Chicago-Kent College of Law

presents

The E-Discovery Institute

What Every Lawyer Needs to Know About E-Discovery

Thursday, March 21, 2013
Chicago-Kent’s E-Discovery Institute

Electronic discovery is now a reality that all litigation attorneys will encounter. The prolific use of technology has created an enormous volume of electronic information which is often overlooked, and sometimes exploited during litigation. Failure to preserve electronically stored information (ESI) creates serious consequences, including monetary and evidentiary sanctions, the effects of which may last long beyond a single case. The costs of preservation, collection, search, review, and production of ESI can be crippling if not efficiently managed. Understanding the issues and proficiently managing these concerns are critical to an effective discovery strategy in litigation.

The primary objective of Chicago-Kent’s E-Discovery Institute is to introduce participants to the complexities and pitfalls of e-discovery issues in any size case. The program will address current trends in e-discovery law and emerging technologies, such as predictive coding, cloud storage and social media, and the strategies litigants can employ to successfully manage ESI preservation and collection. Join us for an insightful and practical discussion of these issues using real-life examples and illustrations.

IL MCLE Credit

6.5 IL MCLE hours total, 5.5 hours of general MCLE and 1.0 hour of ethics/professionalism credit
Program at a Glance

Thursday, March 21, 2013
8:00 a.m.–8:55 a.m.  Registration
8:55 a.m.–9:00 a.m.  Welcome & Announcements
9:00 a.m.–9:45 a.m.  Introduction, Trends and Technology in E-Discovery
10:45 a.m.–11:00 a.m.  Break
11:00 a.m.–12:00 p.m.  Introduction to e-discovery EDRM and the traditional stages of e-discovery:
  • Identification
  • Preservation and collection
  • Processing, review and analysis
  • Production
9:45 a.m.–10:45 a.m.  E-Discovery Bytes: Practical Tips for Implementing a Defensible E-Discovery Process
Duty to preserve:
  • When, where, what and how to preserve electronically stored information
Preservation/collection:
  • Practical considerations and defensible strategies
ESI processing and search techniques

1:00 p.m.–2:15 p.m.  Technology in E-Discovery: Computer Assisted Review (TAR/CAR)
  • The science of search and data minimization
  • Search term pitfalls
  • Predictive Coding and other technology assisted review techniques

2:15 p.m.–3:45 p.m.  Litigating Effectively in the World of ESI: “Mock” Meet and Confer with Panel Commentary
Rule 26(f) conference (meet and confer):
  • Cooperation, transparency and competence
  • E-Discovery Liaison
  • Identification of electronically stored information
  • Reasonably accessible versus not reasonably accessible ESI
  • Cost shifting
  • Scope of preservation/collection
  • Proportionality/burden
  • Phased discovery
  • TAR/CAR
  • Privilege/Confidentiality Requirements (502(d) Order)
  • Form of production

3:45 p.m.–4:00 p.m.  Break

4:00 p.m.–5:00 p.m.  Ethical Issues: Discovery of Social Media
(1.0 hour of IL MCLE professionalism/ethics credit)
Definition & scope of social media use
Importance as Discovery Target
Discoverability:
  • Relevance
  • Possession, custody or control issues
Methods of and limitations on discovery of social media:
  • The Stored Communications Act
  • Inadvertent production of social media
  • Third party subpoenas
  • Interrogatories & document requests
  • Updated preservation/collection

4:00 p.m.–5:00 p.m.  Ethical Issues: Discovery of Social Media
5:00 p.m.–6:00 p.m.  Networking Reception

Program Schedule

Introduction, Trends and Technology in E-Discovery
E-Discovery Bytes: Practical Tips for Implementing a Defensible E-Discovery Process
Judicial Perspectives on E-Discovery
Assisted Review (TAR/CAR)
Introduction to e-discovery EDRM and the traditional stages of e-discovery:
  • Identification
  • Preservation and collection
  • Processing, review and analysis
  • Production
E-Discovery Bytes: Practical Tips for Implementing a Defensible E-Discovery Process
Technology in E-Discovery: Computer Assisted Review (TAR/CAR)
Litigating Effectively in the World of ESI: “Mock” Meet and Confer with Panel Commentary
Litigating Effectively in the World of ESI: “Mock” Meet and Confer with Panel Commentary
Program at a Glance

Institution Speakers

Bobbie Baasle  Director of Analytics Consulting & Operations  RDI Analytics
Jay C. Carle  Senior Associate  Seyfarth Shaw LLP
Scott A. Carlson  Seyfarth Shaw LLP
Kevin M. Clark  Vice President & Chief Analytics Group  TrustPoint International
Michael Dwyer  Legal Operations  Motorola Solutions, Inc.
Daniel T. Graham  Member  Clark Hill PLC
Honorable James F. Holdeman  Chief Judge  United States District Court  Northern District of Illinois
Todd Kuntz  Vice President, eDiscovery Solutions  Compliance Staffing, Inc.
Jonathan E. Moore  Partner  Warner Norcross & Judd LLP
Wendy J. Muchman  Chief of Litigation & Professional Education  Office of Registration & Disciplinary Commission
Michael Dwyer  Attorney  Sears Holding Management Corp
Jay C. Carle  Director of Analytics Consulting  OrcaTec LLC
Mandi Ross  General Manager  Prism Litigation Technology

General Information

MCLE Credit
IIT Chicago-Kent College of Law is an accredited provider of IL & PA MCLE. This conference is eligible for 6.5 hours on a “60 minute” credit hour; includes 1.0 hour of professionalism/ethics credit. For additional information: please call the Office of Continuing Legal and Professional Education, Chicago-Kent College of Law, (312) 906-5900, or send an email to cle@kentlaw.iit.edu.

