

FIFTH ANNUAL eDISCLOSURE FORUM THE GLOBAL VIEW

Friday 13 November 2009

Thomson Reuters Building, South Colonnade at Canary Wharf, London E14 5EP



UNDERSTAND THE LATEST DEVELOPMENTS IN eDISCLOSURE AND TAKE AWAY IN-DEPTH BEST PRACTICE GUIDANCE:

- Cross-border developments in data transfer, data security, privacy and forms of production
- What to preserve, what to collect and how to produce the documents
- Managing the costs of eDisclosure
- Maximising the value of litigation support
- Techniques for locating the data you really need
- What do judges expect? – Hear their views at the judges' panel

FIFTH ANNUAL eDISCLOSURE FORUM

THE GLOBAL VIEW

WHY YOU NEED TO ATTEND THIS EVENT

This comprehensive one-day conference is your chance to hear the opinions of some of the leading figures

in eDisclosure and records retention from both sides of the Atlantic, as they analyse and offer solutions to the day-to-day issues faced by solicitors, barristers, litigation support managers, paralegals and their clients.

The programme will focus on the state of eDisclosure in the UK and examine current and emerging trends in eDisclosure and records management practice globally. You will also hear the views of leading judges about current eDisclosure processes, about the Jackson Report, and how they see the future.

Bring your most pressing questions and challenging problems. The distinguished panel of experts will answer your questions during the sessions, as well as during the networking luncheon and refreshment breaks.

ACHIEVE ALL THIS IN JUST ONE DAY:

- **Understand recent cross-border developments in handling electronically stored information** – data transfer, data security, data privacy, forms of production and the EU Working Document 1/2009 on Pre-Trial Discovery for Cross-Border Civil Litigation
- **Tackle the challenges of preservation, collection and exchange** – what to preserve, what to collect and how to produce the documents, while still allowing the business to operate normally and cost-effectively
- **Maximise the value of litigation support** – what can be outsourced and what are the associated pros and cons?
- **Cost and Case Management: Can They Be Integrated?** What the costs really are and how to complete an accurate estimate.
- **Information Governance and Knowledge Management** – putting your house in order before litigation begins
- **Address the challenges of search** – techniques for locating the electronically stored data you really need

CO-CHAIRS

Chris Dale,
eDisclosure Information Project, UK

Browning E Marean, III,
Partner, DLA Piper US LLP

George J Socha, Jr,
President, Socha Consulting LLC

SPEAKERS


HHJ Simon Brown QC
Specialist Mercantile Judge,
Birmingham Civil Justice Centre
Birmingham, England

Ian Montague
Director – EMEA & APAC, Regional Services Lead
for IT Security & Identity Services, Pfizer, Inc.
London, England

Vince Neicho
Litigation Support Specialist, Allen & Overy LLP
London, England

Bill Onwusah
Litigation Support, Department Manager, Lovells LLP
London, England

Master Steven Whitaker
Senior Master of the Supreme Court,
Queen's Bench Division
London, England

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PROGRAMME

8.30 – 9.15 REGISTRATION AND BREAKFAST

9.15 – 10.15 **1. PARALLEL AND CROSS-BORDER DEVELOPMENTS IN HANDLING ELECTRONICALLY STORED INFORMATION: HOW TO MANOEUVRE BETWEEN THE UK, EU, US, CANADA, AUSTRALIA AND THE WORLD**

In today's global climate, information governance and electronic discovery have gone global as well. This panel will discuss data transfer, data security, data privacy, forms of production and the EU Working Document 1/2009 on Pre-Trial Discovery for Cross-Border Civil Litigation.

Moderator:

Chris Dale

Panelists:

*Ian Montague,
George Socha,
Browning Marean*

10.15 – 11.15 **2. THE CONTINUING CHALLENGES OF PRESERVATION, COLLECTION AND EXCHANGE**

Whilst neither the failure to preserve documents nor the manner of collection generally attracts pre-trial sanctions as is common in the US, they may be the subject of adverse inferences at trial – quite apart from the obvious need to know what may help or hinder the case. Lawyers and their clients need to understand what data exists, where it is located, what bearing it might have on the issues and what the likely costs are of collecting it and what will be involved in culling and filtering it.

Our panel of experts will discuss how to navigate through this complex maze of what to preserve, what to collect and how to produce the documents, while still allowing the business to operate normally and cost-effectively.

