

6th

E-Discovery

Best practices and procedures relating to e-discovery

APPLICABLE TOWARD CPD REQUIREMENT

"10/10. Increased my knowledge of e-discovery and how often it is beginning to come into play in litigation."

- Lindsay Morgan, Paralegal – Litigation, Macleod Dixon LLP

"Gained a better understanding of the law requirements during the e-discovery process."

- 2008 course delegate

"I liked that the speakers were from different industries relating to e-discovery therefore different perspectives were presented."

- 2008 course delegate

"I learned a lot about carefully reading & constructing leases and will return to work to audit existing leases."

- 2008 course delegate

Workshop Included: The Next Generation Of E-Discovery: Computer Forensics And Technologies

participating organizations

- Bennett Jones LLP
- Canadian Imperial Bank of Commerce (CIBC)
- City of Toronto
- Froese Forensic Partners Ltd.
- Harvester Forensics Limited
- Micrapol Associates Ltd.
- Ministry of the Attorney General (Ontario)
- Ontario Securities Commission
- Platinum Legal Group Inc.
- Ricketts, Harris LLP
- Ricoh Canada Inc.

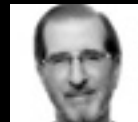
who should attend

General and In-house Counsel; VPs, Directors, Senior Managers of Legal & Litigation Departments; Litigation Lawyers; Litigation Support Specialists; Technology Lawyers

course highlights

- Key e-discovery decisions
- Litigation case management
- Current Canadian guidelines
- Managing costs of e-discovery procedures
- Protecting privacy and confidentiality
- Latest technological solutions
- Forensic investigations
- The future of e-discovery practices

Laurie MacFarlane, Canadian Imperial Bank of Commerce



Course Leader
Ceyda Tocsoy,
Ricoh Canada Inc.

Pamela Fontaine-Peters,
Micrapol Associates Ltd.

Kevin Lo,
Froese Forensic Partners Ltd.

Gary Luftspring,
Ricketts, Harris LLP

William J. Platt,
Platinum Legal Group Inc.

Robert W. Staley,
Bennett Jones LLP

Joseph Coltson,
Harvester Forensics Limited

Dennis W. Brown,
Ministry of the Attorney General (Ontario)

Alexandra Clark,
Ontario Securities Commission

Diana W. Dimmer,
City of Toronto

FACULTY

COURSE LEADER

CEYDA TOC SOY

Ceyda Tocsoy is the National Director responsible for the Litigation Support & eDiscovery services for **RICOH Canada**. She has over 20 years experience in the legal industry as the Manager of Litigation Support & Technology Services for an international law firm and at renown litigation support and ediscovery service bureaus.

DIANA W. DIMMER

Diana W. Dimmer practices in the area of civil litigation with the **City of Toronto**, where she is one of two Directors of the Litigation Practice Group.

LAURIE MACFARLANE

Laurie MacFarlane is Senior Counsel, Litigation, at the Legal Department of **Canadian Imperial Bank of Commerce**. She has been involved in all aspects of litigation management and dispute resolution.

PAMELA FONTAINE-PETERS

Pamela Fontaine-Peters is an ediscovery consultant with almost 20 years experience in the legal industry. Through her company, **Micrapol Associates Ltd.**, she provides consulting and best practice advice on litigation support issues.

WILLIAM J. PLATT

William J. Platt is the Managing Partner of **Platinum Legal Group**, the leading Canadian litigation support company with six offices that extend nationally coast to coast.

CO-LECTURERS

DENNIS W. BROWN

Dennis W. Brown, Q.C., is General Counsel, Crown Law Office Civil at the **Ministry of the Attorney General (Ontario)**.

ALEXANDRA CLARK

Alexandra Clark is a Senior Litigation Counsel with the Enforcement Branch of the **Ontario Securities Commission**.

KEVIN LO

Kevin Lo, Managing Director with **Froese Forensic Partners Ltd.**, focuses his practice on electronic discovery and specializes in computer forensics.

ROBERT W. STALEY

Robert Staley is a Partner at **Bennett Jones LLP**. His practice focuses on complex commercial and securities litigation and securities regulation.

GARY LUFTSPRING

Gary Luftspring, a partner with **Ricketts, Harris LLP**, enjoys a high-level litigation practice.

JOSEPH COLTSON

Joseph Coltson is President at **Harvester Forensics Limited**, responsible for many facets of litigation support including computer forensics, eDiscovery and investigative support.

