

New ALI-ABA Course of Study

Electronic Records Management and Digital Discovery

**Practical Considerations
for Legal, Technical, and
Operational Success**

Thursday-Friday, May 12-13, 2005

Chicago (Millennium Knickerbocker Hotel)

*Sponsored with the cooperation
of the Federal Judicial Center*

WHY YOU SHOULD ATTEND

This new course of study, **comprising almost 13 hours of instruction**, offers a comprehensive examination of what has been called “electronic evidence,” the billions of communications that were once confined to paper, but now exist as e-mails and other records kept in electronic form. This development is fast becoming one of the most challenging in the practice of law and can put you and your clients at potential risk if not properly addressed.

(Continued within)



AMERICAN LAW INSTITUTE-AMERICAN BAR ASSOCIATION
COMMITTEE ON CONTINUING PROFESSIONAL EDUCATION
a nonprofit endeavor providing continuing professional
education for lawyers since 1947. www.ali-aba.org

WHY YOU SHOULD ATTEND *(Continued)*

The course starts, not with the discovery provisions of the Federal Rules of Civil Procedure, but several steps earlier, with Electronic Records Management: how companies keep and manage information in electronic form. To do their jobs well, litigators have to understand how data is created and stored; concepts such as metadata; and corporate procedures for records management, maintenance, and destruction. It is also essential for lawyers to have a basic understanding of computer forensics and the recovery of “lost” information. In the brave new world of electronic discovery, forewarned is forearmed.

Having provided the foundation knowledge of the technological issues, the course moves on to consider the related and important legal questions:

- How to get information from the files of your own clients with confidence that you haven’t missed anything, a possible source of both embarrassment and sanctions
- How to deal with discovery of information in electronic form
- How to turn electronic “information” into “evidence”
- Using experts, and issues of admissibility
- Trial preparation and trial
- Spoliation issues, including civil and criminal liability under Sarbanes-Oxley
- **Ethics and professional responsibility issues** *(one hour)*

A faculty of federal judges, practitioners, and experts presents and analyzes these issues and questions using a combination of lectures, panel discussions, technological demonstrations, and litigation demonstrations. Time is reserved to respond to registrants’ questions.

PLANNING CHAIRS *(also on faculty)*

Ronald J. Hedges, U.S. Magistrate Judge, Newark, New Jersey

Samuel H. Solomon, Founder and CEO, DOAR, Lynbrook, New York

FACULTY

James A. Batson, Liddle & Robinson, L.L.P., New York

Joan E. Feldman, President, Computer Forensics Inc., Seattle

David R. Hamburger, Winston & Strawn LLP, Chicago

Joseph Hanczor, Merrill Lynch, New York

Gene Klimov, Director of Data Forensics, DOAR, Lynbrook, New York

Amy J. Longo, O’Melveny & Myers LLP, Newport Beach, California

Paul J. Neale, Vice President, DOAR Litigation Consulting, Washington, D.C.

Kathleen McDonald O’Malley, U.S. District Judge, Cleveland

Jonathan M. Redgrave, Jones Day, Washington, D.C.

James M. Rosenbaum, Chief U.S. District Judge, Minneapolis

Eric M. Rosenberg, President, LitigationProofing LLC, Mamaroneck, New York

(Continued)

FACULTY *(Continued)*

George J. Socha, Jr., Socha Consulting LLC, St. Paul, Minnesota

Claude G. Szyfer, Stroock & Stroock & Lavan LLP, New York

Kenneth J. Withers, Senior Judicial Education Attorney, Federal
Judicial Center, Washington, D.C.

Plus a faculty member from the U.S. Department of Justice (to be confirmed)

PROGRAM

Thursday, May 12, 2005

■ TECHNOLOGICAL AND OPERATIONAL ISSUES

8:00 a.m. Registration and Continental Breakfast

8:45 a.m. Introductory Remarks and Course Overview

9:00 a.m. **Data and Information Structure**

- Data identification: how they are created, stored, and managed
- Metadata: what it is and why it's important
- Where to look for electronic documents: back-up tapes, PDAs, servers, laptops, etc.
- Estimating the amount of information that can be yielded from a given set of data
- Demonstration: "Files, FAT, and Folders": Is the evidence gone?

