

e-DISCOVERY & DIGITAL FORENSICS

Cost-effective and Proactive Information Management for Emerging Legal and Technical Challenges

Wednesday – Thursday, 7th - 8th July 2010
Renaissance Harbour View Hotel, Hong Kong

Event Highlight

Pre-Arranged One-to-One Networking Meeting with E-Discovery experts and consultants to develop detailed risk mitigation and cost-saving plans for your company



Our International Speaker Panel from USA, UK, Singapore, Japan and HK with Eminent Judges, Litigants and IT Professionals

CPD points being applied for from the **Law Society of Hong Kong**



Hon. Andrew J. Peck
U.S. Magistrate Judge
Southern District of New York



Browning E. Marean
Senior Counsel and Co-chair of the
Electronic Discovery Readiness and Response Group
DLA Piper (US) LLP



Yeong Zee Kin
Senior Assistant Registrar
Supreme Court of Singapore



David C. Shonka
Principal Deputy General Counsel
Federal Trade Commission



Scott Nonaka
Partner
O' Melveny and Myers LLP



Chris Dale
Founder & Consultant
the e-Disclosure Information Project



Christopher To
Executive Director
Construction Industry Council
(Council Member of Hong Kong International
Arbitration Centre)



Dmitri Hubbard
Business Development Director APAC
Epiq Systems



Scott A. Warren
Regional Managing Director for
Legal Technologies Asia Pacific
Kroll Ontrack Inc.



Simon Clarke
Partner
Allen & Overy LLP



Vince Neicho
Litigation Support Specialist
Allen & Overy LLP



John Tredennick
CEO
Catalyst Repository Systems, Inc.



Menachem M. Hasofer
Partner
Mayer Brown JSM



Hilton Chan
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Richard Kershaw
Asia Managing Director,
Catalyst Repository Systems, Inc.

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Conference Overview

Global e-Discovery legislation is no longer being driven by U.S. litigation. In 2009, country-specific e-Discovery rules have emerged in Asia for the first time. Australia's Practice Note CM6 and Singapore's Practice Direction No.3 now spells out guidance for dealing with e-Discovery under litigation filed. Hong Kong's latest Practice Direction 5.2 allows parties to exchange documents without having to prepare lists of documents, litigates commercial contract disputes in HK and enforces judgements in China.

As e-Discovery becomes ever more important in investigations, legal and IT departments are struggling to comply with ever tightening rules and regulations. A variety of regulatory requirements, privacy laws and information security requirements mandate much more rigorous information governance practices.

Gathering a host of experienced legal counsels, IT professionals and litigants, the e-Discovery and Digital Forensics conference brings you up-to-date with case management and cost control, while taking an in-depth and integrated look at e-Discovery and ESI collecting, processing and reviewing.

Best Practices in Cost Management and Case Management to:

- ☑ Building up an E-Discovery Program with Records Management Policy and Procedures
- ☑ Implementing Early Case Assessment beyond Cost-Saving Solutions – Avoiding Pitfalls in ESI Collection
- ☑ Emerging Technologies: the Practical Implications and Challenges on Legal ESI
- ☑ Electronic Discovery in Litigation & Compliance: Corporate Litigation Readiness
- ☑ Maximizing Compliance by Bringing E-Discovery inside the Corporation – Combining IT, Legal Counsels and Vendors
- ☑ Judicial Panel: Cross-Border Litigation with Internal Disclosure and Privacy

Who Will You Meet

- ☑ In-house Counsel / Legal Counsel
- ☑ General Counsel / Chief Legal Officers
- ☑ Chief Compliance Officers / Compliance Managers
- ☑ Chief Information Officers / Heads of IT
- ☑ Records and Document Managers
- ☑ Information & Knowledge Management Leaders
- ☑ Risk Management Leaders
- ☑ Chief Security Officers / Security Managers
- ☑ Attorneys / Litigation Lawyers
- ☑ E-Discovery Solution Providers
- ☑ Enforcement Bodies

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E-discovery Cocktail Party

- ▶ An informal drink party after the conference at insomnia, LKF.
- ▶ Conference attendees and non conference attendees are welcome to join.
- ▶ Don't miss the chance to meet the renowned e-Discovery experts!

