15th Annual
Advanced eDiscovery Institute

November 15-16, 2018  •  The JW Marriott, Washington, DC

Up to 10.8 CLE credit hours (based on a 60-minute credit hour), including 1 hour of ethics
Up to 13.0 CLE credit hours (based on a 50-minute credit hour), including 1.2 hours of ethics

CAN'T ATTEND IN PERSON?
LIVE WEBCAST AVAILABLE
Thursday, November 15
7:30 – 8:15 am
Registration & Continental Breakfast

8:15 – 8:30 am
Opening Remarks
Jill C. Castleman, Executive Director, Georgetown Law CLE
Scott A. Carlson and Wendy Butler Curtis, Planning Committee Co-Chairs

8:30 – 9:20 am
Day 1 Keynote Address
Introduction: Scott A. Carlson, Seyfarth Shaw LLP
Speaker: Michael Chertoff, Co-Founder and Executive Chairman, The Chertoff Group; Covington & Burling LLP

9:30 – 10:45 am
☎️ Case Law Update
John J. Rosenthal (Moderator), Winston & Strawn LLP
Hon. Hildy Bowbeer, Magistrate Judge, U.S. District Court for the District of Minnesota
Hon. J. Michelle Childs, District Judge, U.S. District Court for the District of South Carolina
Hon. Kristen L. Mix, Magistrate Judge, U.S. District Court for the District of Colorado
Hon. Anthony E. Porcelli, Magistrate Judge, U.S. District Court for the Middle District of Florida
Hon. Xavier Rodriguez, District Judge, U.S. District Court for the Western District of Texas

• An Institute favorite, distinguished federal judges discuss key eDiscovery cases of 2018
• Take home a key eDiscovery case guide from the panel’s course materials

10:45 – 11:00 am
Networking Break

11:00 am – 12:15 pm
☎️ The Great Debate: In re Broiler Chicken, Order of the Special Master Regarding ESI Search Methodologies
Paul D. Weiner (Moderator), Littler Mendelson PC
Ariana J. Tadler, Milberg Tadler Phillips Grossman LLP
Jeane A. Thomas, Crowell & Moring LLP

• Debate whether there is a requirement to be “transparent” in discovery
• Discuss the extent of an obligation to disclose information about discovery procedures before any discovery deficiencies are identified

12:15 – 1:30 pm
Lunch on Your Own

1:30 – 2:30 pm
Concurrent Sessions

Session A: GDPR #1: Preservation and Processing: Managing EU Personal Data for U.S. Discovery
Taylor Hoffman (Moderator), Global Head of eDiscovery Management, Swiss Re
Denise C. Backhouse, Littler Mendelson P.C.
Natascha Gerlach, Cleary Gottlieb Steen & Hamilton LLP
Jennifer Hamilton Koger (Invited), Senior Counsel, John Deere
Mollie Nichols, Hogan Lovells US LLP

• Learn what changes regarding preservation obligations within GDPR
• Focus on whether former guidance and best practices regarding processing for U.S. discovery is sufficient under GDPR
• Consider whether GDPR’s increased penalties and enforcement creates greater risk
• Evaluate implications of initial EU enforcement actions for U.S. discovery context

Session B: Best Practices in Enterprise Software Solutions
Scott A. Carlson (Moderator), Seyfarth Shaw LLP
E.J. Bastien, Principal eDiscovery Program Manager, Microsoft
Scott M. Cohen, Winston & Strawn LLP
Hon. Kristen L. Mix, Magistrate Judge, U.S. District Court for the District of Colorado

• Consider arguments by requesting and responding parties on issues regarding “discovery about discovery”
• Evaluate when validation is required and how much is too much
• Address the pros and cons of using Special Masters for eDiscovery disputes
• Analyze what precedential value, if any, detailed Protocol Orders have, and whether they help or hinder embracing new eDiscovery technologies

Conference Summary
If you register for just one law and technology event this year, it should be the Georgetown Law Advanced eDiscovery Institute (“AEDI”).