10:30 a.m. Networking Break

10:45 a.m. **Computer Forensics**

- What to do and what to avoid
- Data restoration, conversion, and searching
- Defining a response plan
- The process of managing data
- Certification and assessing professionals
- Demonstration: laptop and desktop acquisition

12:00 noon Lunch Break

1:30 p.m. **Records Management and Digital Information**

- Records management discipline: policies, procedures, and compliance
- Defining the scope of the problem
- Organizational considerations
- Rotation and backup considerations
- When is document destruction appropriate?
- Real-time compliance
- Sarbanes-Oxley adherence
- Experiences and lessons learned
- Future of data management practices

3:00 p.m. Networking Break

3:15 p.m. **Data Mining, Searching, and Repositories**

- Systems that aid in the review process
- Search engines
- New frontiers in search engine and auto-coding
- Document review issues
- Demonstrations

4:45 p.m. Panel Discussion; Questions and Answers

5:30 p.m. Adjournment for the Day

Friday, May 13, 2005

■ **LEGAL ISSUES AND TRIAL PRACTICE**

8:00 a.m. Continental Breakfast

8:30 a.m. **Criminalization of Spoliation**

9:15 a.m. **Discovery and Judicial Decisions**

- Framing discovery requests
- Addressing discovery disputes
- Depositions to uncover electronic evidence
- Cost shifting and burdens
- Producing to the other side
- Spoliation
- Criminal vs. civil litigation differences in electronic discovery

10:45 a.m. Networking Break

11:00 a.m. **Demonstration: Spoliation Hearing and Motion for Sanctions**

12:00 noon Lunch Break

1:15 p.m. **Preparing for Trial: Admissibility and Dealing with Expert Witnesses**

2:00 p.m. **Ethical Considerations in Electronic Discovery**

3:00 p.m. **Demonstration: Expert Witness *Voir Dire***

4:00 p.m. Panel Discussion; Questions and Answers

4:15 p.m. Adjournment

Total 60-minute hours of instruction: 12.75, including one hour of ethics and professional responsibility

REGISTRATION—800-CLE-NEWS—www.ali-aba.org

Tuition for this course is \$995. Tuition entitles registrants to admission to all sessions, a set of study materials, and Continental breakfasts and refreshment breaks daily. To register, simply return the form provided, with payment; **or register with a credit card by:**

- **Phone: 800-CLE-NEWS (800-253-6397)**
- **FAX: 215-243-1664**
- **Internet: www.ali-aba.org**

Registrations will be accepted at the door if space is available, but please call in advance to avoid disappointment. **All course accounts must be settled by the first session of the course to assure admittance to the classroom.**

Newly admitted lawyers (within the past two years) and retired senior lawyers (65 and over) are eligible for a 50% tuition discount and should include a note explaining their eligibility. Discounts may not be combined.

Services for Persons with Disabilities: If special arrangements are required for an individual with a disability to attend this program, please inform ALI-ABA of any special needs at least two weeks in advance. Write Alexander Hart, ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104-3099, or call (215) 243-1630 or (800) CLE-NEWS (253-6397), extension 1630 (*toll-free, U.S. and Canada*).

CANCELLATIONS

Cancellations received no later than **May 9** will be honored and tuitions refunded, less a \$50 cancellation fee. Cancellations received by noon **May 11** also will be honored and tuitions refunded, less, however, a \$100 cancellation fee. Telephone cancellations (800-253-6397) will be honored under the above time limits and terms, but *must* be confirmed by letter; all requests for refunds must be received in writing and must be postmarked no later than **May 16**.

HOTEL ACCOMMODATIONS

A limited block of rooms has been reserved at the Millennium Knickerbocker Hotel. Room rate: \$169 per night, single or double occupancy. These rooms will be held as a block, unless exhausted, until April 21, at which time they will be released to the general public. Registrants must make their own hotel reservations and indicate that they are attending the ALI-ABA Course of Study to qualify for rooms in the block.

Room reservations may be made by calling or writing to the Millennium Knickerbocker Hotel, 163 E. Walton Place (at N. Michigan Ave.), Chicago, IL 60611; phone (312) 751-8100 or (800) 621-8140; FAX (312) 751-9663. Confirmations will be sent by the hotel. Please read the cancellation policy carefully.

ADDITIONAL INFORMATION AND WEB REGISTRATION

For further information write Alexander Hart, Director, Courses of Study, ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104-3099; telephone (215) 243-1630 or (*toll free, U.S. and Canada only*) (800) CLE-NEWS (253-6397), extension 1630. **To view full details and updates and/or register online, go to www.ali-aba.org/aliaba/ck071.htm.**

CAN'T ATTEND? ORDER THE STUDY MATERIALS!

A book of specially prepared study outlines and related material will be distributed at the course site. To order these materials separately for \$119, please use the form provided; **shipping and handling are free!**

Audiocassette Tapes and **Audio mp3 CD-ROMs** of this course will be available with the study materials approximately four to six weeks after the program for \$499, about **one-half** the tuition. Recordings are non-returnable, but will be replaced if defective. To order, please see the form; **shipping and handling are free!**

DISCOUNTED AIRFARES

For ALI-ABA discounted airfares, please call: DELTA 1-800-241-6760, re: File #205996A; UNITED 1-800-521-4041, re: File #535DG. Restrictions may apply.