Please call Janice Mak at
(852) 3711-3061 for RSVP.

PROCESS MANAGEMENT AND COST CONTROL WITH LEADING SOLUTIONS & TECHNOLOGIES

Traditional policies and methods for governance and discovery of ESD/ESI are falling short. Now organizations must comply or risk fines and sanctions. For cost, consistency and risk mitigation, all types of corporate investigations are required to have a standardized, repeatable and defensible process. The investigative technique needs to quickly search, identify, preserve, collect and process the evidence for attorney or law enforcement or regulatory compliance review. And most of all, getting to the evidence early is critical to the success of an investigation.

8.30 Registration and Coffee

9.00 **KEYNOTE** Welcome and Opening Address
Hilton Chan, Chairman, Centinel Limited

ASIA FOCUS - LAWS AND PRACTICES

9.15 Joint Speech - Update Guidelines for E-Discovery from the Civil Justice Reform in HK

- ☑ What's new and updated in recent guidelines from CJR
- ☑ Digging into the Court's expectations – risk mitigation with providing electronic evidence before the Court
- ☑ Suggestions on how to deal with E-discovery cases under current legislation conditions
- ☑ Cases management with case studies
Simon Clarke, Partner, Allen & Overy LLP
Vince Neicho, Litigation Support Specialist, Allen & Overy LLP

10.00 Proactive Strategies for Safely and Cost-Effectively Managing Digital Evidence in Computer Forensic and e-Discovery Matters

- ☑ Knowing where your data is located
- ☑ Preserving and protecting digital data
- ☑ Best practices in collecting data
- ☑ Computer forensic investigations
- ☑ Filtering through Early Case Assessment
- ☑ Leveraging review technologies and processes to reduce costs and increase defensibility
Scott A. Warren, Regional Managing Director for Legal Technologies Asia Pacific, Kroll Ontrack Inc.

10.45 Morning Networking Coffee Break

11.00 Addressing Personal Data Privacy laws in E-Discovery Case Management: Asian and Cross-Border Perspectives

- ☑ The application of data protection principles in digital forensic examination and e-discovery
- ☑ Handling requests for personal data from enforcement agencies and regulatory bodies
- ☑ The landscape of personal data privacy laws in different Asian jurisdictions
- ☑ Cross-Border perspectives
- ☑ Case Study: the implications of Hong Kong's Personal Data (Privacy) Ordinance in gathering digital evidence
Menachem M. Hasofer, Partner, Mayer Brown JSM

11.45 Importance of Implementing Strong Data Management and Compliance Protocols in Japan & Korea

- ☑ Key regulations affecting ESI/ESD in Japan and Korea
- ☑ Implementing effective ESI/ESD management and compliance protocols
- ☑ Approaches to ESI/ESD case management in Japan and Korea in light of the regulatory environment
- ☑ Details and pitfalls
Scott Nonaka, Partner, O' Melveny and Myers LLP

12.45 Lunch & Networking Break

2.00 Implementing Early Case Assessment and Costs-Saving Solutions – Avoiding Pitfalls in ESI Collection

- ☑ Examining the capability of ECA application:
 - Rapid research & intelligent classification
 - Vast information stores
 - Effective processes
- ☑ Innovative strategies on E-discovery, data privacy, data loss and records & information management with cost reduction
- ☑ Devising sophisticated keyword search criteria to focus on key aspects of a potential litigation to avoid the disjointed collection
- ☑ How to collect ESI in a defensible and resistant manner
- ☑ Current considerations and limitations of ECA
Browning E. Marean, Senior Counsel and Co-chair of the Electronic Discovery Readiness and Response Group, DLA Piper (US) LLP

2.45 The Role of Advanced Search in Global Electronic Discovery:

With document volumes expanding and regulations increasing, corporations and their counsel must rely on search techniques to pare down document populations. More than just general pragmatism, courts are increasingly requiring counsel to use more advanced protocols to justify their actions. Further, data protection legislation and blocking statutes require an intelligent approach to handling any relevant data. This program will cover:

- ☑ The role of search in electronic discovery and regulatory response
- ☑ New judicial and regulatory requirements for search protocols, covering recent US precedent and expectations in Asia jurisdictions
- ☑ The US Sedona principles on advanced search techniques
- ☑ Advanced techniques to make search more effective
- ☑ New search-related methods to reduce document sets prior to review
John Tredennick, CEO, Catalyst Repository Systems, Inc.
Richard Kershaw, Asia Managing Director, Catalyst Repository Systems, Inc.

