

Sorting Through the Myths & Facts of E-Discovery

**Special E-Discovery Workshop at the Gartner Risk Management & Compliance Summit
Friday, May 1, 2009**

The changes to the Federal Rules of Civil Procedure regarding e-discovery is only a clarion call to the legal profession and information technologists that the growth and potential survival of the enterprise depends upon their solidarity. At the heart of the current predicament facing most organizations today is the ability to know what electronically stored information (ESI) is retained and the rapid growth of both regulatory supervision and litigation. Where is data, what is its value, and is there a preservation obligation, regulatory, contractual, or litigation-related attached? These sound like simple questions; just try to get a simple or straight answer. Any answer!

Some legal scholars believe we may be approaching the "perfect storm" of e-discovery. Indeed, research indicates that the amount of corporate litigation is on the rise again. Past practices in the area of records retention and e-mail management have created what can be described as a potentially toxic landfill of electronically stored information. Moreover, the judiciary's patience is growing thin regarding counsel's inability to understand how technology is used by clients. Changes to what otherwise were an arcane set of rules for the management of the U.S. judicial system are being enforced with gusto by judges who see how badly internal processes are managed at some organizations regarding ESI. Meanwhile, the economy continues to deteriorate, hampering the ability of enterprises to fund appropriate and wise investments in e-discovery.

In this special workshop held in conjunction with the Gartner Risk Management & Compliance Summit, we will explore some of the most pressing issues surrounding this topic, presented by the leading experts in this field. We hope you find this special presentation to be enlightening, stimulating and informative.

Price to attend the Workshop only is \$450. Or register for the full conference for \$1,895 and get three (3) full days of informative insight and guidance, including access to the General Counsel & IT Legal Professional Track which runs within Gartner's Risk Management & Compliance Summit.

E-Discovery Workshop Sessions include:

- What happened, where are we, and what's next?
- Sorting Through Search
- Cross Border Issues in E-Discovery
- Lunch Theatre in the Round Panel

General Counsel & IT Legal Professional Track Sessions include:

- Creating a corporate risk management culture
- Continuous GRC Becomes Enterprise Information Management
- Globalization of Privacy
- Setting Up A Best in Class Security and Risk Program for Vendor and Partner Management
- Getting ahead of regulations: why compliance isn't enough

Full Conference Standard Price: \$1,895

Attendance to the Workshop ONLY is \$450. Please use code **FCCMP**.
Workshop-only registration can be done by calling +1 866 405 2511.

Web: gartner.com/us/risk

Phone: +1 866 405 2511

Email: us.registration@gartner.com

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Special E-Discovery Workshop

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Agenda:

- 7:00AM** **Registration**
- 7:00- 8:00AM** **Breakfast**
- 8:00-9:00AM** **A Unique Perspective on A Serious Topic from The Second City Players**
The GRC Comedy Club: *Comply With Me!*
- 9:00-9:15AM** **Welcome & Introductions – John Bace**
- 9:30-10:30AM** **What happened, where are we, and what’s next?**
Debra Logan, VP & Distinguished Analyst, Gartner, Inc.; Scott Carlson, Partner, Seyfarth Shaw LLP & Adjunct Professor, John Marshall Law School
- A look at what the 2006 changes to Federal Rules of Civil have brought about from both a legal and technology perspective and what will happen in the future.
- 10:40-11:40AM** **Sorting Through Search**
Whit Andrews, VP & Distinguished Analyst, Gartner, Inc.; Robert Brownstone, Law & Technology Director, Fenwick & West LLP, Adjunct Professor, University of San Francisco Law School & Santa Clara Law School
- Does better technology in search trump the better legal scholar? The issues around search are showing up in more decisions and are even creeping into the Federal Rules of Evidence.
- 11:50AM-12:50PM** **Cross Border Issues in E-Discovery**
Carsten Casper, Research Director, Gartner, Inc.; Jim Daley, Partner, Daley & Crowley LLP, Co-Chair of The Sedona Conference® Working Group on International Electronic Information Management, Discovery and Disclosure
- What are the issues that must be addressed when common law discovery (and e-discovery) are required in non-common law jurisdictions?
- 1:00-3:00PM** **Lunch Theatre in the Round Panel**
Using the Gartner Theatre in the Round format, a hypothetical case study will be presented to the audience in the metaphor of a television newscast. A panel of experts (who have had the written version of the case study ahead of time) along with the audience will explore the issues and “work” the case study to a possible conclusion.
- Moderator: John Bace, Research Vice President, Gartner, Inc.
- Panelists:*
Robert Brownstone, Esq., Law & Technology Director Fenwick & West LLP
Andrew Drake, Assistant General Counsel, Nationwide Insurance
Mary Mack, Corporate Technology Counsel, Fios, Inc.
Leslie Reis, Director/Professor, John Marshall Law School Center for Info Technology & Privacy Law

Accreditation & Media Partner

Gartner has partnered with the John Marshall Law School's Center for Information Technology & Privacy Law (CITPL). The CITPL was founded more than a quarter century ago and has enabled JMLS to offer specialized courses and degrees for both lawyers and non-lawyers in IT and privacy law. It has also published the Journal of Information Technology & Privacy Law for nearly as long. As part of this partnership, participants in the E-Discovery Workshop will receive four (4) MCLE credits from the state of IL.