TUITION ASSISTANCE

Tuition assistance for ALI-ABA courses, **based on need**, is available on application. We are particularly interested in applications from minority lawyers, public interest lawyers, government lawyers, and recently admitted solo practitioners. To apply, please request application form: Tuition Assistance, Alexander Hart, ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104-3099, or call (215) 243-1630 or (800) CLE-NEWS (253-6397), extension 1630. **All applications must be received by mail no later than three weeks before the course begins. FAX copies are not acceptable. Applications must be accompanied by a \$25 nonrefundable processing fee (waived for full-time J.D. candidates).**

MANDATORY CLE AND CPE CREDIT

Virtually all ALI-ABA Courses of Study are fully accredited in mandatory continuing legal education (MCLE) jurisdictions for varying numbers of credit hours. To obtain specific information on CLE, CPE, or other professional accreditation of this course, please write to: Mandatory CLE Credit, ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104-3099.

JOIN ALI-ABA IN-HOUSE — AND SAVE!

Save 15% on ALI-ABA courses and products when your office becomes a member of ALI-ABA In-House! **For courses of study, these savings typically total \$125 or more per course registration.** If your office is already a member of ALI-ABA In-House, simply check the discount request box on the attached registration form. For more information about ALI-ABA In-House, call (215) 243-1614 or (800) CLE-NEWS (253-6397), ext. 1614 (*toll-free, U.S. and Canada*); e-mail in-house@ali-aba.org; or visit www.ali-aba.org/aliaba/Cle_MenuPg.asp

ALI-ABA's **Direct-to-Desktop CLE®** is your one stop for **online CLE, in-depth research, and keeping up to date.** Go to <http://d2d.ali-aba.org>.

Are you finding the CLE you need? Receive notices efficiently when you sign up at www.ali-aba.org/aliaba/emailfrm.asp.

OTHER ALI-ABA COURSES OF STUDY

Securities Litigation: Planning and Strategies

April 28-29, 2005, Washington, D.C.

How To Handle a Tax Controversy at the IRS and in Court

April 28-29, 2005, New Orleans

Opinion and Expert Testimony in Federal and State Courts

May 5-6, 2005, Boston

Litigating Trademark, Trade Dress, and Unfair Competition Cases

May 19-20, 2005, Washington, D.C.

Environmental Litigation

June 22-25, 2005, Boulder, Colorado



New ALI-ABA Course of Study • May 12-13, 2005, in Chicago

Electronic Records Management and Digital Discovery



Printed on recycled paper

COURSE REGISTRATION FORM

- To register or order please clip, fill out, and mail this form together with payment to The American Law Institute-American Bar Association Committee on Continuing Professional Education: REGISTRAR, ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104-3099.
- Please attach names and addresses of additional registrants. Payment by check or credit card should accompany order or registration. Advance confirmation recommended for door registration.
- Please enter registration(s) for the ALI-ABA Course of Study, **Electronic Records Management and Digital Discovery**, May 12-13, 2005, in Chicago. *Tuition: \$995.*

I cannot attend this course. Please send me:

- Audiocassettes of the program, including the course materials, for \$499. **AK071**
- Audio mp3 CD-ROM of the program, including the printed course materials, for \$499. **AK071CD**
- Course materials *only* for \$119, available in late May. **SK071**

15% Discount for ALI-ABA In-House Members

- My office is a member of ALI-ABA In-House. Payment is in the amount of the stated tuition or price, minus 15%. For more information about ALI-ABA In-House, visit www.ali-aba.org/aliaba/Cle_MenuPg.asp.

\$ _____ Total Check enclosed (*payable to ALI-ABA*)

PA residents only, add 7% sales tax to total amount (excluding course registrations).

Please charge to my credit card: AMEX DISCOVER MasterCard VISA

Card no.: _____ Card expiration date: _____

NAME (please print) _____

FIRM _____

STREET ADDRESS _____

SUITE/FLOOR NUMBER _____

CITY _____ STATE _____ ZIP+4 _____

PHONE () _____ SIGNATURE _____

E-MAIL ADDRESS _____

ADDRESS CHANGE? Go to www.ali-aba.org/aliaba/change_ad_form.asp
Please include key code, below, when you register or order. Thank you.

American Law Institute-American Bar Association
Committee on Continuing Professional Education
4025 Chestnut Street, Philadelphia, PA 19104-3099

Key code **CK071LMOF**

Nonprofit Organization
U.S. Postage
PAID
Philadelphia, PA
Permit Number 331