Why? Because AEDI features:
• More state and federal judges steeped in eDiscovery speaking than in any other eDiscovery conference in the country
• Thought leaders from U.S. government agencies, Fortune 500 corporations, high-profile plaintiffs’ law firms, and Am Law 100 firms
• Hands-on sessions addressing cell phone forensics and data breaches
• An exploration of emerging issues like the dark web, biometrics, and blockchain
• eD Talks focusing on innovation in the law and how technology is transforming litigation
• Multiple sessions on the EU General Data Protection Regulation (“GDPR”), and how it impacts companies that receive personal data from the EU or offer products or services to EU residents
• An opportunity to benchmark with peers about the most contemporary approaches to tackling common eDiscovery, data security, and cross-border pain points

Planning Committee Co-Chairs
Scott A. Carlson and Wendy Butler Curtis, Georgetown Law CLE

Speakers:
Keynote
Michael Chertoff
Mark Lanterman

Speakers:

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Speakers:
Keynote
Michael Chertoff
Mark Lanterman

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David J. Kessler (Moderator), Norton Rose Fullbright (US) LLP
David R. Cohen, Reed Smith LLP
Hon. James C. Francis IV, Magistrate Judge (Ret.), U.S. District Court for the Southern District of New York
Natascha Gerlach, Cleary Gottlieb Steen & Hamilton LLP
Cecil A. Lynn III, Director of Global eDiscovery, PayPal

- Understand the current landscape in terms of proliferation and types of biometrics, who is using what and why, how they work, and what kind of data they generate
- Discuss legal issues surrounding the use, protection, and disclosure of biometrics in the business enterprise
- Consider legal issues surrounding the discovery of biometric data in litigation
- Evaluate the impact of biometrics on eDiscovery throughout the EDRM

2:40 – 3:40 pm

CONCURRENT SESSIONS

Session B: Artificial Intelligence, Genuine Benefits and Challenges: Is Your Computer a Better Lawyer Than You?

Prof. Maura R. Grossman (Moderator), Research Professor, David R. Cheriton School of Computer Science, University of Waterloo
Hon. Craig B. Shaffer, Magistrate Judge (Ret.), U.S. District Court for the District of Colorado
Martin Tully, Actuate Law, LLC
Jeremiah Weasenforth, Orrick, Herrington & Sutcliffe LLP

- Describe what “Artificial Intelligence” (“AI”) is, how machine learning works, and distinguish between AI, robotics, and automation
- Discuss AI applications in general and those that are currently available in the legal industry
- Understand AI’s capabilities and some of its benefits, challenges, and ethical concerns
- Predict the immediate and long-term impact of AI on the legal profession and address what legal practitioners should be doing today to prepare

Session C: Exercises: Mobile Data Preservation

Craig D. Ball, Law Offices of Craig D. Ball, P.C.
Mandi Wiggins, Vice President, Forensic Data Services, LightSpeed LLC

- Identify relevant evidence in mobile devices and explore mobile data architecture
- Discuss options for preservation: eDiscovery vs. Forensics, DIY v. Expert
- Explore the cost and complexity of tools for mobile data preservation
- Consider whether mobile data management minimizes discovery burdens

3:40 – 4:00 pm

Networking Break

4:00 – 5:00 pm

3rd Annual eD Talks

Wendy Butler Curtis, Orrick, Herrington & Sutcliffe LLP
Gilbert S. Keltetas, BakerHostetler LLP
Daniel Regard, President & CEO, iDiscovery Solutions, Inc.

- Using the eD Talk format, this year’s presentations will once again help attendees “look around the corner” at what’s coming next in the field, exploring:
  - Innovation in the law, including the role of Chief Innovation Officers
  - How technology and Big Data are transforming all aspects of litigation
  - Whether we still need human judges in the age of AI

5:00 – 6:30 pm

Networking Cocktail Reception

Friday, November 16

8:00 – 8:25 am

Continental Breakfast

8:25 – 8:30 am

Day 2 Introduction

Jeane A. Thomas and Paul D. Weiner, Program Co-Chairs

8:30 – 9:20 am

Day 2 Keynote Address: The Deadliest Catch: How Not to be the Next Fish in the Dark Net

