



Oregon Law Institute
of Lewis & Clark Law School

E-Discovery:

Bridging the Gap Between the Law and the Technology

At this practice-oriented seminar, experienced litigators and judges from the federal and state bench will share their insights on how to successfully navigate the new frontier of e-discovery. You will learn strategic considerations for the meet and confer with opposing counsel, what tools are available to manage electronic discovery, tips from the bench on court intervention in discovery disputes, and how to effectively present electronic evidence in court.

FRIDAY, OCTOBER 10, 2008

Oregon Convention Center
777 NE Martin Luther King, Jr. Blvd.
Portland, Oregon

5.5 General and 1 Ethics MCLE Credits

SCHEDULE

- 8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:25 WELCOME AND INTRODUCTION
- 8:30 - 9:15 **E-Discovery Overview**
- Top ten changes to the rules
 - What do the terms mean?
 - Preservation of electronically stored information
 - How do you collect it?
 - Identifying data
 - *Kathryn M. Pratt*
- 9:15 - 10:00 **The Meet and Confer with Opposing Counsel**
- Fundamental meet and confer requirements and considerations in federal and state courts
 - Civility and professionalism in the meet and confer process
 - How to be effective in all meet and confer situations
 - Federal Rule 26(f) in practice
 - Mock Rule 26(f) conference
 - Moderator: *Katherine Heekin*
 - *Hon. Anna J. Brown*
 - *Hon. Jerry B. Hodson*
 - *Seth H. Row*
 - *Joshua M.F. Sasaki*
 - *Richard J. Vangelisti*
- 10:00 - 10:15 BREAK
- 10:15 - 11:00 **The Meet and Confer with Opposing Counsel**
(Continued)
- Preparing for motions using the meet and confer process
 - Resolving e-discovery disputes after the initial meet and confer:
 - Cost shifting
 - Sanctions
 - Native file production
 - Use of special masters
 - Narrowing the issues before presentation to the court
 - Tips from the bench on court intervention in discovery disputes
- 11:00 - 12:00 **Back in the Office: Managing Electronic Discovery**
- Understanding and assessing the scope of the e-discovery in your case
 - Understanding tools for data filtering, processing, review and production
 - Choosing production formats
 - Understanding e-discovery costs
 - Moderator: *Sarah J. Crooks*
 - *Russell D. Garrett*
 - *Chris Marzetti*
 - *Michelle Servo*
- 12:00 - 1:15 LUNCH (on your own)

SCHEDULE (cont.)

- 1:15 - 2:15 **How to Effectively Present Electronic Evidence at Trial**
- Practical tips
 - Demonstration
 - Avoiding common mistakes
 - *Timothy S. DeJong*
 - *Nicole Ciccarello*
- 2:15 - 2:30 BREAK
- 2:30 - 3:15 **Best Practices to Educate and Persuade the Court**
- Educate yourself—know what e-discovery should be available and its level of accessibility
 - Using preservation letters, corporate depositions, and IT experts to determine what is not produced
 - Persuasive e-discovery motions
 - Evidence to support and oppose discovery motions
 - Spoliation issues
 - Asking for sanctions
 - Lessons learned from *Nike v. City of Beaverton*
 - *Joel A. Mullin*
 - *Hon. Leslie M. Roberts*
 - *Christine Tracey*
- 3:15 - 4:15 **Client Confidences in E-Discovery**
- Duty of confidentiality and the attorney-client privilege in general
 - Inadvertent and not so inadvertent production
 - Metadata and “ESI”
 - Other e-mail problems
 - Employee use of employer e-mail
 - Waiver due to excessive circulation
 - *David J. Elkanich*
- 4:15 ADJOURN

Program Faculty

Hon. Anna J. Brown

US District Court Judge

Nicole Ciccarello

*Director of Litigation Services,
Bridge City Legal*

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Timothy S. DeJong

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Christine Tracey

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LIVE PRESENTATION

Portland – 10/10/08

Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

*E-Discovery: Bridging the Gap
Between the Law and the Technology*
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VIDEO REPLAYS

Please register at least one week prior to the replay date.

Bend – 10/24/08

Replay 8:30 a.m.
Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 10/17/08

Replay 8:30 a.m.
Harrang Long Gary & Rudnick, P.C.
360 East 10th Avenue, Ste. 300

Medford – 10/17/08

Replay 8:30 a.m.
Kellington, Krack, Richmond,
Blackhurst & Glatte, LLP
23 Newtown Street

Portland – 10/29/08

Replay 9:00 a.m.
Oregon Law Institute
Gus J. Solomon Courthouse,
620 S.W. Main St., Suite 706

E-Discovery:

Bridging the Gap Between the Law and the Technology

Friday, October 10, 2008

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 Live presentation Video replay. Location: _____ Date: _____

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TUITION *(Prices apply to live and video replays.)*

- \$169** "Early Bird" tuition *(received by October 6, 2008)*.
- \$129** "Early Bird" tuition for new attorneys (admitted 2007–2008), paralegals, or secretaries *(received by October 6, 2008)*.
- \$85** Legal aid attorneys *(received by October 6, 2008)*.
- \$15** OLI Annual Pass holder (Annual Pass No. _____).
- \$20** Add to above tuition if registration received *after October 6, 2008*.

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CONFIRMATION: Confirmation will be sent via e-mail or fax one week before the program.**CANCELLATION POLICY:** Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Monday, October 6, 2008.**NEED ASSISTANCE:** If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.**TUITION ASSISTANCE:** A limited number of scholarships are available based on financial need. Contact OLI.