National eDiscovery Leadership Institute

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2021

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NeLI
National eDiscovery Leadership Institute

SEPTEMBER 13, 2021

Overland Park Convention Center
6900 College Blvd.
Overland Park, KS 66211

Learn about eDiscovery Developments from Nationally Recognized Experts.

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8:00 A.M. – 8:30 A.M.	**Registration/Breakfast**

8:30 A.M. – 8:45 A.M.	**Welcome Remarks: Robin E. Stewart (Kutak Rock LLP) and Daniel McCarroll (UMKC)**

8:45 A.M. – 9:35 A.M.	**Renew Your Knowledge: A Discovery Caselaw Booster**

The 2015 amendments to the Federal Rules of Civil Procedure continue to impact the landscape of discovery case law. It is important for practitioners to understand the highlights and potential pitfalls in discovery jurisprudence. Join this panel to hear about some of the most interesting discovery decisions from the past year.

Moderator: Jeremy Wikler (Shook, Hardy & Bacon)
Panelists: Emily Collins, Uzo Nwonwu (UMB Bank), and Judge Angel D. Mitchell (U.S.D.C. Dist. of Kansas)

9:40 A.M. – 11:10 A.M.	**Judicial Panel: The Court Speaks**

These outspoken judges will provide insight from the bench as they address the latest eDiscovery developments and ethical issues surrounding the discovery process. This is a rare opportunity to have these judicial influencers from around the nation gathered together to lead a conversation on key eDiscovery issues. Bring your questions as this panel is eager to provide insight that may save you or your client from engaging in a costly mistake.

Moderator: John Pappas (Open Text)
Panelists: Hon. Allison Goddard (U.S.D.C. S.D. CA); Hon. Angel Mitchell (U.S.D.C. Dist. Kan.); Hon. Xavier Rodriguez (U.S.D.C. W.D. TX.); Hon. Teresa J. James (U.S. D.C. Dist. Kan); Andrew J. Peck (DLA Piper, LLP) and Ret. Magistrate Judge (U.S.D.C. S.D. N.Y.)

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11:10 A.M. – 11:20 A.M.	**Networking Break**

11:20 A.M. – 12:10 P.M.	**A Brief Introduction to Artificial Intelligence**

In the ever-changing landscape of eDiscovery and modern legal practice, understanding cutting-edge topics relating to Artificial Intelligence ("AI") has become essential both for litigators and for other legal professionals. Topics to be covered in this session include the fundamentals of AI (what it is and how it works); an understanding of how AI is used outside as well as inside the legal profession; and some of the issues implicated by AI.

Presenter: Maura Grossman (University of Waterloo & Maura Grossman Law)

12:15 P.M. – 12:40 P.M.	**The Value of Training and Certification**

Presenter: Daniel Gold, ACEDS Kansas City Chapter President

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12:40 P.M. – 1:00 P.M. **Networking Break/Grab Lunch**

1:00 P.M. – 1:45 P.M. **Mock Hearing:** *Chris Corona v. Medical Technologies*

Judge Rodriquez will preside over a mock argument by seasoned litigators about novel e-discovery, legal, and technical issues. These include, for example, how Rule 37 of the Federal Rules of Civil Procedure may apply to ephemeral messaging applications, and what sanctions may be warranted for using these platforms when a party is in reasonable anticipation of a litigation or investigation. The argument will help lawyers to educate themselves and their clients about the legal issues and risks arising out of the use of the platforms.

Advocates: Edward H. Rippey (Covington & Burling, LLP), Robin E. Stewart (Kutak Rock LLP)
Presiding Judge: Hon. Xavier Rodriguez (U.S.D.C. W.D. TX.)

1:50 P.M. – 2:10 P.M. **NeLI Talk: The Impact of AI, Cloud, Social Media and Mobile Investigations**

This session will dive into how AI works on all types of data sources, the unique challenges and considerations of each type, and how it can be used to supercharge an investigation/case development.

Presenter: Greg MacFarlane, DISCO

2:10 P.M. – 2:20 P.M. **Networking Break**

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2:20 P.M. - 3:10 P.M.

Anticipating and Managing Cutting Edge Ethical Dilemmas in eDiscovery

The volume and pace of eDiscovery continue to accelerate, demanding solutions for expediting decision-making, limiting redundancy, and leveraging work product. Every approach, however, carries with it ethical implications that are often overlooked until it becomes too late to change direction and avoid or recover from these ethical dilemmas. Join this panel, as they walk you through some of the ethical situations that can arise in modern eDiscovery practice, and discuss ways to anticipate problems and manage them when they arise.

Moderator: Thomas C. Gricks (OpenText)
Panelists: Robin E. Stewart (Kutak Rock LLP), Lea Bays (Robbins Gellar Rudman & Dowd), Andrew J. Peck (DLA Piper, LLP and Ret. Magistrate Judge)

3:15 P.M. - 4:05 P.M.

The Art of Handling ESI

Collecting, searching, and analyzing data is an art. It requires careful planning, understanding strategies for using technology, and sometimes thinking outside the box. This panel of experts will help you develop strategies for collecting, culling, and analyzing ESI that are practical, defensible, and cost-effective. We have experts who have been on both sides of large and small cases. If you are looking for best practices for taming the exploding amount of data in your cases, this panel will not disappoint. You will walk away with tips for handling email, file server data, computers, cell phones, and more!

Moderator: Tessa K. Jacob (Husch Blackwell)
Panelists: Paul McVoy (Meta-e); Scott Milner (Morgan Lewis); Kelly Twigger (ESI Attorneys)

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4:10 P.M. – 5:00 P.M.

Unconventional Advice on ESI Protocol Negotiation: Beware What You (Blindly) Ask for or Agree to Do

There is no one size fits all ESI Protocol. Blindly asking for or agreeing to boilerplate provisions can be cause for regret. Too often parties do not take the required time to thoroughly negotiate and draft an ESI Protocol and then later discover that they cannot comply with what they agreed to do. Understanding the nuances of whether a protocol makes sense, what goes into an ESI Protocol, and what arguments underlie common disputes is important when negotiating an ESI Protocol, as well as whether to propose one in the first place. This session will include a mock negotiation of an ESI Protocol that will cover topics such as form of production, sources of ESI that are not reasonably accessible Rule 26, Rule 502(d) orders, privilege logs, and search parameters.

Negotiators: Lea Bays (Robbins Geller Rudman & Dowd LLP) and Martin Tully (Redgrave LLP)

5:00 P.M. – 5:15 P.M.

Closing Remarks/Final Raffle Giveaways

5:15 P.M. – 6:15 P.M.

Networking Reception (sponsored by ACEDS)

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NeLI Presenters

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U.S.D.C. District of Kansas

Andrew J. Peck
DLA Piper, LLP (Magistrate Judge, U.S.D.C. S.D. N.Y.)(ret.)

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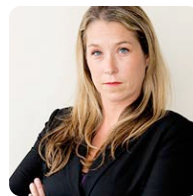ESI Attorneys LLC

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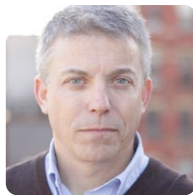OpenText

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