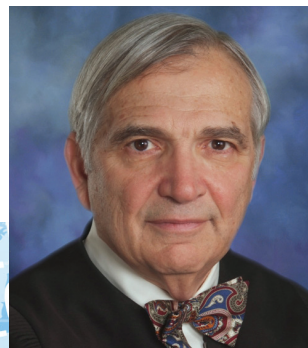


**Location**

ASU College of Law, Tempe Arizona

**Hosts**

Sandra Day O'Connor College of Law  
at Arizona State University, Center for Law,  
Science and Innovation and LawCLECenter.com



**Keynote**

Judge John  
Facciola,  
Symposium  
keynote speaker,  
Friday, May 25



The Sandra Day O'Connor College of Law  
in partnership with Michael R. Arkfeld presents:

# eDiscovery and Digital Evidence

Focusing on the Convergence of Law and Technology

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May 23 **Technological Issues in eDiscovery**

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May 24 **ESI Discovery—Principles, Strategies and Tactics**

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May 25 **Symposium—The Cutting-Edge Practical Realities of eDiscovery**

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**Choose one, two or all three programs**

CLE approved

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Law, Science & Innovation

ASU SANDRA DAY O'CONNOR  
COLLEGE OF LAW  
ARIZONA STATE UNIVERSITY



LawCLE Center

Innovating law, policy and ethics for science & technology

# Conference Objectives and Classroom Experience



The *eDiscovery and Digital Evidence Conference* will bring together leading jurists, attorneys, practice support personnel, service providers and other legal professionals to demonstrate effective best practices to competently handle eDiscovery within a corporate, government, or nonprofit environment and during the course of litigation.

**At the conference, you will learn the best practices for identifying key eDiscovery technological and legal issues related to critical areas of litigation preparedness, including:**

- Identifying what digital information to preserve with an understanding of the different electronic storage media, devices and locations where digital evidence can be found including social networking sites and cloud computing
- Testing and validating search terms in a workshop environment that will teach you how to develop a search protocol model using an iterative methodology, the limitations of keyword searching and the strengths and weaknesses of predictive coding
- Discovering how best to engage opposing counsel and gain consensus related to the benefits of reasonably accessible sources of information as well as the costs and burdens associated with inaccessible sources
- Access to unparalleled conference publications that will enable you to “hit the ground running”

**At the conference, we will challenge you by:**

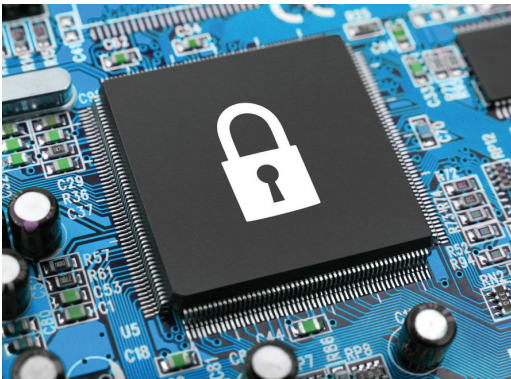
- Engaging you with renowned faculty and presenters to keep you on your toes and ready to learn
- Examining a case study and providing several hands-on application exercises.
- Encouraging you to work on team exercises that provide an opportunity for you to share ideas and immediately apply them to your practice
- Inviting you to participate in networking events where you can share ideas and experiences

**Three days/three programs—choose one, two or all three programs:**

- Technological Issues in eDiscovery: May 23
- ESI Discovery—Principles, Strategies and Tactics: May 24
- Symposium—Real Life, Cutting-Edge Issues in eDiscovery: May 25

**Three days/three programs—choose one, two or all three programs**

# Day One: Technological Issues in eDiscovery



*"The program was extremely informative and contained the necessary elements to prepare interested judges and lawyers concerning the intricacies and elements of eDiscovery law and technology necessary to navigate the rough waters of this rapidly growing area of the law."*

— **A. Marco Turk, J.D.**  
Attorney ADR Professional

**This program will provide an overview of eDiscovery and examine your role in the eDiscovery process (attorney, paralegal, IT, project manager, practice support, or vendor). The program is specifically designed to address common technological issues and provide legal project best practices to enable you to competently identify, preserve, collect, filter and review electronic information, including:**