E-Discovery Speakers/Bios

Whit Andrews VP & Distinguished Analyst at Gartner, Inc.

Whit Andrews covers information access technologies, including enterprise search, and maintains the information access technology Magic Quadrant. Prior to joining Gartner, Mr. Andrews was a senior editor at Internet World magazine for four years, where he covered electronic commerce and the major Web portals.

John Bace, Research VP, Gartner, Inc.

John Bace works in Gartner's Compliance, Risk and Leadership research group, where he focuses on the impact of public policy issues — including regulatory compliance and e-discovery — on IT. He heads up Gartner's Compliance and Risk Management Research Community and is a certified compliance and ethics professional (CCEP) as well as a member of The Sedona Conference working groups on electronic document retention, management and disclosure. Before moving into IT, Mr. Bace worked as a journalist for 11 years covering state and local government in Illinois and the U.S. Congress. He also served as a professor at Northwestern University.

Robert Brownstone, Esq. Law & Technology Director, Fenwick & West LLP

Robert Brownstone is the Law & Technology Director at Fenwick & West LLP specializing in providing comprehensive services to technology and life sciences clients of national and international prominence. He advises clients on electronic discovery, on electronic information management and on retention/destruction policies and protocols. Robert also regularly collaborates with clients on computer support solutions enabling compliance with legal obligations.

A nationwide speaker and writer on many law and technology issues, Mr. Brownstone is frequently quoted in the press as an expert on electronic information. Robert is a member of four state bars (including California and New York), of the National Employment Law Institute (NELI) Advisory Board and of the executive committee of the State Bar of California's Law Practice Management and Technology (LPMT) Section. He was recently named an adjunct Professor at the University of San Francisco Law School and the Santa Clara Law School where he will be teach electronic discovery.

Scott Carlson Partner, Seyfarth Shaw LLP; Adjunct Professor, John Marshall Law School

Mr. Carlson is a partner in the Complex Litigation subgroup. His litigation practice primarily involves commercial litigation with a strong emphasis on issues associated with electronic discovery and other high technology matters. Mr. Carlson co-chairs the firm's Electronic Discovery Task Force.

Mr. Carlson has a strong background in technology issues. He has represented clients in the myriad of issues related to electronic discovery and high technology matters including such issues as electronic document preservation, production, spoliation and computer forensics.

Mr. Carlson has represented clients in a wide range of commercial disputes including purchase agreements, lease agreements, Uniform Commercial Code transactions, alleged violations of employment contracts, software licensing agreements, shareholder suits and tortious interference claims. He has also defended clients in actions involving negligence, wrongful death, fraud, retaliatory discharge, and chemical exposure.

Carsten Casper Research Director, Gartner, Inc.

Carsten Casper is based in Hamburg, Germany and responsible for the security role in Gartner for IT Leaders. He advises clients on information security strategies and technologies, in particular regarding European regulations, privacy, certifications, anti-spam/spyware, network filtering and encryption. Before joining Gartner, he worked for the European Network and Information Security Agency.

M. James Daley Partner, Daley & Crowley LLP

Jim Daley is a founding partner of Daley Crowley LLP, a boutique law firm focusing on electronic discovery, e-records management and data protection and privacy. Jim combines over 29 years of litigation experience with his technical

experience and Masters in Information Services to help clients find innovative, cost-effective solutions to these challenges. He has worked exclusively in this area since 1995, first at head of the Shook, Hardy & Bacon LLP Technology Law and E-Discovery practice, and most recently as a principal with Redgrave Daley Ragan & Wagner LLP. Jim is an active member of The Sedona Conference®, where he is Co-Chair of The Sedona Conference® Working Group on International Electronic Information Management, Discovery and Disclosure.

Andrew Drake Assistant General Counsel, Nationwide Insurance

Andrew Drake is an Assistant General Counsel in the Corporate Litigation Practice Group within the Office of the Chief Legal and Governance Officer at Nationwide. He specializes in technology-related legal issues in the context of corporate litigation and insurance or financial regulatory compliance.

