

# eDiscovery Conference 2014



## Opening Address: **The Honourable Mr. Justice Frank Clarke**

Friday 14<sup>th</sup> November 2014  
Clontarf Castle Hotel, Dublin 3

€225 (early bird before 14<sup>th</sup> October 2014)  
€295 Conference Rate  
Breakfast Primer Session: additional €30

6/7 CPD  
hours

**This 1-day conference brings together a number of leading national & international speakers who will give practical guidance covering the basics of eDiscovery, important up-dates including covering advanced topics such as TAR & predictive coding.**

The complexity and cost of managing information is currently a major challenge for organisations. The vast majority of data is now stored electronically on an increasing variety of devices. An inspection by a regulator or discovery/ disclosure order will result in large volumes of information needing to be collated, searched, and reviewed. Currently the cost of an eDiscovery project can easily account for over 50% of an overall case.

The standards expected by litigants & the courts now demand that a defensible & proportionate approach be taken. This is evidenced by the wide scale adoption of the 2013 & 2014 eDiscovery Guides released in Ireland. This conference will cover the essential skills required of lawyers, IT & eDiscovery professionals in managing an eDiscovery project in a cost efficient & timely manner.

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# Conference Timetable

## 7.30 Registration for Breakfast Primer Session

### 8.00 Breakfast Primer Session: eDiscovery – What you need to Know

This preliminary session is for those who wish to gain an understanding of electronic discovery and how a typical project is conducted. Judge Frank Clarke and Simon Collins will cover some essential elements of electronic discovery and provide an overview of how the recently published guidance in this area can be used.

*The Hon. Mr. Justice Frank Clarke and Simon Collins, NightOwl Discovery*

### 8.45 Refreshments & Registration

### 9.15 Chairs Opening Address

*The Hon. Mr. Justice Frank Clarke*

### 9.30 Information Governance - Damned if you Do, Damned if your Don't?

It goes without saying that knowing what data you have and where it is located can significantly reduce the challenge of discovery. This session will focus on some practical aspects of information governance, including:

- Understanding compliance requirements in a regulated world
- Mapping and classifying data
- Developing policies and procedures for managing data
- Where to start
- Typical challenges

*Lee Meyrick, Nuix plus Guest Speaker*

### 10.00 If Only it was Just Emails

Few discovery projects include just email. This session will cover the increasingly diverse communications technologies in use today (such as cloud, social media, mobile devices, BYOD, chat rooms, and instant messaging), and some of the common challenges when they need to be included in the discovery process.

*Lee Meyrick, Nuix plus Guest Speaker*

### 10.30 Q & A

### 10.40 Refreshments Break

### 11.00 Litigations Readiness - Building the "A" team

This session will involve three presenters each covering how they would contribute to a team when eDiscovery is required. It will cover the perspective of the client, legal advisor, and the vendor.

Lisa Broderick will open this session and will focus on the initial steps to be taken by in-house and/or external counsel when they first become aware of a potential contentious matter. This will form the basis of a defensible & proportionate litigation response plan. This will include:

- Briefing stakeholders
- Performing an initial assessment of the matter
- Initiating the litigation hold process

*Lisa Broderick, DAC Beachcroft Solicitors*

### 11.30 Establishing an eDiscovery Team

Leonard McAuliffe will then work through the elements of establishing a discovery team, including:

- Identifying internal team members and external service providers
- Establishing communication channels
- Agreeing the level and frequency of reporting
- Completing a plan and budget

*Leonard McAuliffe, PWC*

### 12.00 Getting the Best Value from External Providers

Simon Collins will provide an overview of typical external service providers, including:

- The different models for engaging them
- How to get the most value from them
- Common pitfalls

*Simon Collins, NightOwl Discovery*

### 12.30 Q & A

### 12.50 LUNCH

## 13.45 Parallel sessions - Please choose one of the following three sessions when making your booking:

### Session One: The Technology Bit!

#### Demystifying Predictive Coding

What predictive coding is and is not, what are the best practices for Technology Assisted Review (TAR)?

*Damir Kahvedzic, Espion Group*

#### Planning a Review

Establishing and managing a review team, effectively managing the review, and a brief demonstration of a review platform.

*David Wallack, NightOwl Discovery*

### Session Two: Legal Updates

#### Recent Legal Developments

Judicial decisions in relation to privilege and discovery; analysing the trends & implications for lawyers and litigants.