COURSE PROGRAM

LATEST E-DISCOVERY CASE LAW & RULES

The laws governing e-discovery are constantly being updated, making a comprehensive understanding of the ever-evolving state of rules and practices in Canada a must. In 2010, new Rules of Civil Procedure came into effect in Ontario impacting e-discovery. This session will review relevant rules and case law associated with e-discovery in Canada and the U.S. and its impact on practices.

- Recent Canadian case law and implications for e-discovery and record management practices
- Latest U.S. decisions: impact in Canada
- Developments that set e-discovery guidelines: expected future trends
- Impact of recent amendments to the U.S. Federal Rules of Civil Procedure
- New Rules of Civil Procedure in Ontario governing the use of e-discovery

BEST PRACTICES FOR HANDLING A DISCOVERY FILE

When litigation is anticipated, the normal operation of a document policy should be suspended with respect to potentially relevant documents. For this purpose, a "litigation hold" mechanism should be built into a document policy. This session will examine best practices for preparing for e-discovery.

- Step by step guidelines to follow upon receiving a file
- Establishing litigation hold mechanisms
- Document preservation and preventing spoliation
- Determining when specialists should be brought in
- In-sourcing versus outsourcing decision for e-discovery

SUPPLEMENTARY COURSE MATERIAL

Federated Press is now providing delegates with access to an innovative new database containing at least 25 interactive multimedia presentations by leading experts and approximately 20 hours of lectures on the topics covered by this course, including all slides and speakers' papers. See the list of presentations on page 4.

Delegates will also receive a trial subscription to the Business Law Channel, a much broader resource representing hundreds of hours of interactive multimedia lectures on leading edge Business Law topics as delivered at our many recent Business Law conferences and courses.

- *This program can be applied towards 9 of the 12 hours of annual Continuing Professional Development (CPD) required by the Law Society of Upper Canada. Please note that these CPD hours are not accredited for the New Member Requirement.*
- *For Alberta lawyers, consider including this course as a CPD learning activity in your mandatory annual Continuing Professional Development Plan as required by the Law Society of Alberta.*
- *Attendance at this course can be reported as 10 hours of Continuing Professional Development (CPD) to the Law Society of B.C.*
- *The Barreau du Québec automatically accredits training activities held outside the Province of Quebec and accredited by another Law Society which has adopted MCLE for its members*

ADMISSIBILITY OF ELECTRONIC EVIDENCE

A key consideration in the design of information management systems and processes is the admissibility of e-documents as evidence in the event of any future legal proceedings. This session will examine how the law of evidence regarding e-documents is evolving, what the courts are allowing, and how government is addressing the admissibility of electronic evidence.

- Best practices for ensuring the admissibility of e-evidence
- Relevant standards and legislation
- Navigating the e-discovery requirements of a Court proceeding

MANAGING E-DISCOVERY COSTS

Businesses need to find new and efficient approaches to deliver e-discovery results while containing costs, as the process has often resulted in excessive financial burdens being placed on organizations. This session will look at strategies and tools that can be used to control the costs of e-discovery and reduce its burden on your company's resources.

- Practical strategies for streamlining efforts to minimize costs
- Weighing benefits vs. cost of extensive e-discovery
- Implementing costs containment strategies
- Realizing cost efficiencies through litigation readiness

E-DOCUMENT RETENTION STRATEGIES

To effectively reduce risks and meet preservation of e-document obligations, companies should develop and implement successful e-record retention practices. This presentation will provide best practices for building a successful e-records retention strategy.

- Building and implementing a retention policy framework
- Key legal risks that impact document retention policies
- Establishing document review and production procedures
- Procedures for data preservation and data destruction
- Handling e-mail

PROTECTING PRIVILEGE, CONFIDENTIALITY AND PRIVACY DURING E-DISCOVERY

The e-discovery process can result in a heightened risk of unintended disclosure of confidential information. This session will look at ways to maintain privacy and data security throughout the e-discovery process.

- How the law of privilege impacts e-discovery practices
- Privacy legislation in Canada and its impact on e-discovery
- Responding effectively to inadvertent disclosure
- Confidentiality orders: common law or civil procedure rules that limit the extent to which information can be disclosed
- Balancing the protection of privilege and disclosure of e-documents in litigation

FORENSICS INVESTIGATIONS

This session will look at the decision to use computer forensics and effective practices for maximizing results and minimizing costs.

