

4th eDiscovery™ for Financial Services

Developing Tactics To Reduce The Complexity And Costs Of e-Discovery In A New Regulatory Era

February 14-16, 2011 • The Sentry Center, New York, NY

Why attend the 4th eDiscovery for Financial Services Conference

CLE Credits Available!

- Learn how the Dodd-Frank Act will affect financial services litigation financial services litigation and document retention requirements.
- Participate in exclusive sessions with Federal Court Judges reviewing 2010 landmark cases and rulings affecting the financial services sector.
- Explore best practices on managing tweets, texts, postings and instant messages as ESI.
- Hear from FINRA, SEC and FTC regulators addressing the direction and intent of new regulations.
- Assess the pros and cons of building your in-house e-discovery team vs. outsourcing e-discovery processes.

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See page 6 for further details.

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Dear Colleague,

Welcome to IQPC's 4th Annual eDiscovery for Financial Services Conference – the key meeting of the year for the e-discovery experts of the world's major financial institutions. An unprecedented upheaval in financial markets has led to one of the most turbulent periods in corporate history. With the implementation of the **Dodd-Frank Act**, financial corporations must respond and adapt immediately. **These changes will have a direct impact on e-discovery practices.** Changing technology creates quickly moving targets for corporations to reach. The burden falls on legal, information security, record retention, and IT departments to ensure the best review, retention, and destruction policies and procedures. **A successful e-discovery team can mitigate the costs of e-discovery, reduce the volume of extraneous data, and avoid sanctions and other judicially imposed penalties, including potential jail time.** Beyond this is the ever-present headline risk attendant to discovery and ESI failures.

This unique e-discovery event brings together in-house counsel, IT experts, document management, law firms, solution providers, judges and regulatory experts. You will learn how to improve your e-discovery processes and save time and money despite the heightened regulatory scrutiny and onslaught of litigation.

Conference Topics Include:

- How the Dodd-Frank Act will affect you
- Lessons learned from the BP oil spill disaster
- Capturing and storing ESI from social media
- Finding money-saving solutions

And more!

Don't miss this opportunity to learn from and network with leading industry experts and brainstorm innovative and workable solutions to streamline your e-discovery processes.



Elena Soderblom
Program Director
Elena.Soderblom@iqpc.com

Who you will meet at the conference

In-House Counsel, Directors and VPs from the following departments:

- Litigation
- General Counsel
- Litigation Support
- Documents and Records Management
- IT/Legal Technology
- Compliance and Risk Mitigation
- Records and Information

Regulatory Experts and U.S. District Court Judges

Outside Counsel and eDiscovery Experts from:

- Law Firms
- eDiscovery Solution Providers
- Legal Technology Consultants

About the Organizer

Legal IQ
a division of IQPC

Legal IQ, a division of IQPC, is an online community dedicated to providing members of

the legal profession with information regarding current legal and regulatory issues. Legal IQ offers legal information resources such as podcasts and presentations, as well as events such as webinars, conferences and conferences. At Legal IQ, lawyers and attorneys have the opportunity to network with peers within the legal profession through Q&A as well as group membership. Legal IQ is the premier informational resource for legal professionals of all levels of experience and areas of practice.

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Workshop Day

Monday, February 14, 2011

9:00am-11:30am (registration 8:45) Breakfast and coffee will be served

A How Archiving REALLY Works (from the IT Professionals)

Be in the know about your IT systems!

Even if you're not a mechanic, knowing how your transmission works means you can get through repairs and get back on the road faster, without being overcharged by the shop. Understanding a few essentials of IT can enable you to set strategies furthered by technology – not hindered.

What you will learn:

- Using your current technology to your advantage.
- Why deleted data isn't really gone.
- Being proactive in storing and coding data.
- How legal and IT departments can communicate more effectively.

How you will benefit:

- Convey your needs quickly and effectively to your IT professionals.
- Analyze volumes of data more efficiently.
- Realistically identify your e-discovery capabilities before entering legal proceedings.

Barry Murphy
Founder
eDiscovery Journal

12:00pm-2:30pm (registration 11:45am) Lunch included

B Preparing a 30(b)(6) Witness

A Rule 30(b)(6) deposition can burden a company with a labor-intensive process and significant risk. The two most important issues in successfully managing these challenges are witness selection and preparation. Learn how e-discovery collection, culling and processing works, and how to choose and prepare a 30(b)(6) witness on e-discovery process issues.

What you will learn:

- What the courts expect from the witness.
- Identifying qualified and competent witnesses.
- Witness obligation.
- Witness preparation.
- How much to prepare.
- Alternatives to deposition
- Mock deposition and cross.