Upcoming CLE Programs
April 18-19, 2013  Section 1983 Civil Rights Litigation Conference
May 2–3, 2013  Section 1983 Civil Rights Litigation Conference
June 6, 2013  32nd annual Conference on Not-For-Profit Organizations
June 27-28, 2013  "Giving Ground" The CLE Play
Program Schedule

Thursday, March 21, 2013
8:00 a.m.–8:55 a.m.
Registration

8:55 a.m.–9:00 a.m.
Welcome & Announcements

9:00 a.m.–9:45 a.m.
Introduction, Trends and Technology in E-Discovery

Introduction to e-discovery
EDRM and the traditional stages of e-discovery:

- Identification
- Preservation and collection
- Processing, review and analysis
- Production

9:45 a.m.–10:45 a.m.
E-Discovery Bytes: Practical Tips for Implementing a Defensible E-Discovery Process

Duty to preserve:

- When, where, what and how to preserve electronically stored information

Preservation/collection:

- Practical considerations and defensible strategies

ESI processing and search techniques

Document review:

- Strategies and techniques
- Inadvertent production of privileged materials

Form of production

10:45 a.m.–11:00 a.m.
Break

11:00 a.m.–12:00 p.m.
Judicial Perspectives on E-Discovery

- An update on the progress of the Seventh Circuit Pilot Program
- Updates from other jurisdictions regarding ESI (Northern District of California)
- Expectations from a Judge’s perspective
- Cost shifting/phased discovery
- Proportionality/burden

12:00 p.m.–1:00 p.m.
Lunch (on your own)

1:00 p.m.–2:15 p.m.
Technology or Computer Assisted Review (TAR/CAR)

- The science of search and data minimization
- Search term pitfalls
- Predictive Coding and other technology assisted review techniques
2:15 p.m.–3:45 p.m.  
**Litigating Effectively in the World of ESI: Mock “Meet and Confer” with Panel Commentary**

Rule 26(f) conference (meet and confer):

- Cooperation, transparency and competence
- E-Discovery Liaison
- Identification of electronically stored information
- Reasonably accessible versus not reasonably accessible ESI
- Cost shifting
- Scope of preservation/collection
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3:45 p.m.–4:00 p.m.  
**Break**

4:00 p.m.–5:00 p.m.  
**Ethical Issues: Discovery of Social Media**  
(1.0 hour of IL MCLE professionalism/ethics credit)

Definition & scope of social media use

Importance as Discovery Target

Discoverability:

- Relevance
- Possession, custody or control issues

Methods of and limitations on discovery of social media:

- The Stored Communications Act
- Informal discovery
- Third party subpoenas
- Interrogatories & document requests

Practical considerations for preservation, collection & production of social media content:

- Data identification and collection (i.e., the what, where and how)
- Chain of custody and authenticity considerations
- Production format

5:00 p.m.–6:00 p.m.  
**Networking Reception**
General Information

Program Location
The conference will be held at IIT Chicago-Kent College of Law, 565 West Adams Street in Chicago.

Confirmation of Registration
A letter of confirmation will be emailed to the address given on your registration form. If you do not receive an email confirmation after registering and before the conference please contact the Office of Continuing Legal & Professional Education at cle@kentlaw.iit.edu.

Confirmation of Attendance
A certificate of attendance will be provided at registration.

Registration Fee (per person)
Early Registration Fee: $235
(Until February 21, 2013)
After February 21, 2013: $275
Alumni Rate: $199

Cancellations and Refunds
Written notification of cancellation is required. A full tuition refund is available if notification is received prior to February 21; 25% will be charged if notification is received between February 21 and March 14, 2013. No refunds will be granted after March 14, 2013.

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Upcoming CLE Programs
February 22, 2013
LGBT Civil Rights Symposium

March 7-8, 2013
12th annual ISBA Environmental Law Conference

March 12, 2013
35th annual Kenneth M. Piper Lecture “Redistributing Health and Retirement Risks”

April 18-19, 2013
30th annual Section 1983 Civil Rights Litigation Conference

May 2-3, 2013
32nd annual Federal Tax Institute

June 6, 2013
32nd annual Conference on Not-For-Profit Organizations

June 27-28, 2013
“Giving Ground” The CLE Play
Registration Form: E-Discovery Institute
Thursday, March 21, 2013
3 Easy Ways to Register

**Online:** cle.kentlaw.edu

**Mail:** Office of Continuing Legal & Professional Education
IIT Chicago-Kent College of Law
565 West Adams St.
Chicago, IL 60661-3691

**Phone:** (312) 906-5090

**Registration Fee**

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<th>Early Bird Registration Fee (per person)</th>
<th>$235</th>
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<tr>
<td>(Until February 21, 2013)</td>
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Name (please print)  Professional Title

Firm/Agency

Address

City  State  Zip

Telephone  Fax

Email

If Chicago-Kent Alumni, list month and year of graduation: Month_____Year_____

**Payment Information**

- Payment by check.  Amount enclosed $ ______________
  *(Make check payable to: IIT Chicago-Kent College of Law)*

Registration form must accompany payment. Registration will not be accepted unless submitted with payment.

- Payment by credit card.  Amount enclosed $ ______________
  - VISA  - MasterCard
  - American Express  - Discover

Card #  Exp. Date

Security Code

Signature