

# Everything You Don't Know About E-Discovery

(But Wish You Did)

» *Best-kept secrets, practical tips and the latest tricks every attorney needs to know when mining digital data.*

## Long Island, New York

May 23, 2013

### Presented By

Hon. Timothy S. Driscoll

Elizabeth A. Adinolfi

Mark A. Berman

Victoria M. Brown

Barbara A. Lukeman

Thomas M. Mealiffe

Peter J. Theobald

### Credit Information

NY CLE - 7.0 (Incl. 1.0 ethics)

NJ CLE - 7.2 (Incl. 1.2 ethics)

*See inside for details!*

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# SEMINAR OUTLINE

## I. THE COURTS SPEAK

9:00 - 9:30, *Elizabeth A. Adinolfi*

- The Latest Rules and Regulations
- The Latest Federal and State Case Law

## II. A JUDGE'S PERSPECTIVE ON E-DISCOVERY

9:30 - 10:15, *Hon. Timothy S. Driscoll*

- Preparation
- Coordination with the Court
- Give the Judge What He/She Wants: Submitting Your E-Discovery Properly
- Presentation
- ESI Issues to Address in the Courtroom
  - Proportionality
  - When to Collect?
  - Popular Search Mistakes
  - Privilege and Privilege Logs
  - Social Networking
  - Cloud Computing
  - Foreign Discovery
- Cooperation in the Courtroom
- Sanctions and E-Discovery

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- Common Computer Challenges With E-Discovery, How to Avoid Them and What To Do When They Happen
- Getting Familiar with File Systems, File Types and Locations for the Most Common Sources of E-Discovery
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  - Information ("Litigation Risk")
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- New Search Tools and Filtering Methodologies
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1:00 - 1:30, *Victoria M. Brown*

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  - Primary Authority Law
  - Public Information Resources
- Turning Email Into Evidence
- E-Discovery Goes Mobile
  - Tried and True E-Discovery Apps

## VI. SOCIAL MEDIA AND E-DISCOVERY

1:30 - 2:30, *Barbara A. Lukeman*

- Social Media Archiving and Compliance
- Top Pitfalls to Avoid
- Proper Data Mining, Gathering and Admitting Procedures
  - Facebook
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2:45 - 3:30, *Thomas M. Mealiffe*

- Verifying the Authenticity
- Examining Witnesses on E-Discovery
- Citing Online Content Properly
- Presenting Your E-Discovery Data
- Common Mistakes Made in the Courtroom
- Social Media

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- Social Media
- Email
- Websites

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## OUR DISTINGUISHED FACULTY

**HON. TIMOTHY S. DRISCOLL** is justice of the Nassau County Supreme Court in Mineola, New York. Judge Driscoll is an adjunct professor at Brooklyn Law School. Previously, he was a law clerk to Judge Joseph M. McLaughlin, U.S. Court of Appeals for the Second Circuit; an associate at Williams & Connolly; assistant U.S. attorney for the Eastern District of New York; and deputy county executive, Nassau County. Judge Driscoll earned his B.A. degree from Hofstra University and his J.D. degree from Harvard Law School. He is a member of the Nassau County Bar Association and a board member of the Irish-Americans in Government. His bar admissions include New York State, Appellate Division, Second Department; U.S. District Court for the Eastern and Southern districts of New York; and the U.S. Circuit Court of Appeals, Second Circuit.

**ELIZABETH A. ADINOLFI** is an attorney in the litigation department at Phillips Nizer LLP. Through her practice in general litigation, Ms. Adinolfi has developed significant experience in the use of technology to facilitate litigation, and with the legal and technological issues particular to electronic discovery. She also has an active pro bono practice, providing appellate representation on behalf of Sanctuary for Families Center for Battered Women's Legal Services. Ms. Adinolfi earned her B.A. degree from Macalester College and her J.D. degree, summa cum laude, from Hamline University School of Law. Her bar admissions include New York; U.S. District Court, Southern District of New York; U.S. District Court, Eastern District of New York; and the U.S. Court of Appeals, 2nd Circuit.

**MARK A. BERMAN** is a partner in the commercial litigation, cooperative and condominium law, and employment and labor law practice groups at the law firm of Ganfer & Shore LLP. Mr. Berman has extensive experience in representing private and public companies, as well as partnerships and individuals, as plaintiffs and defendants, in court and in arbitral forums; in complex commercial matters, with an emphasis on real estate and securities disputes; electronic discovery conflicts; and complex title insurance issues. He has written and lectured extensively on electronic discovery issues before the American Bar Association, the New York State Bar Association and the New York State Judicial Institute. Mr. Berman has been appointed by the chief administrative judge as a member of New York State E-Discovery working group advising the New York State Unified Court System and is a member of its Education Subcommittee. Since 2005, he has written a column in *The New York Law Journal* addressing electronic discovery under New York State law. Mr. Berman's articles have been quoted in both appellate and trial court decisions. He earned his A.B. degree from Columbia College and his J.D. degree, magna cum laude, from Benjamin N. Cardozo School of Law. His admissions include New York State; U.S. District Court, Southern, Eastern and Northern districts of New York; U.S. Court of Appeals, Second Circuit; and the U.S. Supreme Court. Mr. Berman is a member of the New York State Bar Association and the secretary of the E-Discovery Committee of the Commercial and Federal Litigation Section.

**VICTORIA M. BROWN** is a research consultant in New York and New Jersey. Ms. Brown worked as in-house real counsel in New York City, New York for nationwide companies such as Corporate Property Investors and Shearson Lehman Brothers. She formed many corporations for small business clients and worked out the details of often complex shareholder agreements. Beginning in 2000, Ms. Brown began working with small business dot.com companies negotiating and litigation web development, web hosting, joint development and associated agreements. She has litigated in the Superior Court of New Jersey; the Supreme Court of New York; the Appellate Term in New York City; and the Appellate Division, First and Second departments in New York State. Ms. Brown is admitted to practice in New York, New Jersey, Florida and Massachusetts. She also is admitted to practice before the U.S. Supreme Court; the Federal Circuit Court; the Federal District Court, Southern and Eastern districts of New York; and the New Jersey Bankruptcy Court. Ms. Brown is a member of the New Jersey State, New York State and Massachusetts bar associations; The Florida Bar; and the Rotary Club of Englewood, New Jersey. She earned her B.A. degree from Boston University and her J.D. degree from New England School of Law.

## IMPORTANT DETAILS

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**Hilton Long Island**

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### SCHEDULE

**Registration** 8:30 - 9:00 am

**Seminar** 9:00 am - 4:30 pm

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