

8th Annual eDiscovery Summit

October 10, 2014



2014 SPEAKER PANEL

USDC Magistrate Judge Craig B. Shaffer, USDC Colorado

Magistrate Judge Craig Shaffer has been a United States Magistrate Judge for the District of Colorado since January 2001. His opinion in *Cache La Poudre Feeds, LLC v. Land O' Lakes Inc, et al.* is one of the earliest ediscovery opinions out of the USDC, Colorado. This March 2, 2007 Order imposed monetary sanctions relating to failure to preserve electronic evidence and detailed issues regarding obligations of "The Litigation Hold". One of the biggest proposed changes for the pending revisions to the current Federal Rules of Civil Procedure deals exactly with these issues...over preservation of data and associated burdens on businesses versus legal obligations / reasonable sanctions for loss of ESI due to preservation failures (Rule 37). From a firsthand perspective, Magistrate Shaffer will discuss the "over preservation" panic that ensued in industry after the FRCP rules were amended in 2006, and the new, pending, proposed changes to Rule 37 narrowly defining what may result in sanctions for failure to preserve. Magistrate Shaffer will also discuss attorney obligations regarding technology knowledge and data preservation as it relates to these issues.



John Montana, of Montana & Associates

Mr. Montana will discuss data governance as part of the EDRM and how to navigate early litigation, and pre-litigation, challenges relating to data mapping, data management and records retention policies and procedures. He will also discuss methods for streamlining data management and responses to litigation holds. Mr. Montana will talk about how proper adherence to data management protocols and processes can assist businesses at the far left side of the EDRM model in litigation, and provide an avenue for electronic discovery cost reduction. *More importantly*, he will discuss how this critical "first stage" of the EDRM can assist with avoiding spoliation sanctions and reducing responsive total data size when a litigation hold is issued. Mr. Montana has been deeply involved in the legal aspects of records management, litigation readiness and retention scheduling for over twenty years. He has an undergraduate degree in Geology and a law degree. Mr. Montana is a recently elected Company of Fellows ARMA International member and has been a contributing editor on legal issues. He is a member of the American Bar Association and a frequent local and national speaker on compliance, electronic records, discovery and other records management topics



Preston Register, Esq. – Associate – Sherrer, Jones & Terry PC

Mr. Register practices in the area of government and municipalities. He received his J.D. from the University of Alabama School of Law. He also has a B.S. in Chemistry from the University of South Alabama and a M. Div. from Samford University. Mr. Register is the author of the Alabama Law Review article "HOW MUCH DO I OWE YOU FOR THAT COPY? DEFINING AWARDS UNDER 28 U.S.C. § 1920(4)". Mr. Register will discuss the details of the subjects covered in this article as well as broader topics touching on issues surrounding recoverable ediscovery costs in general. He will also discuss how in-house versus vendor outsourced business models relating to ediscovery tasks might be affected by interpretations or possible revisions of 28 U.S.C. § 1920(4), and how the specific guidelines of taxable costs in litigation, as currently delineated in 28 U.S.C. § 1920(4), relate to more complicated and technically challenging tasks with the influx of electronically stored information in litigation.



Andrew Unthank, Esq. – Partner – Wheeler Trigg O'Donnell LLP

Mr. Unthank's legal practice focuses on a balance of complex commercial suits, personal injury actions and product liability claims. Mr. Unthank will discuss critical electronic discovery opinions published within the past year and their relevance to every day litigation practice within the scope of electronic discovery and digital evidence.

