship opportunities covering luncheon, evening functions, and documentation also exist. For further details, please inquire to legalevents@marcusevansto.com or 416 640 2290 ext. 226.

Day One | Tuesday, June 13, 2006

8:00 Registration and Coffee

8:20 Opening Remarks
Richard G. Braman
Executive Director

The Sedona Conference

Lonnie D. Nunley

Partner, Litigation, Intellectual Property and Antitrust

Hunton & Williams LLP

Updates and Emerging E-Discovery Trends

8:50

Your E-Discovery Anthology: The Most Relevant Cases and Updates For Corporate Counsel

- The latest word on the Federal Rules of Civil Procedure
 - Changing attorney/client obligations under Rule 26
 - Analyzing the distinction between accessible and inaccessible information
 - Preventing inadvertent disclosure and understanding safe harbour guidelines now
- Current themes emerging from case law developments
- Citing *Zubulake*, what do the courts expect from corporate counsel?
- Latest strategies for today's electronic discovery and document retention challenges
- How to avoid sanctions and focus on the real issues of your case
- Cost shifting and how it is being addressed now

R. Noel Clinard

Partner, Litigation, Intellectual Property and Antitrust

Hunton & Williams LLP

Dan Regard

Managing Director

LECG

9:40

Sedona Update

From Theory to Practice: Industry Responses to The Sedona Conference

- Overview of the Sedona Group's latest initiatives and e-discovery guidelines
- Reviewing the application of Sedona conference guidelines for managing information and records
 - Creating, identifying, retaining and retrieving documents: what you need to know now
 - Key factors to consider during information and records disposition and distraction
 - Successfully preparing for anticipated litigation, governance, and other legislative obligations
 - What are the limitations of the guidelines in practice?
 - Leveraging the guidelines to meet your unique record management requirements and obligations
- How the Sedona group views the vendor proposal process
 - The importance and impact of the RFI/RFP process
 - Get involved in the process
 - How corporate counsel can work with the Sedona Group

David G. Martin

Vice President and Senior Counsel, Litigation

Medtronic

Sherry B. Harris

Senior Case Management Specialist

Hunton & Williams LLP

10:30 Refreshment and Networking Break

Managing Electronically Stored Information

10:50

Reviewing Search and Retrieval Alternatives

The Corporate Counsel Guide to Selecting Search Tools To Match Your Requirements

- Emerging tools and techniques in comprehensive data search
 - Evaluating the merits and limitations of different types of searching
- Best practices in scouring various sources of data
 - Emails and attachments
 - Word processing documents, files, and presentations
 - Databases and related information storage spaces
- An evaluation of specific off-the-shelf tools and their effectiveness
- Avoiding and overcoming the pitfalls and challenges of large-scale searches
- Being proactive in protecting privileged and confidential information to avoid lapses in large scale retrieval

Michael A. Clark

Managing Director

EDDix LLC

The Role of Corporate Counsel in Facilitating a Company-Wide Document Retention System

11:40 Case Study

Modernizing a Unified Global Document Retention System

- Establishing the need for modernization of document management systems: why now?
- Identifying specific considerations for overhauling your document retention systems
- Evaluating resources and expertise required to undertake the project at a global level
- Leveraging latest technological developments to align and merge your physical and virtual document retention systems
- Looking through the litigation microscope: understanding the true perils and advantages of making the promised paperless office a reality
- From retention to presentation of evidence: ensuring that your records retention system is your ally and not enemy

R. Bruce Whitney

Assistant General Counsel Litigation
Air Products & Chemicals

12:30 Luncheon

1:40 Data Preservation Update

How Safe is Your Data? Simple Steps that Protect and Preserve Your Information

- Lessons learned from the securities industry on selective retention and storage of information and records
- Planning and preparing for digital investigations and e-discovery
- Understanding and managing the interface between security and e-discovery
- Identifying and clogging internal and external compromises within the networks and IT systems
- Developing your emergency response teams to isolate, secure, and investigate security breaches
- Best practices and lessons learned in disclosure of security breaches

Shane Shook

Managing Director
LECG

John W. Woods

Partner, Litigation, Intellectual Property and Antitrust
Hunton & Williams LLP

2:30 Federal Agency Update

Ensuring Competent Records Management Through Updated Information Architecture, Virtual Data Rooms and Other New Techniques you should be aware of now