- Conducting eDiscovery-related interviews and collecting ESI from witnesses (i.e., custodians), IT personnel, and third-parties
- Preparing, conducting and defending depositions of IT personnel, records managers and executives called to testify regarding the company's preservation and collection efforts
- Recognizing the need and utility of different ESI file types, media, devices and locations with an emphasis on database discovery, archival systems, and the ever-increasing amount of data created and stored in web-based applications and social media websites and methods of preserving and collecting this data
- Identifying and implementing legal project management techniques to reduce data and the associated costs of preservation and production by filtering, deduplication, and other proven methods
- Involving the assistance of outside data forensic and eDiscovery services providers along with an apples-to-apples comparison of services to help navigate pitfalls and avoid risk

The format of the instruction will be an interactive approach and then breakout workshops. The breakout workshops will provide an opportunity to develop and hone your skills in essential areas.

## Day One Program Cost:

**\$349.00**—Register **by April 30, 2012** for this program and **receive a complete set** of the *Arkfeld on Electronic Discovery and Evidence* publications (\$279 value) and speaker materials. Registrants after April 30th will receive a copy of the speaker materials only. Enrollment is limited.

**Three days/three programs—choose one, two or all three programs**

# Day Two: ESI Discovery— Principles, Strategy and Tactics



*"This has been the first "e-Discovery" conference that I consider to have been worth the time and travel."*

— **Bruce Freeman**  
Connors & Winters LLP

*"Great conference. I was stunned that the information kept me so engaged."*

— **Brandon Colburn**  
Legal support professional

**This program will focus on the principles, strategy, and tactics for defensibly and economically handling ESI issues in discovery. This program is specifically designed to address:**

- Mastering the legal hold process from understanding the 'triggering event' to issuing the litigation hold and all of the legal requirements in between
- Understanding and implementing the variety of methods to reduce data sets such as relevancy, burdensomeness, sampling and other methods
- Avoiding ethical pitfalls in eDiscovery and ensuring compliance with FRCP 26(g), and similar state rules
- Conducting an effective meet and confer to reach agreement with opposing counsel on eDiscovery issues and avoid unnecessary costs associated with the discovery process and inaccessible data
- Best practices for computer-assisted search (including keyword and predictive coding) and methodology to ensure a defensible collection
- Employing legal mechanisms to protect privilege during the discovery process with a specific focus on clawback agreements and FRE 502
- Dealing with metadata and form of production issues including "kept in the usual course of business," "reasonably usable" and native files, TIFF and PDF

The format of the instruction will be an interactive approach and then breakout workshops. The breakout workshops will provide an opportunity to develop and hone your skills in essential areas.

## Day Two Program Cost:

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**Three days/three programs—choose one, two or all three programs**

# Day Three: Symposium—the Cutting-Edge Practical Realities of eDiscovery



## Keynote:

**Hon. John M. Facciola, Magistrate Judge,  
U.S. District Court for the District of Columbia**

## Subject:

**Competency in eDiscovery: An Ethical  
Dilemma and Cooperation Among Litigants**

*The Honorable John M. Facciola, one of the foremost jurists and educators in eDiscovery and the author of several heralded opinions including *Peskoff v. Faber*, *United States v O'Keefe*, and *Equity Analytics, LLC v. Lundin*, will start the program with a fascinating keynote address that explores the ethical implications involved in violating perhaps the most basic rule of professional responsibility—competency.*

### Judge Facciola's address on competency will be discussed in relation to the:

- *Developing law of sanctions with a focus on the present state of the law*
- *Prospects of rule changes*
- *Judicial involvement and movement of government agencies toward transparency and cooperation*
- *New developments in the criminal law re eDiscovery*
- *New federal judicial regime of enforcing the obligation to meet and confer*
- *Whether the adversarial model of discovery is giving way to a new cooperative process*

## Primary Sessions:

- *All Things Considered: A Look at Trending Case Law* - This session will feature an analysis and debate on recent court opinions and expected future opinions by the Courts.
- *Future Search: Predictive Coding and Prioritized Review* - A critical look at the *Monique Da Silva Moore v. Publicis Groupe & MSL Group* decision and what it holds for the future of computer-assisted search techniques.
- *A View From the Bench* - One of the most attended sessions is listening to the judges as they provide their comments throughout the program and in a roundtable event.
- *Preservation, Proportionality and Procedural Rulemaking* - In the wake of proposed federal preservation rulemaking, the Court seemingly threw caution (and proportionality) to the wind in *Pippins v. KPMG LLP*—or did they? This session explores whether *Pippins* is the de facto “law of the land” and whether *Pippins* requires a “preserve everything” mentality.
- *Atypical Discovery—Be Careful What You Wish For* - It is no longer unusual for a discovery request to seek ESI that was created or stored in a web- or cloud-based environment. Yet, recent federal and state court opinions have sharply criticized counsel for failing to properly authenticate non-traditional “documents” at trial. This session offers insight and understanding of the evidentiary foundations needed to get social networking information and the like in hands of the jury.