*Eileen Roberts, A&L Goodbody*

#### Legal Costs Recovery

The importance of recording; the taxation process in respect of eDiscovery and costs implications.

*Michael Monaghan, Legal Cost Accountant, Abacus*

### Session Three: Regulation and eDiscovery

Electronic discovery in the Regulatory sector - Challenges and opportunities.

*Kevin Prendergast, Office of the Director of Corporate Enforcement*

Building an eDiscovery Capability within the Enforcement Directorate

*Sally McGuinness, Central Bank of Ireland*

### 15.15 The UK experience and jurisdiction-neutral points

- The 2013 Jackson reforms as they affect e-Disclosure
- Court control of scope, method and costs
- The role of protocols and guides
- Reconciling completeness with proportionality
- Mobile, cloud, privacy and social media

*Chris Dale, The e-Disclosure Information Project*

### 15.50 International Developments

- Recent US eDiscovery developments - proportionality and sanctions/"safe harbor"
- A brief history of search, from manual review to keywords to Technology Assisted Review, aka predictive coding

*Judge Andrew Peck, Magistrate Judge, United States District Court, Southern District of New York*

### 16.20 The Judges Panel

A judicial perspective on eDiscovery, including:

- Judicial management of eDiscovery
- Using Discovery Guides
- Cost implications
- Future development

*The Hon. Mr. Justice Frank Clarke, Judge Andrew Peck*

### 16.45 Close & Drinks Reception



### **The Honourable Mr. Justice Frank Clarke**

The Honourable Mr Justice Frank Clarke is a judge of the Supreme Court. He was called to the bar in 1973, became Senior Counsel in 1985 and was appointed as a High Court judge in November of 2004. Mr. Justice Clarke was appointed to the Supreme Court in March 2012. In 2009 he chaired the Referendum Commission for the second Lisbon Treaty referendum.



### **Simon Collins, NightOwl Discovery**

Simon has recently taken on the role of Director with NightOwl Discovery specialising in the provision of eDiscovery, Managed Review, IT Forensics, and Information Governance services. Prior to joining NightOwl Discovery, Simon spent 9 years building and leading Ernst & Young's forensic technology team in Dublin.



### **Lee Meyrick, Nuix**

Lee has 12 years' experience of data discovery and compliance planning and implementation. He advises organisations on the use of discovery techniques for information retrieval in unstructured data. Lee has also provided training and consulting to others on Corporate Investigations and eDiscovery.



### **Lisa Broderick, DAC Beachcroft Solicitors**

Lisa has significant expertise in defending commercial litigation cases before the Irish High Court including the Commercial Court. Lisa regularly advises on eDiscovery (disclosure) issues and issues relating to legal professional privilege.



### **Leonard McAuliffe, PwC**

Leonard McAuliffe is a Director with PwC Advisory Consulting and heads up the Information Security and Forensics function. Leonard has over 15 years' experience in the area of Information Security and Forensics and has worked on some of the largest and most complex Forensics and eDiscovery projects in Ireland and Internationally. Leonard has assisted organisations in developing in-house eDiscovery capabilities from the ground up and has also provided eDiscovery and litigation support services to many legal firms and private/public sector clients.



### **Mr Damir Kahvedzic, Espion**

Damir has completed a PhD dissertation in Cybercrime and Digital Forensics Investigations. He has an extensive range of knowledge and expertise in digital forensics concepts, eDiscovery tools and related matters and has a detailed and practical knowledge of industry leading eDiscovery platforms. He regularly acts as an expert for a number of organisations in the financial services sector.



### **David Wallack, NightOwl Discovery**

David Wallack serves as General Counsel and a Director at NightOwl Discovery where he provides the company expertise in matters related to providing global eDiscovery services. Before joining NightOwl Discovery, David served as Associate General Counsel to a private institutional fund and prior to that as a Senior Associate with Morgan Lewis & Bockius LLP. His educational background is in corporate and securities law with an emphasis on structured finance.



### **Eileen Roberts, A & L Goodbody Solicitors**

Eileen Roberts is a Litigation Partner with A&L Goodbody. Her practice is both contentious and non-contentious and covers a wide variety of general commercial litigation including Court, arbitrations, Mediations, Tribunal and Inquiry work. Eileen is a committee member of the Irish Commercial Litigation Association and recently chaired their Sub-Committee which produced the Good Practice Discovery Guide for Commercial Litigation in Ireland.