Moderator:

George Socha

Panelists:

*HHJ Simon Brown QC
Vince Neicho*

11.15 – 11.35 REFRESHMENT BREAK

11.35 – 12.30 **3. MAXIMIZING THE VALUE OF LITIGATION SUPPORT**

- When is it right to outsource?
- ... and when is it not right?
- What can be outsourced?
- What should be brought back in-house again?

This panel will take a close look at which parts of the litigation/document management process can be outsourced and what are the associated pros and cons? Is it a "one size fits all"? Should a law firm be pro-active or reactive when discussing outsourcing with its client? Hear what leading litigation support managers and a service provider have to say on this topical subject.

Moderator:

Vince Neicho

Panelists:

Bill Onwusah

12.30 – 13.15 LUNCH

13.15 – 13.45 **4. JUDGE'S PANEL**

This is an opportunity to hear Judges talk about the current process for eDisclosure, the forthcoming Jackson Report and their vision of achieving a proportionate balance between cost and results.

Moderator:

Chris Dale

Panelists:

*Master Steven Whitaker
HHJ Simon Brown QC*

13.45 – 14.45 **5. COST AND CASE MANAGEMENT: CAN THEY BE INTEGRATED?**

One of the biggest problems of eDisclosure is cost. How much will locating and producing the information really cost? How will it affect the case and its value? UK judges have a duty to control costs and some judges are known for their rigorous control of what parties spend.

This panel will discuss what the costs really are and how to complete an accurate estimate. The panel will discuss the essentials of merging cost and case management. A budget tool will be provided which takes into account the court's management of the stages.

Moderator:

Browning Marean

Panelists:

*HHJ Simon Brown QC
Ian Montague*

14.45 **6. INFORMATION GOVERNANCE AND KNOWLEDGE MANAGEMENT: PUTTING THE HOUSE IN ORDER BEFORE LITIGATION BEGINS**

Effective management of electronic information is equally important to litigation, regulatory, and investigatory situations. Having electronically stored information – and the information about that information – organised, formatted and easily accessible will help everyone involved to respond in a limited time frame.

Moderator:

George Socha

Panelists:

*Chris Dale
Master Steven Whitaker*

15.45 REFRESHMENT BREAK

16.05 **7. CHALLENGES OF SEARCH: HERE BE DRAGONS**

It sounds so simple – find the electronically stored information that matters most. Effective execution, however, continues to elude lawyers from London to New York, from Montreal to Sydney. This session will focus on defining the problem – what is "search"? – and offering techniques for locating the data you really need.

Moderator:

Browning Marean

Panelists:

*HHJ Simon Brown QC
George Socha*

17.00 CONCLUDING REMARKS

17.15 RECEPTION

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ABOUT THE SPEAKERS

Browning E. Marean, III, is a partner with DLA Piper US. He specializes in complex business litigation, technology matters, professional responsibility and knowledge management. Mr Marean is a frequent lecturer on various topics including computer technology, and its application to efficient practice, and matter management, risk, and decision analysis, legal ethics issues, director, and officer liability, emerging securities fraud developments, and the selection and use of expert witnesses. Mr Marean is admitted to practice in the US Court of Appeals, Ninth Circuit. His practice includes Litigation, IPT Litigation, Consumer Class Action + Section 17200 Litigation, Corporate Governance, Hardware, Partnership Disputes, Patent Litigation, Securities Litigation, Semiconductor and Software Trade Secrets. Mr Marean received his JD from the University of California, Hastings College of the Law, and his BA from Stanford University.

George Socha is President of Socha Consulting LLC, offering services as an electronic discovery expert witness, special master, and advisor to corporations, law firms and their clients, and legal vertical market software and service providers in the areas of electronic discovery and automated litigation support. Mr Socha also is co-author of the leading survey on the electronic discovery market, *The Socha-Gelbmann Electronic Discovery Survey*. In 2005, he launched EDRM (the Electronic Discovery Reference Model project)(www.edrm.net), now is its fourth year. Mr Socha received his JD from Cornell Law School and his BA with distinction from the University of Wisconsin – Madison.

Chris Dale manages the e-Disclosure Information Project, which aims to bring a consistent message to everyone – companies, lawyers, suppliers and judges – involved at any stage in the handling of discovery data. As part of this, he is engaged in a 10-city regional seminar tour for the Law Society. In addition to speaking engagements, Chris maintains a web site and blog which are the most authoritative UK sources of objective information about e-disclosure. Chris was previously a developer of litigation software and is an expert in conversion of data between litigation systems. Before that, he was a litigation partner in a large London firm of solicitors.