3.30 Afternoon Networking Coffee Break

3.45 PANEL DISCUSSION

Maximizing Compliance by Bringing E-Discovery inside the Corporation – Combining IT, Legal Counsels and Vendors

- ☑ Working out with the in-house counsel:
 - Viewing on the top challenges on E-discovery management for the legal department
 - Avoiding premature settlements due to complex or missed E-discovery process
 - Aligning with IT managers to meet legal requirements: getting involved with IT in software selection to costs control
 - How to operate most effectively with outside counsel and vendors
- ☑ How to choose options between in-house and outsourced E-discovery management
- ☑ Discovering how to evaluate good E-discovery vendors – the critical capabilities and the ROI analysis
- ☑ Utilizing effective collaborative systems for legal, IT and counsel

Moderator:

Scott A. Warren, Regional Managing Director for Legal Technologies Asia Pacific, Kroll Ontrack Inc.

Panelists:

David C. Shonka, Principal Deputy General Counsel, Federal Trade Commission
Browning E. Marean, Senior Counsel and Co-chair of the Electronic Discovery Readiness and Response Group, DLA Piper (US) LLP
Scott Nonaka, Partner, O' Melveny and Myers LLP
Richard Kershaw, Asia Managing Director, Catalyst Repository Systems, Inc.

5.00 End of Day One

6:00 Networking Drink

8.30 Registration and Coffee
9.00 Chairman's Opening Remarks
Scott A. Warren, Regional Managing Director for Legal Technologies Asia Pacific, Kroll Ontrack Inc.

READINESS AGAINST LITIGATION: MULTI-COOPERATION FROM OUTSOURCING TO IN-HOUSE ENGAGEMENT

9.15 E-Discovery Development in Singapore: PD3 of 2009 and the Challenging Impact

- ☑ How PD3 of 2009 affects your e-Discovery management – the challenges of legal obligations in providing electronically stored information / data (ESI/ESD)
- ☑ Best practices and methodologies on ESI/ESD process management
- ☑ Issues of Privilege and Inadvertent Disclosure
- ☑ Devising action plans to comply with the litigation requirements
Yeong Zee Kin, Senior Assistant Registrar, Supreme Court of Singapore

10.00 Jumpstart your Review – a Comparison of the Effectiveness of Different Review Accelerators through Case Studies

This topic will examine the use of technology to speed up the review exercise and different stages. The case studies will look at examples, such as the documents are seized in a fraud matter, a client is exploring its chance of litigating against a defaulting party, or a client bank is faced by a massive regulatory review with a short time scale.

- ☑ Examining the effectiveness of different review tools in different situations
 - Major objectives – save money, save time, consistent checking, court / regulator defensibility
 - ☑ Preliminary accelerators
 - de NIST ing, domain search, de-duplicating, prefiltering
 - To litigate or not? Early case assessment
 - ☑ The advanced accelerators
 - near duplicates, email threading, concept clustering
 - Key word searching Vs prioritization
 - Outsourcing methods & defensibility
 - ☑ Safeguards
 - The human in the technology process
 - Retracing steps in the process
 - Redaction methods, production format, privilege coding
- Dmitri Hubbard, Business Development Director APAC, Epiq Systems

11.00 Morning Networking Coffee Break

11.15 General Counsel's Perspective

E-Discovery Readiness for Risk Management and Governance Investigations

- ☑ How to be responsible for information assurance – management and practices on improving transparency and security of data
- ☑ Implementing proper legal hold action plans - avoiding sanctions from spoliation or data destruction
- ☑ Litigation hold notice - ensuring compliance with legal directives and information requests
David C. Shonka, Principal Deputy General Counsel, Federal Trade Commission