How you will benefit:

- Establish processes resulting in better and more efficient witness selection.
- Save time, effort and money in litigation groundwork.
- Reduce your risk in court by laying a proper foundation for key pieces of evidence.

Gregory Buckles
Owner
Reason-eD LLC

Seth Eichenholtz
eDiscovery Case Manager
Swiss Re America

3:00pm-5:30pm (registration 2:45pm)

C The Logistics and Benefits of Bringing eDiscovery In-House

To manage costs and increase control over the discovery process, many financial institutions and law firms are bringing most or all of their e-discovery in house. However, the reality is that managing the complexities and technical requirements of e-discovery can be a logistical nightmare. Legal and IT department systems and protocols must be properly coordinated. Moreover, capital investment, staffing, and document management policies must be reconsidered. In this workshop, you will learn from a leading practitioner in the e-discovery industry who has successfully managed the process of bringing e-discovery in-house. Cathleen Peterson, Director of Document Review Services at Orrick Herrington Sutcliffe, will tell us about creating the unique West Virginia "insourced" document review unit and lead a discussion on bringing e-discovery in-house.

What you will learn:

- Pros and cons of outsourcing and insourcing.
- Finding qualified reviewers at the right price.
- Training staff on e-discovery.
- Domestic vs. international document review services.
- Organizing your team to facilitate communication between counsel and reviewers.

How you will benefit:

- Gain a practical understanding of the logistics of in-house e-discovery.
- Defend the expense of establishing an in-house staff.
- Learn how to find and train qualified staff, resulting in cheaper and more efficient discovery.

Cathleen Peterson
Director of Document Review Services
Orrick Herrington Sutcliffe LLP

"This case is just the latest example of lawyers designing keyword searches in the dark, by the seat of the pants, without adequate (indeed, here, apparently without any) discussion with those who wrote the emails."

– Judge Andrew J. Peck, *William A. Gross. Constr. Assocs., Inc. v. Am. Mfrs. Mut. Ins. Co.*

"We used to say there's e-discovery as if it was a subset of all discovery. But now there's no other discovery."

– Judge Shira Scheindlin



8:00 **Registration & Coffee**

8:45 **Chairperson's Welcome & Opening Remarks**

Patrick Burke, Senior Director and Assistant General Counsel, **Guidance Software**

9:00 **The Dodd-Frank Act: What Does the New Law Mean to Us?**

The most comprehensive legislative reform of the financial services industry since the Great Depression is now law. Regulators are watching the activities of financial institutions more closely than ever. How will you keep up? Hear from the very regulators that will interpret and enforce critical provisions of these laws. This session will address:

- What form will the Bureau of Consumer Financial Protection take?
- If the SEC imposes limits on mandatory arbitration, more cases could land in civil court. Can you handle the workload?
- Highlights of provisions on privacy and whistleblowers.
- Structure and regulatory responsibilities of new and existing agencies, and how to interact with them in e-discovery proceedings.
- Managing information privacy when the government has access to everything.
- Complications in records management from the elimination of Section 203(b)(3) of the Advisers Act.
- The changing territorial scope of securities law.
- Implication of Section 929I, FOIA exemptions for SEC records on financial institutions.

Moderator:

Honorable Ronald J. Hedges, District of New Jersey, **Former U.S. Magistrate Judge**

Panelists

David Shonka, Principal Deputy General Counsel, **Federal Trade Commission**

Linda Riefberg, Vice President and Chief Counsel, Department of Enforcement, **FINRA**

Justin Kletter, Assistant General Counsel, **Bank of America**

10:00 **E-Discovery as a Weapon Against Financial Institutions**

Armed with the knowledge that e-discovery can cripple a financial institution with the volume of data subject to electronic discovery, lawyers are bludgeoning financial institutions with unreasonable and unnecessary requests, forcing settlement because of the cost rather than the merit of the case. Don't let it happen to you.

- Minimizing headline risks.
- Implementing sound document retention policies as a proactive approach to litigation.
- Keep your head above floodwaters of ESI.
- Negotiate reasonable expectations from the courts and opposing counsel.

Albert Hilber, Senior Claims Counsel, **Swiss Reinsurance America**

Gaby Baron, VP Business Development, **Xerox Litigation Services**

10:45 **Networking & Coffee**

Meet the in-house counsel, technology specialists, outside counsel, judges and regulators who move and shake the financial services industry!