- Updated information architecture, virtual data rooms and other new techniques
- Architecting the right approach to records management by incorporating technical, legal, and regulatory requirements
- Successfully developing and implementing an taxonomical approach to enterprise-wide information and content management
- Tips for harnessing virtual data rooms for identification, retention, retrieval, and disposition of information
- Managing accessibility and security through the use of restrictions to viewing and retrieval
- Utilising the capacity of virtual data rooms to comprehensively track and monitor data usage
- Tips and pointers on how to avoid common pitfalls in structured management of your information

Christopher J. Olsen

Chief, Records and Classification Group in Office of Information Management
Central Intelligence Agency

3:20 Networking and Refreshment Break

3:40 Case Study

Practical Strategies for Overcoming ESI Challenges and Controlling Your Documents from Inception to Destruction

- Understanding the scope and impact of electronic data stored within your company's information network
- How much technical knowledge do you need to effectively respond to e-discovery requests?
- Working with your IT teams in-order to search and access information
- Pro-actively reviewing your backup and overwriting policies to determine accessibility of records
- Utilizing alternative options to avoid cumbersome retrieval from backup tapes
 - Storing selected information in an accessible form with a unique destruction policy
 - Avenues for compressing data to allow longer retention periods
- Knowing which information lies in PDAs, IM, unified messaging, where are they stored, archived and deleted

Patrick L. Oot

Director of E-Discovery
Verizon Communications, Inc.

Mark Rachlin

Senior Patent Litigation Counsel
GlaxoSmithKline

4:30 Case Study

Best Practices and Lessons Learned in Effectively Managing E-Discovery

- Strategically managing your response plan for effective e-discovery during litigation
- Identifying the key deliverables and responsibilities within a litigation timeline
- Efficiently monitoring your litigation holds over electronic data to avoid spoliation
- Assessing your options: finding the right vendor or consultant and performing a cost/benefit analysis
- Winning the race against time: how to achieve success in large-scale discovery operations

Julia Brickell

Associate General Counsel
Altria Corporate Services Inc.

Anne Kershaw

President
A. Kershaw PC

5:20 Closing Remarks and End of Day One

5:30 Cocktail Reception Hosted By:



Day Two | Wednesday, June 14, 2006

8:00 Registration and Coffee

8:30 Chairs' Opening Remarks and Re-cap of Day One

E-Discovery Best Practices in Investigations and Litigation

8:40 Panel Discussion

Successfully Responding to Discovery Requests arising out of Government and Internal Investigations

- Effectively responding to information demands by the SEC, FTC, DOJ, IG, and other government agencies whilst minimizing your discovery risk
- Negotiating practical and cost-effective solutions to government e-discovery demands
- Defining the nature and scope of the investigation and the resulting strategy
- Managing e-discovery issues arising during internal investigations: Internal and external sources of evidence; prioritizing, collecting, assessing and securing evidence
- The role of the legal department in ensuring that you have a company-wide compliance strategy in place:
- Conducting effective interviews and preserving evidence during investigations

Stuart A. Alderoty

Chief Litigation Counsel
American Express Company

Elaine H. Mandelbaum

Managing Director and Assistant General Counsel, Litigation
Citigroup Global Markets, Inc.

9:40 Case Study

Ensuring Preparedness for Electronic Discovery requests in Employment Litigation

- Dealing with the 'smoking email' as an invaluable record of misdeeds, prevarication, plots, and admissions
- Maintaining employee education on the legal implications of email communication
- Revisiting the effectiveness of your rules and procedures for systematically retaining or deleting company email
- Knowing what is passing through your networks and servers: real-time options for tracking e-mail and other forms of electronic evidence
- Effectively dealing with employee non-compliance and your back-up plans for deleted records
- Complying with your obligations within the whistleblower provisions of the Sarbanes-Oxley Act
- Effective strategies for transcribing, recording, and safeguarding employee complaints

Elizabeth Finn Johnson

Litigation Counsel
The Coca Cola Company

10:30 Networking and Refreshment Break

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10:50 Case Study

Offensive Plays and Defensive Plays for Gaining Leverage in Mass Tort Related E-Discovery Requests