- The computer forensics process
- The latest forensic recovery tools and approaches
- Data imaging, retrieving deleted data, hashing
- Determining when you need a forensic expert
- Weighing the costs associated with forensic investigations

LATEST COURT REQUIREMENTS: PRESERVATION OF E-DOCUMENTS OBLIGATION

Companies facing litigation have an obligation to take all reasonable and good faith steps to preserve potentially relevant electronically stored information. However, this obligation must be balanced against the company's right to continue to manage its e-information in the course of its business. This presentation will examine this obligation.

- Leading Canadian case law dealing with the issue of spoliation
- Preservation orders, litigation holds and avoiding spoliation sanctions
- Strategies to reduce spoliation: minimizing risk during litigation
- Complying with preservation orders
- Implementing document retention and elimination policies

RECENT CANADIAN COURT RULINGS: PROPORTIONALITY

New Rules of Civil Procedure impacting e-discovery came into effect in Ontario in 2010. In particular, Rule 29.2 addressed the issue of proportionality in discovery. This session will look at the new rules and how it can impact the scope of production.

- Application of the concept of proportionality
- How proportionality is measured in the context of e-document preservation and production
- Proportionality factors the court uses in making the determination
- Using the Rule to lower costs of e-discovery

CLOUD COMPUTING AND SOCIAL MEDIA: CHALLENGES OF E-DISCOVERY

This session will look at the risks involved in the use of social media and cloud computing and the implications for e-discovery.

- Discovery of social media data: risks and disclosure issues
- Privacy and security concerns associated with social media and cloud computing
- Meeting litigation hold regulations in a cloud computing environment
- Ensuring the integrity and authenticity of the data

WORKSHOP

THE NEXT GENERATION OF E-DISCOVERY: COMPUTER FORENSICS AND TECHNOLOGIES

Advances in technology are leading to an endless stream of new products that are presenting new challenges for e-discovery. This session will look at the technology that allows for the cost-effective management of e-discovery, as well as ways to conduct e-discovery on the latest products containing electronically stored information.

- Latest technologies available to increase accuracy and speed of review
- Privacy and security concerns associated with social media and cloud computing
- Features and capabilities of e-discovery software
- How to integrate mobile information in the traditional litigation environment
- Dealing with instant messaging, voicemail, backup tapes, security systems
- Retrieving deleted data: metadata and data-imaging

MULTIMEDIA PRESENTATION

Your registration includes an interactive multimedia database comprising the following presentations from recent Federated Press courses and conferences. They are presented in their entirety with complete audio or video and accompanying slides. You may also purchase the multimedia proceedings of the course which will be available on CD-ROM 60 days after the course.

Protecting Privilege, Confidentiality And Privacy During E-Discovery

Timothy Banks
Laurie A. MacFarlane
Fraser Milner Casgrain LLP
CIBC

Legal Admissibility Of Electronic Evidence

Damien McCotter
Torys LLP

Managing Costs In Electronic Discovery

Melanie Schweizer
Caroine Abela
Bell Canada

Electronic Information Storage: Compliance, Retention & E-Discovery

Constantine Karbaliotis
Symantec Corporation

Manual Review And The Air Canada Vs. West Jet Airlines Case

Marie-Andree Vermette
WeirFoulds LLP

The Duty To Preserve E-Documents

Jennifer Dolman
Osler Hoskin & Harcourt LLP

E-discovery: Uncovering Electronic Evidence

Robert P. Wilson
PricewaterhouseCoopers LLP

ARMA Case Study

Margaret Shane
ARMA International

Recent Developments In E-Discovery Case Law

David Outerbridge
Torys LLP

Latest Technology & Forensic Investigation

Kevin Lo
LECG Canada Ltd.

The Alberta Court Experience (Panel Discussion)

James T. Eamon, Stephen Burns, Jodi Mason, Iain Kenny, Margaret Shane, Jerry J. Patterson & John Kingman Phillips
Gowling Lafleur Henderson LLP, Bennett Jones LLP, Blake Cassels & Graydon LLP, Meyers Norris Penny LLP, ARMA International, Fraser Milner Casgrain LLP & Bell Phillips Gill Young LLP

Preservation Of E-Documents Obligation

Jerry J. Patterson
Fraser Milner Casgrain LLP

E-discovery : Linking Litigation Readiness And IM Strategy

Diane Crouse
Department of Finance and Treasury Board Secretariat

Litigation Case Management: Impact Of E-Discovery On Litigation Preparation And Practice

James T. Eamon & John Kingman Phillips
Gowling Lafleur Henderson LLP & Bell Phillips Gill Young LLP

Forensic Investigations For E-Discovery

Andy Joyce
FDR Forensic Data Recovery Inc.