The Honorable Master Steven Whitaker is the Senior Master of the Supreme Court of England and Wales in the Queen's Bench Division, the Queen's Remembrancer and a former barrister. Judge Whitaker manages the specialist list for mesothelioma and other asbestos related claims at the Royal Courts of Justice in London. He was one of the judicial members of the Civil Procedure Rules Committee of England and Wales from 2002-06 and was also a member of one of the judicial advisory groups advising the Secretary of State on the use of IT in the Civil and Family Courts. He is the Honorary President of LiST. Judge Whitaker was trained as a mediator by CEDR in 2003 and is a member of the Senior Editorial Board of the White Book. He is the Central Authority for England and Wales under the Hague Conventions on Service and the Taking of Evidence. Judge Whitaker is a frequent speaker at conferences and seminars on e-disclosure and on the management of asbestos related claims.

His Honour Judge Simon Brown QC is a Designated Mercantile Judge assigned to the Birmingham Civil Justice Centre. The BCJC is a sophisticated and efficient place by virtue equally of its facilities and its people. Judge Brown is committed to cost-effective and efficient case management, both in his own court and outside it, and in particular as to the importance of electronic disclosure. He has this year addressed audiences ranging from fellow English judges to a New York conference where he discussed with US Federal judges the similarities and the differences between US and UK principles and practice. His draft directions order, which leaves no room for avoiding key management points such as a list of issues and compliance with the CPR obligations as to disclosure and proportionality, is in use in all the Mercantile Courts.

Ian Montague is Director – EMEA & APAC Regional Services Lead for IT Security and Identity Services at Pfizer, Inc. His responsibilities include: service delivery of IT security and Identity Services throughout the EMEA and APAC Regions; being responsible for IT security related to all Acquisitions, Collaborations and Divestitures (ACD) globally; being responsible for IT security related to all Outsourcing/Off-shoring projects globally; managing a highly skilled and forensically trained IT Security team with colleagues in UK, Singapore, Sweden and the US; being responsible for all Legal Hold data collection outside of the US, all ACD data snapshot collection globally, assisting with data collection for Corporate Compliance and other legal matters; and working with Internal Vendor Audit team to develop and maintain their audit questions and protocols, assisting with on-site vendor audits. Mr Montague has over 30 years experience managing both people and IT projects combining teambuilding and general management skills to produce innovative approaches which have increased security, efficiencies, controls, profitability and the quality of service offered. Mr Montague is a Member of the Institute of Information Security Professionals and a Member of the British Computer Society (MBCS) and BCS Chartered IT Professional.

Vince Neicho is a litigation support specialist at Allen & Overy LLP. He has over 33 years of experience at the firm and is responsible for document management across the litigation department. He also manages the department's paralegals and is an Administrator of the firm's Litigation Support system. On a global basis, Mr Neicho is actively involved in advising clients on disclosure obligations, preservation, retrieval and organisation of their documents and data to facilitate reviews for disclosure and investigatory purposes. He is a founder member of LiST (Litigation Support Technology) Group and has a particular interest in the development of e-disclosure and the use of electronic documents and the consequent challenges posed to the litigator in England and Wales. He is a member of the Working Group assembled by Senior Master and Queen's Remembrancer, Master Whitaker, charged with drafting a technology questionnaire to form part of the disclosure process.

Bill Onwusah is manager of the Litigation Support Department of Lovells LLP, an international law firm. He has worked in the legal industry for over 20 years starting as a paralegal and becoming an IT specialist. Mr Onwusah has worked on some of the largest matters in the UK, many of which were firsts in their own right, including the first cases to use IT in a UK court and the largest civil litigation in the world at the time. He also worked on mass tort cases including Benzodiazepines and the HIV blood transfusion litigation. He served on the original committee that set up the ORSA Protocol and was a founding member of LiST. Mr Onwusah's primary role is to advise and assist lawyers in the appropriate use of information technology in the litigation process from its inception to the courtroom. The primary Litigation Support tool is Ringtail. Other databases in use include Concordance and Introspect. Mr Onwusah is also a regular contributor to *The Lawyer*, *New Law Journal*, *Solicitors Journal*, *Computer Weekly* and *Practical Parenting*. He has also been a technology speaker at The Law Society and panel member at the Ringtail International User Group Conference.



The Fifth Annual eDisclosure Forum 2009

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