11:30 **Finding the Outsourcing vs. In-Sourcing "Sweet Spot"**

Where is the right place for law firms and corporations to handle eDiscovery? Which of collection, processing, ECA, review and production should be handled in-house, by outside counsel or offshore? Which approach offers the most cost savings and risk mitigation? This panel of financial industry experts will focus on the growing and often conflicting eDiscovery trends of insourcing vs. outsourcing eDiscovery, including bringing technology and eDiscovery expertise inhouse, engaging outside counsel and vendors and even offshoring elements of the process. The panel will discuss the pros and cons, cost savings, and hidden costs and risks of each approach, as well as the ethical considerations when evaluating these options.

Moderator:

Dean Gonsowski, Director of E-Discovery Services, **Clearwell Systems**

Howard Sklar, Senior Counsel, **Recommind**

Panelists:

Heather Bryden, Assistant General Counsel, **Capital One**

Judi Orell, Senior Project Manager, **Capital One**

Joseph Catalano, Senior VP & Chief Litigation Counsel, **Union Bank**

12:15 **Networking Luncheon**

1:15 **The Judges Panel: Straight From the Horse's Mouth**

The judges discuss the landmark cases of 2010, including the poster child for e-discovery misconduct: *Victor Stanley II*.

- Tips on avoiding sanctions, or jail time!
- Working with opposing counsel to establish clear e-discovery expectations and limits.
- Judicial view of new technologies, from cloud computing to tweeting.
- Preservation obligations.
- Landmark cases, including *Victor Stanley Inc. v. Creative Pipe*, *Romano v. Steelcase*, and *Pension Committee v. Banc of America Securities*.

Honorable Ronald J. Hedges, District of New Jersey, **Former U.S. Magistrate Judge**

Richard Kramer, District of California, **Superior Court Judge**

2:00 **It's Not Personal: Tweets, Diggs and TXTs as Discoverable ESI**

How do financial institutions manage the risks presented by social networking sites, instant messaging applications, text messaging, and other new forms of communication?

- Complying with FINRA Regulatory Notice 10-06.
- Formulating corporate policies for use of social media.
- Methods for collecting and searching posts relevant to e-discovery.
- Learning tips for seeking discovery directly from social media sites
- Understanding the privacy implications: What rights do employers have for monitoring what staff is doing online?

Moderator:

Kate Paslin, Assistant General Counsel, **Access Data Corporation**

Panelists:

Salvatore Bisignano, Vice President, Corporate & Operational Risk, **Barclays Capital**

Wayne Matus, Partner, **Pillsbury Winthrop Shaw Pittman LLP**

Ken Leissler, Managing Director, **Protiviti**

2:45 **Afternoon Networking & Refreshment Break in the Exhibit Hall**

3:30 **Unified Records and Information Management for Financial Institutions: Make the Journey Faster and Cheaper**

In an ocean of records, do you know where you're going, if your boat is sea-worthy, and how to find the lee shore?

- Integrating your records management and e-discovery programs to improve outcomes
- Methods for making records management and e-discovery faster and cheaper
- Evaluating and deploying people, processes and technology

Josh Fine, IT Relationship Manager, Advocacy and Oversight Department, **TIAA-CREF**

4:15 **Privacy and Data Security**

Maintaining the privacy of customers' information and internal communications is a core responsibility of financial institutions. Data and privacy concerns are routinely implicated by ESI procedures. Learn how to ensure you are protecting your most valuable assets.

- The Massachusetts standards for Personally Identifiable Information: federal vs. state regulations for data security
- Designing data security procedures.
- Identifying and categorizing data assets.
- Handling information requests.
- Transferring information safely and legally from one jurisdiction to another
- Preventing confidential data from getting in the wrong hands or leaking onto the internet

David Shonka, Principal Deputy General Counsel, **Federal Trade Commission**

Fred Pulzello, Treasurer, **Arma International**.

5:00 **End of Conference Day 1**



8:30 **Registration & Morning Networking Breakfast**

9:00 **Chairperson's Recap of Conference Day 2**

Patrick Burke, Senior Director and Assistant General Counsel, **Guidance Software**

9:30 **Legal speaks Greek; IT speaks Latin - Effective E-Discovery Interactions**

Disjointed technology and legacy systems, combined with communication challenges, put financial institutions at high risk for e-discovery bedlam.

- Bridging the communications gap between IT, Legal, Compliance, Records Management, and other stakeholder groups
- Understanding and complying; the legal obligations for arbitration, litigation and document preservation
- Records and Information Management - getting the house in order

Linda Starek, Director of Records and Information Management, **Edward Jones**

Bryant Bell, Director of Marketing, **EMC**

10:15 **The Considerations of Bringing e-Discovery Technology In-House for Financial Services Companies**

You've made the decision to in-source or you're considering its benefits, but the next step is a challenge. In this panel, we'll address those challenges and discuss how you can support the technology and business process once you have made the decision to in-source?