Introduction: Prof. Maura R. Grossman, Research Professor, David R. Cheriton School of Computer Science, University of Waterloo
Speaker: Mark Lanterman, Chief Technology Officer, Computer Forensic Services

- The question today is not if your information will be accessed or stolen, but rather, when
- Discuss recent, high-profile, cybercrime events, including website breaches impacting courts, law firms, and government agencies
- Consider particularly dangerous threats that can affect individuals involving the dark web, the Internet of Things, phishing, and doxing
- Learn realistic measures you can take for cyber protection
- Learn the value of leveraging digital evidence harvested from the dark web in the courtroom

9:20 – 9:45 am

Networking Break

9:45 – 10:45 am

CONCURRENT SESSIONS

Session A: (Dark) Web Investigations and Discovery

Peter Pepiton (Moderator), Dinsmore & Shohl LLP
Hon. Daniel J. Crothers, Justice, North Dakota Supreme Court
Joe Gervais, Red Team Lead, CBJ - Symantec
Mark Lanterman, Chief Technology Officer, Computer Forensic Services
Kyle Loven, National Director, Computer Forensic Services

- Following up on the keynote, take a deeper dive into the dark web
- Discuss use cases for internal investigations and criminal matters
- Learn how to preserve, investigate, and collect information from the dark web
- Explore authentication issues for information from the dark web
Discuss the most recent rule changes and understand how the changes to Federal Rule Lear

Understand the unauthorized practice of law and consider whether rights given to individuals are not licensed physical properties.

Find out how smart contracts are changing legal practice and consider the anticipated changes in the marketplace in terms of the number of vendors and services offered.

Examine how a lawyer's duty of confidentiality and competence requires “reasonable care” to avoid disclosing a client's confidential or privileged information in today's digital world.

Session B: Diving into a Data Breach

Shannon Capone Kirk (Moderator), Ropes & Gray LLP

Thomas J. Hibarger, Senior Managing Director, Stroz Friedberg

Derek Maki, Associate Partner, McKinsey & Company

Pamela C. Williams, Senior Vice President & Counsel, Anthem, Inc.

- Witness a mock post-data breach corporate meeting with in-house counsel, outside counsel, and other key players
- Gather information through guided commentary and aside.
- Observe as the parties collaborate and share resources to triage the demanding and time-sensitive needs for evidence preservation, breach containment, remediation, and public messaging.

Session C: Streamlining Investigations

Mark E. Michels (Moderator)

Laura M. Kibbe, Office of the General Counsel, IQVIA

Corey Lee, Hunton Andrews Kurth LLP

Allison C. Stanton, Director of E-Discovery, FOIA and Records Civil Division, U.S. Department of Justice

- Explore TAR options for investigative reviews, which typically require time-sensitive analysis of records for on-point documents as opposed to “all documents” requests in civil litigation.
- Evaluate the use of substantive metrics for qualitative and quantitative review of internal investigations.
- Consider possible strategies to curb untethered document review and more quickly resolve matters in government investigations.
- Discuss potential use of advanced technologies for privilege review.

10:55 – 11:55 am

CONCURRENT SESSIONS

Session A: The Blockchain “Revolution:” How Fast Is It Coming, and How Will the Technology Fit with Existing Law?

Jason R. Baron (Moderator), Drinker Biddle & Reath LLP

Jay D. Hull, Chief of Strategy and Operations, Integra Ledger

Laura E. Jehl, BakerHostetler LLP

Hon. Elizabeth D. Laporte, Magistrate Judge, U.S. District Court for the Northern District of California

Eric J. Schwarz, Americas Co-Leader of eDiscovery Services, Ernst & Young LLP

- Learn about recent blockchain projects and initiatives being carried out by both the private and public sectors.
- Find out how smart contracts are changing legal practice.
- Discuss whether rights given to individuals under the GDPR pose an obstacle to deployment of blockchain solutions.
- Understand the eDiscovery implications of the use of blockchains and smart contracts.

