

# UF Law 9th Annual E-Discovery Conference

## Conference Agenda



The UF Law E-Discovery Conference combines its topics, sessions and legal, technology, and e-discovery experts to address the challenges for matters both big and small and provide you with key takeaways that you can put into practice right away.

The E-Discovery Conference is part of the University of Florida Levin College of Law's commitment to educating students on legal technology and to provide alumni and the legal community with affordable continuing legal education.

**UF** Levin College of Law  
UNIVERSITY of FLORIDA

March 23 - 24, 2022

[www.ufediscoveryconference.com](http://www.ufediscoveryconference.com)

# Conference Agenda

WEDNESDAY  
MARCH 23

**9:45 AM - 9:50 AM**  
***Introduction & Welcome***

A few words of welcome and an introduction to the conference theme.

**10:00 AM - 10:50 AM**  
***Practical Takeaways from Case Law***

2021 saw more than 4000 decisions in ediscovery, a record since the Federal Rules of Civil Procedure were amended in 2003. So how do we digest all those decisions? By creating a list of practical takeaways from court rulings that you can use to better refine your practice and work in ediscovery. We'll touch on ESI protocols, whether hyperlinks should be treated as attachments, what transparency really means, how to navigate negotiating search terms and several more practical notions that courts are espousing and you need to put into practice.

**11:00 AM - 11:50 AM**  
***ESI Protocols: To Have or Not to Have***

For years there has been a big push for parties to come to agreement on key discovery-related issues and enter into ESI Protocols to manage expectations among the parties and hopefully avoid burdening busy courts. This panel will consider the extent to which ESI Protocols are actually accomplishing these goals. Do ESI Protocols drive efficiency in the discovery process, reduce disputes or the need for judicial intervention? This panel of renowned, experienced professionals will address the elements of an ESI Protocol, outline advantages and disadvantages of ESI Protocols including their recommendations on must have topics in an ESI Protocol and provide real world examples of where ESI Protocols have and have not "worked" to achieve the stated goals.

**11:50 AM - 1:00 PM**  
***Time for a Break***

Time for a break. Grab a bite to eat and a drink (hot, cold, long or short) and sit down to watch our short product and service video demos. Now is also a great time to catch on emails or take a walk. We'll be back in 70 minutes.

**1:00 PM - 1:50 PM**  
***E-Discovery Nuts & Bolts*** Lightning Talks

An attendee favorite, this session consists of five fast-paced presentations on various topics ranging from trends and professional development to E-Discovery basics.

**2:00 PM – 2:50 PM**

***How to Master Proportionality: Real World Paths Through the Discovery Jungle***

Federal Rule 26(b)(1) and state equivalents require the court to limit the frequency or extent of discovery that is not proportional to the case. Achieving workable proportionality can be elusive because it entails multi-factored economic and legal analysis on a case by case basis. If the lawyers cannot agree, the judge uses information provided by the parties and considers the evidence in light of the factors in the rule to fashion a case-specific determination of the appropriate scope of discovery. What does that mean for you? In this session, two seasoned lawyers, a top legal technologist, and a federal magistrate judge explain how to make proportionality work for you and your client. The panel will discuss practical strategies for keeping the judge and client happy while getting the discovery needed to win your case and keeping opposing discovery to economically manageable levels. Resources and checklists will be provided to participants in a Proportionality Toolkit.

**3:00 PM – 3:50 PM**

***AI and Analytical E-Discovery Tools: New Opportunities***

AI and analytical tools are fundamentally changing how we conduct eDiscovery. They can make hard-to-evaluate content easy to access, help you find important patterns in data that you otherwise might never have learned about, and – if you are likely – change the time to insight from weeks to minutes. Join our panel as we discuss the array of options available today and techniques and strategies for making effective use of them.

**4:00 PM – 4:50 PM**

***The Annual Judicial Panel***

We continue the annual conference tradition of The Judicial Panel with a new twist. Although we are honored to welcome back distinguished Florida jurists, we are pleased to have judges from around the nation join us to discuss important issues in e-discovery and related areas of data law. The panel will discuss case law and legislation affecting you, your practice, your data, and your family.