- Identifying the unique discovery and case management responsibilities in document intensive class actions
- Electronic discovery obligations in mass tort litigation, including identification, preservation, collection and production of electronic information
- Strategies and best practices for preparing and responding to production requests for electronic source data
- Lessons learned in sifting through the proverbial hay stack: dos and don'ts when presenting extremely large volumes of information
- What do the courts expect of defendants when producing large volumes of requested information?
- Utilizing your current document management policy to develop objective coding of documents

Lonnie D. Nunley

Partner, Litigation, Intellectual Property and Antitrust

Hunton & Williams LLP

11:40 Strategic Update

Effective Global and Multi-Jurisdictional Litigation Management Techniques

- Establishing and reviewing a consistent document management policy across the board and beyond national borders
- Analyzing the current role of the Class Action Fairness Act on multi-jurisdictional litigation and ensuing discovery obligations
- A look at current developments in e-discovery case-law in Canada and the EU which may impact you
- Minimizing the costs associated with large scale discovery
- How to facilitate head-office/subsidiary communications to establish policy gaps and streamline your litigation response strategy
- The head office response, review and audit of current litigation response strategies

Eileen Burns Lerum

Chief Litigation Counsel

Alcan, Inc.

12:30 Luncheon

Expert and Judicial Views on E-Discovery Management

1:40 Litigation Review

Conducting a Successful Litigation "Post-Mortem" to Minimize and Manage Future Exposure

- Defining key metrics for evaluating performance and efficiency of litigation response
- Evaluating the roles and performance of your discovery response team
- Revisiting your employee compliance and misconduct monitoring procedures after a lawsuit
- Preparing the report card on e-discovery vendors and solutions you recently used
- Budgetary concerns in handling e-discovery: lessons learned and possible cost saving avenues
- Post litigation evaluation and audit best practices

R. Noel Clinard

Partner, Litigation, Intellectual Property and Antitrust

Hunton & Williams LLP

2:30 Expert Panel

Effectively Navigating Current Challenges Associated with E-Discovery Ethics, Etiquette and More

- Uncovering what judge's are saying now: a closer look at the cases that haven't made the headlines
- Successfully walking the line between destruction and spoliation: Are we closer to a clear demarcation?
- Tips for communicating with all key players involved in litigation about storing of information, and preservation of evidence obligations
- Lessons learned in discovering hidden or confidential information
- Identifying and analyzing possibilities of conflicts of interest with your e-discovery vendors
- Due diligence processes for maintaining integrity of evidence and protection of electronic information
- Avoiding the pitfalls of involuntary disclosure of privileged information
- How to meet your model rules of professional conduct e-discovery obligations

The Honorable Judge James M. Rosenbaum

Chief District Judge

District of Minnesota

Scott Campbell

Co-head Investment Bank Litigation, Senior Vice President, Associate General Counsel

JPMorgan Chase & Co.

Bradley S. Block

Corporate Counsel

McDonalds Corporation

3:20 Networking and Refreshment Break

3:40 Judicial Panel

Monitoring Your Litigation Strategy to Avoid E-Discovery Disasters

- Spoliation concerns: avoiding destruction of documents and monitoring compliance with a litigation hold
- Noting your obligations in cooperating with the court and opposing party
- Communicating your e-discovery dispute to the court promptly and effectively
- Strategically responding to outstanding discovery requests
- Identifying other sanctionable behavior recently identified by the courts
- The role of outside counsel and in-house IT professionals – in identification, preservation and retrieval, through presentation of evidence
- Actively monitoring compliance so that all sources of discoverable information are identified, preserved and searched

The Honorable Judge John Hughes

US Magistrate Judge

District of New Jersey

The Honorable Judge Andrew J. Peck

Chief US Magistrate Judge

Southern District of New York

4:30 Closing Remarks and End of Conference

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The Legal and Strategic Guide to E-Discovery

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Conference: The Legal and Strategic Guide to E-Discovery
– Optimizing Your Protocols for Effective E-Data Management and Discovery

Date(s): June 13-14, 2006

Location: New York, NY

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Name: _____

Position: _____

Email: _____

Signature: _____ Date: _____