Session B: Vendor Viewpoints on eDiscovery

Ronni D. Solomon (Moderator), King & Spalding

Nicolas Economou, Chairman and CEO, H5

James M. Lee, Co-Founder and CEO, LegalMation

Nick Robertson, Chief Operating Officer, Relativity

Chris Weiler, Founder and CEO, KLDiscovery

- Discuss whether the next five years will likely bring entirely new technologies or enhancement of existing technologies.
- Consider the anticipated changes in the marketplace in terms of the number of vendors and services offered.
- Evaluate how vendor and attorney roles have changed in eDiscovery.
- Learn the vendor perspective on whether technology enhancements make eDiscovery attorneys more important or less important than merit attorneys.
- Predict whether technologies will be brought more in-house to clients or law firms or outsourced to vendors.

Session C: Playing by the Rules: Rule Changes Essential to Your Practice

Robert D. Owen (Moderator), Eversheds Sutherland (US) LLP

Alex Dahl, General Counsel, Lawyers for Civil Justice; Founder and CEO, Strategic Policy Counsel, PLLC

Hon. Maria Valdez, Presiding Magistrate Judge, U.S. District Court for the Northern District of Illinois

Jordan P. Vick, Seyfarth Shaw LLP

- Discuss the most recent rule changes and their actual impacts on practitioners, including unintended consequences.
- Understand how the changes to Federal Rule of Evidence (“FRE”) 902, along with related Rules 803(6) and 104, will change how parties and the court can streamline authentication of ESI and potentially eliminate the need to call a witness at trial.
- Learn what other changes the Rules Committee is discussing that may impact eDiscovery professionals.
- Explore pilot accelerated disclosures and their impacts in Illinois and Arizona.

11:55 am – 12:20 pm

Boxed Lunch Distribution

12:20 – 1:20 pm

Pushing the Envelope: Legal Ethics and the Future of eDiscovery

S. Ethan Bowers (Moderator), Deputy Editorial Director, Bloomberg Law

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

Dolores Dorsainvil Nicolas, Assistant Disciplinary Counsel, DC Office of Disciplinary Counsel

Elizabeth T. Simon, Akin Gump Strauss Hauer & Feld LLP

James Q. Walker, Richards Kibbe & Orbe LLP

- Discuss the ethical limits on new eDiscovery business models, including rules constraining non-lawyer ownership of legal service providers, and how to place limits on the activities of non-lawyers.
- Understand the unauthorized practice of law rules (A.M. Rule 1.1) and the extent to which it requires basic understanding of ESI and the “benefits and risks” of the technology used in legal practice.
- Examine how a lawyer's duty of confidentiality requires “reasonable care” to avoid disclosing a client's confidential or privileged information in today's digital world.

1:20 – 1:30 pm

Networking Break
Hot Topics in eDiscovery

1:30 – 3:00 pm
Under Judicial Review: Hot Topics in eDiscovery

Kevin F. Brady (Moderator), Redgrave LLP

How have litigants evolved in their approach to managing digital evidence over the past decade?

How are courts handling the growing volume of eDiscovery requests?

How are courts handling the growing volume of eDiscovery requests in recent years, and what issues are on the horizon?

1:30 – 3:00 pm
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Program Details

Hotel Reservations
A block of rooms has been held at the JW Marriott until 6:00 pm EST on Tuesday, October 23, 2018. These rooms will be held as a block, unless exhausted, until the above date and time, at which point they will be released to the general public. Be sure to mention the “Advanced eDiscovery Institute” to receive the room rate below.

JW Marriott Washington, DC
1331 Pennsylvania Ave NW
Washington, DC 20004
Room Rate: $334
1-800-393-2503

Disclaimer
Speakers are subject to change.

Special Needs, Nursing Mothers, or Dietary Restrictions
Email cle@law.georgetown.edu or call 202-662-9890 so we may best accommodate your needs.

Lawrence J. Center Scholarship Program
Georgetown Law CLE endeavors to provide equal education opportunities to all. We provide a limited number of scholarships on a case-by-case basis for both live, in-person programs and for live webcasts. Apply online at http://bit.ly/AEDScholarship2018 or submit your written request no later than 5:00 pm EST on Thursday, October 25, 2018.

