

# 2021 E-Discovery Essentials

## April 20, 2021 • Live Webcast

**Tuesday Morning, Apr. 20, 2021**

**Presiding Officer:**

**Kennon L. Wooten**, Scott Douglass & McConnico LLP - Austin, TX

|                            |   |
|----------------------------|---|
| 8:50 am                    | <b>Welcoming Remarks</b>  |
| 9:00 am<br>0.75 hr         | <b>Current Issues in E-Discovery</b><br><br>Discuss challenges to preserving new forms of electronically stored information, the potential perils of allowing clients to self-collect relevant data, ethical and rule-based obligations imposed on counsel, and the new arguments being raised in support of motions for sanctions.<br><br>David Kessler, Norton Rose Fulbright - New York, NY<br>Hon. Xavier Rodriguez, U.S. District Court, Western District of Texas - San Antonio, TX   |
| 9:45 am                    | <b>10-Minute Break</b>  |
| 9:55 am<br>0.50 hr         | <b>Rules Update: An Overview of New Procedural Rules and How They Affect Our Practice</b><br><br>Examine the impetus for, content of, and impacts of recent amendments to the Texas Rules of Civil Procedure relating to service, expedited actions, and discovery. Learn how to serve parties through social media, which cases are in the expedited actions process by default, and newly required disclosures and other discovery-rule changes that affect civil litigation.<br><br>Kennon L. Wooten, Scott Douglass & McConnico LLP - Austin, TX  |
| 10:25 am                   | <b>10-Minute Break</b>  |
| 10:35 am<br>0.50 hr        | <b>Privacy and the Intersection of E-Discovery</b><br><br>Hear an overview of GDPR, CCPA, and other privacy statutes, and discuss their impacts for eDiscovery practitioners.<br><br>Mark Young, Covington & Burling - London, United Kingdom   |
| 11:05 am                   | <b>10-Minute Break</b>  |
| 11:15 am<br>0.75 hr ethics | <b>Responsibility of Outside Counsel to Protect Client Information</b><br><br>Outside Counsel are becoming prime targets for hackers and others seeking to steal valuable trade secrets and to disrupt the interests of firm clients due to the particularly sensitive information created and received by counsel during litigation and other proceedings. Law Firms have an ethical duty to ensure that they have appropriate measures in place, including training and technology, to ensure that the information they create and receive on behalf of their clients is maintained safely and securely.<br><br>Robert L. Levy, Exxon Mobil Corporation - Houston, TX |
| 12:00 pm                   | <b>Lunch Break - 30 minutes</b>   |

## Tuesday Afternoon, Apr. 20, 2021

### Presiding Officer:

**Christine Payne**, Gunster - Austin, TX

|                                       |   |
|---------------------------------------|---|
| 12:30 pm<br>1.00 hr<br>0.50 hr ethics | <b>Prudently Picking Your E-Discovery Team: Vendors, Forensics Experts, and More</b><br><br>Moderator:<br>Michelle Six, Kirkland & Ellis LLP - New York, NY<br>Panelists:<br>Jeff Salling, NOVARTIS - East Hanover, NJ<br>Stacy Sampeck, 3M - San Antonio, TX   |
| 1:30 pm                               | <b>10-Minute Break</b>  |
| 1:40 pm<br>0.75 hr                    | <b>Conducting Cost-Effective E-Discovery and the Use of Technology Assisted Review (TAR)</b><br><br>Examine how technology-based processes, specifically technology assisted review (TAR), can be cost-effective and efficient solutions for e-discovery in litigation. This session highlights situations where TAR is often the preferred tool over attorney review and flags times that it is not, and discusses how to address contentious issues that may arise in TAR-related negotiations with opposing counsel.<br><br>Christine Payne, Gunster - Austin, TX<br>Hon. Andrew Peck, DLA Piper LLP US - New York, NY   |
| 2:25 pm                               | <b>10-Minute Break</b>  |
| 2:35 pm<br>0.50 hr ethics             | <b>Privilege Logs and the Use of Technology to Create a More Efficient Process</b><br><br>In today's world, with ESI continuing to expand exponentially in both volume and variety, and discovery accelerated through such devices as rocket dockets and mandatory disclosure pilot programs, privilege logging pressures have increased dramatically. Hear advice on leveraging technology, best practices, and advocacy to reduce risks and costs and increase efficiency.<br><br>Jonathan Redgrave, Redgrave LLP - Chantilly, VA<br>Amy Sellars, Discovery Center of Excellence at Cardinal Health - Dublin, OH  |
| 3:05 pm                               | <b>10-Minute Break</b>  |
| 3:15 pm<br>1.00 hr<br>0.50 hr ethics  | <b>Discoverability of Mobile Devices, New Technology and Social Media Platforms</b><br><br>In a world of ever evolving personal mobile technology and social communication platforms, companies must proactively manage where and how company business information is stored, shared, retained, and produced to third parties. Explore the challenges in determining whether a company has control over data on employee devices or accounts, how to appropriately address the risks involved with managing (or not managing) this data, and strategies for the collection, processing, review, and production of data.<br><br>Andrea L. D'Ambra, Norton Rose Fulbright US LLP - New York, NY<br>Bryan Foster, Deloitte LLP - Houston, TX |
| 4:15 pm                               | <b>10-Minute Break</b>  |

4:25 pm  
0.75 hr

### **Litigation Holds and Establishing the Duty to Preserve ESI**

Explore the essentials you need to know about litigation holds and preservation of ESI, especially in a post-pandemic, virtual work environment; and get a “back to basics” overview of well-settled principles and best practices, along with a preview of emergent issues you should have on your radar.

Moderator:

Farrah Pepper, Marsh McLennan - New York, NY

Panelists:

Robert Keeling, Sidley Austin LLP - Washington, DC

Cheryl Joseph LaFond, Scott Douglass & McConnico LLP - Austin, TX

Jeff Rickard, Walmart Inc. - Centerton, AR

5:10 pm

**Adjourn**