**5:00 PM – 5:15 PM**

***Outro for Day One***

A few words from Professor Hamilton about tomorrow and the rest of The Conference.

# THURSDAY MARCH 24

**9:00 AM - 9:15 AM**

***Day 2 Welcome***

A few words from our host on the day ahead.

**9:15 AM - 10:00 AM**

***Transformation and Joy in E-Discovery***

For our keynote fireside chat, join Amy Sellars and George Socha for a lively discussion about the transformative power eDiscovery professionals can bring to the larger legal community and the value that finding joy in eDiscovery can bring to you and your colleagues.

**10:00 AM - 10:50 AM**

***People, Process and Technology: Building a Better Review Team***

The data explosion is still ongoing. It's not just volume that is the continuing challenge, but we are also dealing with constantly changing and growing technology and sources. What's an ESI lawyer to do? This panel will review the strategies, processes and technology to build a better team and accelerate your review, while keeping an eye on accuracy, speed and defensibility.

**11:00 AM - 11:50 AM**

***The E-Discovery Professionals Toolkit on Power Searching***

Learning how to cull data in an efficient, defensible manner can make a huge difference in your cases - both on budgets and substantively. This panel will discuss the most cutting edge processes, strategies, and technology for searching both common and not so common data sources. They will also help you answer the question - hammer or scalpel? Which is more appropriate in your case?

**11:50 AM - 1:00 PM**

***The E-Discovery Professionals Toolkit on Power Searching***

Time for a break. Grab a bite to eat and a drink (hot, cold, long or short) and sit down to watch our short product and service video demos. Now is also a great time to catch on emails or take a walk. We'll be back in 70 minutes.

**1:00 PM - 1:50 PM**

***Data Privacy, Data Protection and Recovering from a Breach***

Data privacy is (or should be) a concern for every legal team, and - whether you're a law firm, major corporation, or small business - as the saying goes, it's not a question of if you'll sustain a data breach, but when? What will you do? Join us for a session where we'll discuss the applicable law, statistical data, and practical realities of data privacy and data protection, and illustrate these topics with a case study: a Capital One data breach, and the steps Capital One took to recover from the breach.

**2:00 PM – 2:50 PM**

***Internal Investigations: Getting to What's Really Important Quickly***

Internal investigations – whether triggered by whistleblower complaints, anticipated litigation, or routine compliance – require effectiveness, speed, and surety. The investigation's goal is to drill quickly to the important materials and key information, not to review every relevant artifact of electronically stored information. Deploying a toolkit that quickly analyses items like entities, communications, images, and sentiment along with machine learning and search can help you effectively target your investigation and expose potential liabilities – or be sure there's nothing to report on. Join this panel of distinguished practitioners and experts to learn the methods, tools, and techniques necessary to get your investigation to the heart of things quickly.

**3:00 PM – 3:50 PM**

***Structured Data and IoT*** Lightning Talks

Leaders in law and legal technologies will share their real-life challenges, tips, and solutions leveraging existing and new technologies to utilize the important and often case determinative data of the Internet of Things through these four short presentations.

**3:50 PM – 4:00 PM**

***Outro for Conference***

A few words from Professor Hamilton about the highlights from The Conference and the next UF Law E-Discovery Conference activities.