Documentary Discovery And E-Discovery In Crown Litigation

Bryan Finlay, Q.C.
WeirFoulds LLP

Measuring The Performance Of Your Electronic Document & Records Management Solution

Bruce Miller
RIMtech Inc.

How To Develop An Effective Documents And Records Management Strategy

Stephen R. Donahoe
CGI

Producing Electronic Evidence: E-Discovery In The Workplace

Chuck Rothman
H+A Computer Forensics Inc.

Electronic Discovery Utilizing Third Parties: Outsourcing VS. In-House

William J. Platt
Kelly Ingles
Platinum Legal Group

The Current State Of The Law In Canada And The U.S.: Key E-Discovery Decisions

Brett Harrison
McMillan LLP

Implementing An Electronic Records Management Program To Reduce E-Discovery Costs & Risks

Vigi Gurushanta
IMERGE Consulting Inc.

Panel Discussion: Review Of Electronic Documents: Need For A Manual Review

Susan Nickle
Vigi Gurushanta
Peter Henderson
Kevin Lo
Melanie Schweizer
Wortzman Nickle Professional Corporation
IMERGE Consulting Inc.
Kramer Henderson LLP
LECG Canada Ltd.
Bell Canada

Managing Your Information And Document Systems In Anticipation Of Litigation And Discovery

Melanie Schweizer
Eric S. Block
BELL Canada

Current Guidelines Governing E-Discovery Procedures In Canada

Susan Nickle
Wortzman Nickle Professional Corporation

Registration: To reserve your place, call Federated Press toll-free at 1-800-363-0722. In Toronto, call (416) 665-6868 or fax to (416) 665-7733. Then mail your payment along with the registration form. Places are limited. Your reservation will be confirmed before the course.

Location: Novotel Toronto Centre Hotel, 45 The Esplanade, Toronto, ON, M5E 1W2

Conditions: Registration covers attendance for one person, the supplementary course material as described in this document, lunch on both days, morning coffee on both days and refreshments during all breaks. The proceedings of the course will be captured on audio or video. Multimedia proceedings with all slides and handouts can be purchased separately on a CD-ROM which will also include the course material.

Time: This course is a two-day event. Registration begins at 8:00 a.m. The morning sessions start promptly at 9:00. The second day ends at 4:00 p.m.

Cancellation: Please note that non-attendance at the course does not entitle the registrant to a refund. In the event that a registrant becomes unable to attend following the deadline for cancellation, a substitute attendee may be delegated. Please notify Federated Press of any changes as soon as possible. Federated Press assumes no liability for changes in program content or speakers. A full refund of the attendance fee will be provided upon cancellation in writing received prior to February 23, 2012. No refunds will be issued after this date.

Discounts: Federated Press has special team discounts. Groups of 3 or more from the same organization receive 15%. For larger groups please call.

Payment must be received prior to February 29, 2012

Phone: 1-800-363-0722

Toronto: (416) 665-6868

Fax: (416) 665-7733

TO REGISTER FOR E-DISCOVERY

Name _____
Title _____ Department _____
Approving Manager Name _____
Approving Manager Title _____
Organization _____
Address _____
City _____ Province _____ Postal Code _____
Telephone _____ Fax _____ e-mail _____
Please bill my credit card: AMEX VISA Mastercard
_____ Expiration date: ____ / ____
Signature : _____
Payment enclosed: Please invoice. PO Number: _____

WHEN CALLING, PLEASE MENTION PRIORITY CODE:

ED1203/E

MAIL COMPLETED FORM WITH PAYMENT TO:
Federated Press P.O. Box 4005, Station "A"
Toronto, Ontario M5W 2Z8

REGISTRATION COSTS

NUMBER OF PARTICIPANTS:
COURSE: \$1975
COURSE + PROCEEDINGS CD-ROM:
\$1975 + \$175 = \$2150
PROCEEDINGS CD-ROM: \$599
NOTE: Please add 13% HST to all prices.
Proceedings CD-ROM will be available 60 days
after the course takes place
Enclose your cheque payable to
Federated Press in the amount of:

GST Reg. # R101755163
PBN#101755163PG0001
For additional delegates please duplicate this form
and follow the normal registration process