### **Michael Monaghan, Abacus Law Costs Consultants**

Michael has 14 years' experience in dealing with legal costs, both in England and in the Republic of Ireland, and is a Fellow of the Association of Law Costs Draftsmen. He was also among the first Costs Lawyers in the United Kingdom to qualify as a Costs Lawyer. Michael has extensive experience in both justifying and opposing claims for costs in a wide range of civil and commercial matters.



### **Nick Portch, Abacus Law Costs Consultants**

Nick has been working in the field of legal costs for 25 years. Nick was among the first Costs Draftsmen to qualify as a Costs Lawyer in January 2008. Nick has extensive experience in dealing with costs in commercial and civil litigation and has dealt with many complex and high value matters, both justifying and opposing, for numerous large firms of solicitors based in Central London and the City.



### **Kevin Prendergast, ODCE**

Kevin Prendergast is Head of Enforcement at the Office of the Director of Corporate Enforcement (ODCE) He has strategic responsibility for the Enforcement Unit dealing with some 700 reports of alleged corporate misbehaviour per annum. He trained in audit and management consulting and has also worked in the private sector in the financial services industry.



### **Sally McGuinness, Central Bank**

Sally is a Senior Investigator within the Enforcement Directorate Complex Cases and Projects Team at the Central Bank of Ireland. Prior to joining the Central Bank in 2011, Sally held the position of Senior Manager in the Fraud, Investigations and Disputes practice of Ernst & Young. In her current role, Sally is responsible for identifying and implementing a suitable eDiscovery platform for the Enforcement Directorate.



### **Chris Dale, The e-Disclosure Information Project**

Chris Dale qualified as an English solicitor in 1980 and was a litigation partner in London before turning to commentary on electronic disclosure / discovery. He runs the e-Disclosure Information Project which disseminates information about the court rules, the problems, and the technology to lawyers and their clients, to judges, and to suppliers. He was a member of Senior Master Whitaker's Working Party which drafted Practice Direction 31B and the Electronic Documents Questionnaire.



### **Judge Andrew J. Peck, United States Magistrate Judge**

Magistrate Judge Andrew J. Peck was appointed United States Magistrate Judge for the Southern District of New York on February 27, 1995, and served as Chief Magistrate Judge in 2004-2005. Judge Peck was an associate and then Counsel at Paul, Weiss, Rifkind, Wharton & Garrison, from 1978-1995. He is a frequent lecturer on issues relating to electronic discovery and is a member of the Sedona Conference and the Sedona Conference Judicial Advisory Board. He was awarded the Champion of Technology Award for 2011 by Law Technology News.

# eDISCOVERY CONFERENCE 2014

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Please select from one of the following three parallel sessions:

**Session 1: The Technology Bit!**

**Session 2: Legal Updates**

**Session 3: Regulation and E-Discovery**

Please confirm if you will be attending the Breakfast Primer Session

If you have any special dietary requirements, please let us know:

To book email:  
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Or complete the booking form and scan/email, fax or post to:

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**Fax: 01 8788 266**

**Email: info@latouchetraining.ie**

**Date:** Friday 14th November 2014  
**Time:** 9.00am (8.00am for Breakfast Primer Session)

**Venue:** Clontarf Castle Hotel, Dublin 3  
**Cost:** €225 (early bird before 14<sup>th</sup> October 2014)

€295 Conference Rate  
Breakfast Primer Session: additional €30

### Confirmation of Registration

On receipt of your booking, your booking confirmation and invoice will be emailed to you.

**Cancellations** must be received in writing before 7<sup>th</sup> November 2014 and will be subject to a 25% administration fee. Cancellations received after Friday 7<sup>th</sup> November 2014 and those not received in writing, will not be accepted and the delegate(s) will be liable for the full conference fee. Delegate names may be changed although late bookings may not necessarily be included on the delegate list.

**Please note** that due to circumstances beyond La Touche Training's control, speakers and timings may vary. We reserve the right to cancel the conference if necessary and issue a full refund of fees.

### Access to Venue

Clontarf Castle Hotel has comprehensive facilities for disabled delegates

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