Prior to joining the Nationwide's legal team, Andrew had a 12-year career in IT spanning a variety of roles. His base technical expertise was acquired as a Unix systems administrator, honed as an information security consultant, and culminated as a consulting IT Project Manager. As project manager, he was responsible for major IT initiatives such as the IT infrastructure for startups in Eastern Europe and Latin America, as well as the domestic implementation of mutual fund transaction processing systems.

Debra Logan VP & Distinguished Analyst, Gartner, Inc.

Debra Logan covers enterprise content management, records management, knowledge management and worker productivity, intellectual capital and intellectual property topics and compliance as related to documentation and records. She is currently researching topics in enterprise information management, information quality, information assets and liabilities and e-discovery.

Mary Mack Corporate Technology Counsel, Fios, Inc.

As Corporate Technology Counsel for Fios, Mary Mack has more than 20 years experience delivering enterprise-wide electronic discovery, managed services and software projects with legal and IT departments in publicly held companies. Mary is a hands-on strategic advisor to counsel for some of the largest products liability class actions, government investigations and intellectual property disputes.

Mary is one of the leading speakers and authors on electronic discovery issues, technology and the law. She is co-author of the popular book, *"A Process of Illumination: The Practical Guide to Electronic Discovery,"* and hosts the blog, "Sound Evidence," featured on DiscoveryResources.org. She's is also regularly featured as an expert in the leading magazines and newspapers, such as *The New York Times*, *Inside Counsel Magazine*, *Law.com*, *Chicago Lawyer*, *Compliance Week* and *Metropolitan Corporate Counsel Magazine*.

Leslie Ann Reis Professor & Director, John Marshall Law School Center for Info Technology & Privacy Law

Prior to becoming an attorney, Leslie Reis worked for more than 15 years as a broadcast journalist. She is the recipient of numerous awards, including a Chicago Area Emmy Award for outstanding achievement in editing. She has practiced civil rights law in Chicago and is a past director of the American Judicature Society's Center for Judicial Independence. In addition to her academic and administrative duties, Professor Reis serves as a member of the federal Information Security and Privacy Advisory Board and the Illinois Criminal Justice Information Authority Privacy Policy Subcommittee, where she is working to develop privacy and security policies in state, county, and local justice information systems.

Patrick Zeller Assistant General Counsel Guidance Software, Inc. Adjunct Professor John Marshall Law School

Patrick Zeller is assistant general counsel based in the Chicago office of Guidance Software. Before joining Guidance, he worked for Seyfarth Shaw where his practice primarily involved commercial litigation with a strong emphasis on high technology issues and electronic discovery. Mr. Zeller was co-chair of the firm's Electronic Discovery Task Force.

Prior to joining the firm in May of 2003, he was an Assistant Attorney General and the Director of the Computer Crimes Institute for the State of Illinois. Mr. Zeller has lectured on investigating and prosecuting Internet and high-tech crimes at numerous law enforcement training venues nationwide including the FBI Academy. He has also prosecuted and advised prosecutors and law enforcement agents on Internet and high-tech criminal investigations including computer intrusion, economic espionage, online fraud, intellectual property, copyright and trademark enforcement.

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CA's GRC management solution helps improve your organization's Risk IQ—the level of visibility and insight into enterprise risk—by implementing a common risk management framework, and facilitating risk identification, assessment, and mitigation across your entire organization. CA GRC Manager also includes robust policy, compliance, audit and program management functionality.



The Clearwell E-Discovery Platform is the industry's leading enterprise-class e-discovery management platform that enables corporations to manage all of their legal, regulatory, and investigative matters with a single application. With Clearwell, attorneys, litigation support professionals, and forensics teams accelerate early case assessments, lower processing costs, reduce review workload, and ensure the defensibility of the e-discovery process. Rated as a "Strong Positive" (highest possible rating given) in Gartner's 2008 E-Discovery MarketScope Report and voted a Top 5 E-Discovery Software Provider by the 2008 Socha-Gelbmann survey, Clearwell streamlines the processing, analysis, cull-down, review and production phases of e-discovery.



For over a decade, Fios has helped corporations and law firms reduce risk, control costs and gain management control over the entire spectrum of electronic discovery. We are dedicated exclusively to delivering comprehensive services and expert guidance that transform the burdensome nature of e-discovery into a streamlined, legally defensible business process. For more information, visit www.fiosinc.com.



FTI Technology provides software, services and consulting that empower corporations and their law firms to secure the best possible results for legal or regulatory matters—without disrupting their core business. We help you put your team in the best position to avoid surprises and make informed decisions while reducing the risk, cost and complexity of electronic discovery.



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