Cancellations/Substitutions
Cancellation notices must be received in writing at least seven (7) business days prior to program start date for a refund. Cancellation notices must be received by 5:00 pm EST on Thursday, November 8, 2018 for a refund (less $100 administrative fee). Substitutions are accepted at any time prior to the program start date. Registration for the live, in-person program is not transferable to the live webcast or bonus on-demand access.

Course Materials
Course materials will be distributed prior to the program. Registrants will receive an email from the Georgetown Law CLE office at least one week before the program.

Satisfaction Guarantee
We are confident that you will value the information sharing and networking at this conference. However, if you feel you have not received your money’s worth by the end of the program, please contact a member of our registration team before leaving the conference. All refund requests will be reviewed carefully and are subject to approval by the Executive Director for Academic Conferences and Continuing Legal Education.

CLE Credits
Accreditation has been or will be requested for the Advanced eDiscovery Institute from most states with mandatory continuing legal education requirements for up to 10.8 CLE credits (based on a 60-minute hour), including 1 ethics credit, and up to 13.0 CLE credits (based on a 50-minute hour), including 1.2 ethics credits. Georgetown Law is an accredited CLE provider in most MCLE states. Georgetown Law CLE is a State Bar of California-approved MCLE provider. Please note that this program is eligible for only Nontransitional CLE credit in New York.

MCLE state credit rules vary for online CLE. Please check online at https://georgetown.inreachce.com/ to see if the program has been approved in your state. We will apply upon request in some states; alternatively, many states allow attorneys to apply on their own.

Group Discounts
Group discounts are available for agencies, firms, or companies registering three or more attendees at one time. If you would like to take advantage of the discounts listed below, please contact cle@law.georgetown.edu to receive the discount code.

3-5 registrants: $100 off each registration
6-9 registrants: $200 off each registration
10+ registrants: $300 off each registration

Questions?
Georgetown Law CLE
600 New Jersey Avenue, NW
Washington, DC 20001
cle@law.georgetown.edu
202-662-9890
Registration Form

PLEASE PRINT OR TYPE. Payment must accompany registration.

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❏ $1,495 Early-Bird Registration (due October 15, 2018 by 5:00 PM EST)

❏ $1,595 Regular Registration

❏ $1,395 Georgetown Law Alumni Registration, Class of ______________

❏ $1,395 In-House Counsel Registration

❏ $995 Government Registration

Bonus On-Demand Access includes access to all recorded sessions post-program and can only be purchased with an in-person registration.

❏ $299 Bonus On-Demand Access

Please print clearly and list your name exactly as you would like it to appear on your program name badge.

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City    State    Zip

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CLE credit?   ❏ Yes   ❏ No   What state(s)? ___________________________ Bar number(s)? ___________________________

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2. MAIL with check payable to “Georgetown Law CLE” to address below

Check enclosed #___________ $___________   Purchase Order attached to this form #___________

3. CALL us at 202-662-9890

* Please Note: All outstanding balances must be paid in full prior to the event start date.

Georgetown University Law Center 600 New Jersey Avenue, NW  cle@law.georgetown.edu
Continuing Legal Education  Washington, DC 20001-2075  202-662-9890
1. **Experience** two thought-provoking keynote addresses, from Michael Chertoff on Day 1 and Mark Lanterman on Day 2

2. **Hear** from 17 active or recently retired federal and state judges about eDiscovery matters in litigation

3. **Learn** about cutting-edge technologies like AI, blockchain, and biometrics, and how they factor into eDiscovery

4. **Practice** mobile data preservation in hands-on exercises by experts

5. **Observe** a debate regarding ESI protocols and special masters

6. **Digest** key 2018 cases in eDiscovery

7. **Network** with top eDiscovery practitioners in networking breaks and an evening reception

8. **Gather** information on key changes to federal rules affecting your practice

9. **Explore** the state of eDiscovery now and going forward with a panel of CEOs of top eDiscovery vendors

10. **Delve** into GDPR and its role in data preservation, processing, and transfers