## Day Three Program Cost:

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for this program and **receive a complete set** of the *Arkfeld on Electronic Discovery and Evidence* publications (\$279 value) and speaker materials. Registrants after April 30th will receive a copy of the speaker materials only. Enrollment is limited.

**Three days/three programs—choose one, two or all three programs**

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Founding Director, *Arkfeld eDiscovery and Digital Evidence Program*, Center for Law, Science and Innovation

#### Joshua Abbott, J.D.

Executive Director, Center for Law, Science and Innovation, Sandra Day O'Connor College of Law at Arizona State University

#### Gary E. Marchant

Regents Professor and Lincoln Professor of Emerging Technologies, Law and Ethics, Sandra Day O'Connor College of Law Faculty Director, Center for Law Science and Innovation, Arizona State University

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#### Robert E. Singleton

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### Planning Committee and Faculty

#### Hon. John M. Facciola

Magistrate Judge, U.S. District Court for the District of Columbia

#### Hon. Craig B. Shaffer

Magistrate Judge District of Colorado

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## Cost and Course Materials

May 23	Technological Issues in eDiscovery
May 24	ESI Discovery—Principles, Strategies and Tactics
May 25	Symposium—The Cutting-Edge Practical Realities of eDiscovery Keynote: The Honorable John M. Facciola



Register by April 30, 2012 for one, two or all three days and receive a complete set of the Arkfeld on Electronic Discovery and Evidence publications (\$279 value) and speaker materials. Registrants after April 30th will receive a copy of the speaker materials only.

One day	\$349*	*Each early bird registrant will receive a complete set of Arkfeld Publications (\$279 value) which includes: Arkfeld on Electronic Discovery and Evidence (3rd. Ed.) (treatise), four Arkfeld's Best Practices Guides—Electronic Discovery and Evidence, ESI Pretrial Discovery, IT Primer for Legal Professionals and Legal Hold, eBook CD-ROM, and model forms including "meet and confer" and Information Technology Questions checklist. The esteemed Board of Editors for these publications includes the Honorable John Facciola, Craig Ball and Mark Sidoti. See LexisNexis (lexisnexis.com/arkfeld/). Only one set of publications per registrant.
Two days	\$649*	
Three days	\$899*	

**Group Rates** Register a team of three or more and receive a 10% discount. Use code [Multi-2012](#) during online checkout to apply. The group rate discount cannot be combined with any other discounts.

**Financial Aid** If you are in need of financial assistance, we offer partial scholarships for this conference. Visit [lawclecenter.com/Financial-Assistance](#) for an application.

**Hotel Accommodations and Reservations**

*Courtyard Marriott Tempe Downtown*  
Ask for ASU Preferred Rates for \$88.00 per night that includes complimentary shuttle service. Call 480-415-3276 or visit [marriott.com/phxte](#)

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Ask for ASU preferred rate for \$100 per night, complimentary shuttle service included, use SET/Corp ID# 18650 for ASU rate when visiting their Website, [fourpointstempe.com](#)

*Tempe Mission Palms*  
Ask for ASU Academic Rate rate of \$119 per night. Call 800-547-8705 or visit them online at [missionpalms.com](#). Includes complimentary airport shuttle.

**Cancellation Policy** If you are unable to attend the conference for any reason after registration, please contact us. Your conference fee can be applied to a future program. All conference fees are non-refundable.

**To Register** Go online to [lawclecenter.com](#) to register or fill out the attached form and mail to LawCLECenter, 4041 South McClintock Drive, Ste. 311, Tempe, AZ 85282 or fax to 866-617-0736.

**CLE Approved** Call for details.

- This entire conference may qualify for 18 hours of MCLE, including 2 hours of ethics.
- The Wednesday May 23 program may qualify for 6 hours of MCLE, with no hours of ethics.
- The Thursday May 24 program may qualify for 6 hours of MCLE, including 1 hour of ethics.
- The Friday May 25 program may qualify for 6 hours of MCLE, including 1 hour of ethics.



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