# Lightning Talks

## E-Discovery Nuts & Bolts

MARCH 23, 2022 | 1:00 to 1:50 pm

- Learn about the key findings from eDiscovery Today's 2022 State of the Industry Report (SOTIR), sponsored by EDRM. The 2022 SOTIR report includes results regarding key trends based on the 281 legal industry professionals surveyed (analyzed by corporate, law firm, service/software provider and consultancy respondents) and observations from 29 industry thought leaders regarding these trends. Doug will present findings from the report and what they could mean for your eDiscovery practice.
  - DOUG AUSTIN, EDITOR OF EDISCOVERY TODAY
- Think Outside the Box! This fun, fast-paced presentation will help you understand and get you comfortable with the words precision and recall. Never worry again that you cannot "talk the talk" or "walk the walk" of measuring search validity.
  - WILLIAM HAMILTON, SENIOR LEGAL SKILLS PROFESSOR AT THE UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
- Mentoring matters! Learn how to help others become successful and build your community that in turn will help you grow and be successful.
  - MARIBEL RIVERA, SENIOR DIRECTOR AT ASSOCIATION OF CERTIFIED E-DISCOVERY SPECIALISTS
- Entering the legal and legal technology job market during the pandemic comes with an array of new challenges and opportunities driven by the abnormality of the current workforce climate. This presentation will unpack what has changed irrevocably because of Covid when searching for jobs or hiring staff, how job seekers can maneuver the job market skillfully and take advantage of the current circumstances, what pitfalls to look out for, and what uniqueness the eDiscovery and data privacy job markets hold for new entrees at the attorney and staff level.
  - JARED COSEGLIA, CEO & FOUNDER OF TRU STAFFING PARTNERS
- The mystifying journey of one law school grad - the journey and transition - student, outside counsel, in-house lawyer and the path to the electronic discovery business. This session will cover the idea of seeking an alternative legal career directly after law school and the transition. You will learn about the Consilio Internship Program, as well as the various opportunities that await you post law school and during your legal career. This topic will benefit not only the law student, but any lawyer looking to make a move. We will dive as deep as we can into tips, advice and guidance that Mr. Himmelbaum has learned over his 21 year career in the legal industry.
  - CANAAN HIMMELBAUM, DIRECTOR OF GLOBAL BUSINESS DEVELOPMENT AT CONSILIO LLC

# Lightning Talks

## STRUCTURED DATA AND IOT

MARCH 24, 2022 | 3:00 to 3:50 pm

- ESI is everywhere! From a routine intersectional collision to the UPC code on your Pop-Tarts, digital artifacts tell compelling human stories about us all as we live our lives tracked and telemetered more closely than astronauts.
  - CRAIG BALL, PRESIDENT OF CRAIG D. BALL, P.C.
- The building design and construction fields are rapidly changing as new technologies are implemented to perform tasks and to assist performance. Managing e-Discovery in design and construction cases requires keeping up with new and evolving technology and the language bridging the legal and the technical sides of securing information from a variety of data sources. Lawyers must familiarize themselves with the culture of creating, storing, and sharing information in the various entities involved in a given project or dispute as well as the many different sources of data, such as BIM, project management software, drone data, augmented reality devices, robotic devices, hand held devices, messaging platforms, wearable technologies, sensors, photographs and videos. This presentation will provide practical tips for requesting and gathering data in construction cases.
  - LESLIE KING O'NEAL, ASSOCIATE GENERAL COUNSEL AT BRASFIELD & GORRIE, L.L.C.
- Electronic Health Records (EHR's) persist as one of the most widespread but complex electronic discovery items that confront practitioners. Their collection, production, and use is governed by a sophisticated overlay of federal regulatory frameworks (the HITEC Act, the Patient Safety Quality Improvement Act, HIPAA, the CIOX decision, etc.) Discovering the content available in EHR's requires keen insight into the information sources found in the healthcare environment, as well as the audit trail functionality contained in most every EHR platform. This presentation and its materials will survey the landscape of EHR discovery, provide important practice tips, and prepare practitioners for the most recent regulatory changes taking effect.
  - CHAD ROBERTS, PRINCIPAL AT EDISCOVERY COCOUNSEL, PLLC
- As the world goes digital, so does evidence. And the fastest growing body of evidence is "structured data." Often postponed or ignored in discovery, this can be efficient, material, and even dispositive. In 15 minutes (or less) learn about structured data, why it's important, and why you might one day have a "zero email" case.
  - DAN REGARD, FOUNDER & CEO OF IDISCOVERY SOLUTIONS

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