12.15 Lunch & Networking Break

GLOBAL UPDATE: DEVELOPMENT AND TRENDS

1.30 U.S. Federal Rules Regarding ESI and Judicial Perspectives on E-Discovery

In 2009, there were various court decisions regarding the application of Rule 502, such as *Heriot v. Byrne*, (N.D. Ill. 2009) and *D'Onofrio v. SFX Sports Group, Inc.*, 2009 WL 859293 (D.D.C. Apr. 1, 2009). In 2010, further judicial decisions and what qualifies as taking reasonable steps to prevent disclosure under subsection (b)(2) of Rule 502 are to be expected.

- ☑ What are the changes in the recent amendments to the U.S. Federal Rules of Civil Procedure include changes intending to facilitate disclosure and discovery of ESI
- ☑ Corporate obligations with respect to ESI preservation and production under the protection Rule 502
- ☑ Impact of recent decisions and judicial trends in managing E-discovery
- ☑ The main sanctions for E-discovery abuse
Hon. Andrew J. Peck, U.S. Magistrate Judge, Southern District of New York

2.30 UK and other Common Law Jurisdictions

Although the US leads the world in both the legal and technical aspects of electronic discovery, there is a general acceptance that there is much to do to make this aspect of litigation an efficient and cost-effective component of case management. Although the essential difficulties are the same in the EU, there is growing recognition that the two jurisdictions have something to learn from each other.

- ☑ All common law jurisdictions face the same e-discovery issues
- ☑ Proportionality, preservation, co-operation and case management are recurring themes
- ☑ Those who influence the rules share ideas and concerns
Chris Dale, Founder & Consultant, the e-Disclosure Information Project

3.30 Afternoon Networking Coffee Break

3.45 PANEL DISCUSSION

Judicial Panel:
Cross-Border Litigation with Internal Disclosure and Privacy

Recent publications and court decisions have fueled discussions on best practices for cross-border E-discovery. EU/US privacy and litigation conflicts, such as The Sedona Conference(R) Framework for Analysis of Cross-Border Discovery Conflicts, Article 29 Working Party Document 158, and a recent paper by the French data protection authority (CNIL), plus the European Commission's decision in Akzo Nobel have all heightened disclosure and privacy issues. In addition to the EU/US conundrum, there are different, but equally challenging problems in Asia.

- ☑ How to cope with different national and multinational regulatory requirements
- ☑ Tips on drafting global document retention and destruction policies
- ☑ How the changes will affect corporate information management and strategies
- ☑ The difference among various jurisdictions? US, EU and Asia? How it will affect Asian companies and global organizations
- ☑ How to search and collect data from countries across the global range within the local regulations and laws
- ☑ New trends: arbitration typed cases

Moderator:

David C. Shonka, Principal Deputy General Counsel, Federal Trade Commission

Panelists:

Hon. Andrew J. Peck, U.S. Magistrate Judge, Southern District of New York
Yeong Zee Kin, Senior Assistant Registrar, Supreme Court of Singapore
Chris Dale, Founder & Consultant, the e-Disclosure Information Project
Christopher To, Executive Director, Construction Industry Council (Council Member of Hong Kong International Arbitration Centre)

5.00 End of Conference

REGISTRATION FORM

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Renaissance Harbour View Hotel, Hong Kong

Please complete the form and send to eunice.mak@innocell.net

Personal information (Please print clearly)

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 Membership Number _____
 Signature: _____

DELEGATE 3:

First Name: _____ Last Name: _____
 Organization: _____ Job Title: _____
 Address: _____
 Tel: _____ E-mail: _____
 Supporting Organization / Media Partner: (exclusive discount applicable)
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 Membership Number _____
 Signature: _____

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Registration Fee:

Regular Fee:
HKD 4,800

Early Bird:
Register before May 21, **HKD 2,800**
Register before June 21, **HKD 3,800**

Representatives from Consulting /
Accounting / Software companies:
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(The early bird is not applicable to this fee)

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