- The primary challenges of bringing e-Discovery technology in-house
- Bridging your technology group and legal group
- Developing processes that are efficient, effective, and defensible
- Realizing your cost savings

Erik Harsema, Senior Manager, Analytic and Forensic Technology, **Deloitte**

11:00 **Coffee**

11:45 **New Challenges in E-Discovery for 2011 and Beyond**

It is evident that the financial service industry is susceptible to major incidents. The industry is facing an unprecedented wave of regulations, private litigations, and enforcement activity. This session will provide a framework for litigation preparedness within your financial corporation.

- E-Discovery professionals must be prepared for constantly growing amounts of relevant data types. Beyond e-mail, litigators should address the ways in which social media, collaboration tools, and a wide variety of document

types will become standard as evidence in litigation.

- With the tremendous increase in corporate data volumes, litigators must have a firm understanding of how Cloud computing can enable on-demand processing and storage for large cases.
- Growing costs pressures of E-Discovery will continue to push corporations to incorporate comprehensive records management practices into their litigation workflow.

Kon Leong, President and CEO, **ZL Technologies**

12:30 **Networking Luncheon**

1:30 **Focused Roundtables: Putting E-Discovery for Financial Services in Closer Focus**

Participants can choose among a variety of topic-specific roundtables, each led by an industry expert, to discuss with peers those issues that matter most to them.

Some of the topics to be discussed include:

- The Foreign Corrupt Practices Act
Raja Chatterjee, **Morgan Stanley**
- Defining Legal Hold for Financial Litigation
John J. Jablonski, Founder, **Legal Hold and Trigger Events**
- Automating Trigger Events
Michael Berman, Adjunct Professor, **University of Maryland School of Law**

2:30 **Afternoon Networking & Refreshment Break in the Exhibit Hall**

3:15 **Creating Privilege Logs for Financial Institution Litigation**

Cases such as Muro vs. Target Corp and Rhoads Industries Inc. vs Building Materials Corp. of America provide us with confusing and often conflicting guidelines of privileged ESI. Stay ahead of the game with a proactive approach to creating your privilege logs.

- Separating email chains – is embedded email privileged?
- Metadata-based logs.
- Using the right solutions to maximize efficiency.
- Adhering to Rule 26 of the Federal Rules of Civil Procedure.

Michael Berman, Adjunct Professor, **University of Maryland School of Law**

4:00 **Chairperson's Closing Remarks & End of Conference**

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Clearwell **Clearwell Systems** is transforming the way enterprises and law firms perform electronic discovery (e-discovery) in response to litigation, regulatory inquiries, and internal investigations. The Clearwell E-Discovery Platform automates the processing, analysis, review, and production phases of e-discovery via a single, integrated product. Leading organizations such as Constellation Energy, Cisco, DLA Piper, Johnson & Johnson, Microsoft, Toyota, and

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recommind **Recommind** is the leader in predictive information management, delivering searchpowered business applications that transform the way enterprises, government entities and law firms conduct eDiscovery, enterprise search, and information governance. Recommind's solutions are all built on the CORE (Context Optimized Relevancy Engine) platform, which automatically accesses, organizes and analyzes large volumes of information in context from myriad sources. With greater control over and more accurate access to information, organizations can lower risk, heighten productivity, increase the value of information assets and improve competitiveness and profitability. Recommind customers include AstraZeneca, BMW, Clifford Chance, DuPont, Marathon Oil, Morgan Lewis, Nationwide Insurance, US Department of Energy (DOE), White & Case and Wilmer Hale. Recommind is headquartered in San Francisco and has offices in New York, Atlanta, Boston, Chicago, Washington, D.C., London and Bonn, Germany. For more information, e-mail info@recommind.com or go to www.recommind.com

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Costs Of e-Discovery In A New Regulatory Era

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Pricing	Register & Pay by 1/21/2011	Standard Price
In House Counsel	\$1,199 (Save \$400)	\$1,599
All Others	\$1,999 (Save \$200)	\$2,199
Workshops	\$549 Each	\$549 Each

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Pricing	Register & Pay by 1/21/2011	Standard Price
In House Counsel	\$1,299	\$1,699
All Others	\$2,199	\$2,399

Please note multiple discounts cannot be combined.

A \$99 processing charge will be assessed to all registrations not accompanied by credit card payment at the time of registration.

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Reference: Please include the name of the attendee(s) and the event number: 12821.004

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For IQPC's Cancellation, Postponement and Substitution Policy, please visit www.iqpc.com/cancellation

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