



**PRESENT:**

**e-Discovery and Information Governance:  
Cloud Computing, Mobile Devices, Social Media and other  
Potential e-Discovery Nightmares...**

**1.0 General CLE Credit approved by  
National Federation of Paralegal Associations**



**October 27th, 2015**

**6:30 PM – 8:45 PM**

Nixon Peabody LLP  
437 Madison Avenue  
New York, New York

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**e-Discovery and Information Governance:  
Cloud Computing, Mobile Devices, Social Media and other Potential e-Discovery  
Nightmares...**

1. Cloud Computing – What is it?
  - A) What is Cloud Computing anyway?
  - B) Why is Cloud important?
  - C) What is Different about Cloud based data from an e-Discovery perspective?
  - D) How do you collect data from another entity that is in control of “your” data?
  - E) How do law firms and corporate clients keep track of where potentially relevant data resides?
2. How is the increased Use of Mobile Devices Impacting the Legal Profession?
  - A) What is unique about the use of tablets and mobile devices?
  - B) How are BYOD policies impacting e-Discovery?
  - C) What are some concerns specific to the use of mobile devices?
  - D) Can you ethically search information that might be from personal accounts of your employees?
3. How is the Use of Social Media Impacting e-Discovery
  - A) How is social media impacting litigation?
  - B) What are some best practices for corporations for monitoring social media content?
4. What are some jurisdictional issues that might arise based on Cloud data?
  - A) Why does jurisdiction matter when it comes to Cloud computing, or collecting data from mobile devices?
  - B) Are there data privacy regulations that need to be addressed?
5. Conclusion
  - A) Concluding Remarks
  - B) Q&A

## Moderators:

### **Brad Schaffel, CEDS**

Litigation Support Manager

**Wilmer, Cutler, Pickering, Hale and Dorr, LLP**

Brad Schaffel is the Litigation Support Manager for the New York office of Wilmer, Cutler, Pickering, Hale and Dorr, LLP. He is a resident of Brooklyn, New York and has over 22 years' experience in Litigation Support. Brad is a member of the Charter Class of Certified eDiscovery Specialists and currently serves as a V.P. in the ACEDS NY Metro Chapter's Advisory Board and co-chairs its educational committee.

Tasked with creating a team of experienced professionals, Mr. Schaffel has been successful in building a department of top-tier individuals who are able to act as in-house legal technology consultants as well as excellent project managers and technicians. Brad continuously strives to improve automation and workflow; keeping up with the growing size and complexity of discovery requests is an on-going challenge that requires constant attention.

Mr. Schaffel has served on industry panels and has been involved in eDiscovery education for quite some time. To further these aims, Mr. Schaffel is an adjunct professor for Bryan University and is a member of numerous professional Associations.

### **Joe Bartolo, J.D.**

Director of Strategic Partnerships

**JURISolutions Legal**

Joe is the Director of Strategic Partnerships for JURISolutions Legal, and provides consultative legal technology support services to corporations and law firms. Mr. Bartolo is a V.P. In the ACEDS New York Metro Chapter Member's Advisory Board, and co-chair of its' educational committee. Joe is a former litigator in New York, and is formerly the National Technology Advisor for IKON. Joe has instructed numerous Continuing Legal Education courses throughout the U.S. for the past 10 years on eDiscovery and related topics.

Mr. Bartolo was formerly the head of the EDRM Metrics Working Group, and is a member of GOAL (Global Outsourcing Association of Lawyers). Joe has also authored several published articles regarding eDiscovery and the impact of technology on the legal profession, and is an avid blogger regarding information governance issues.

## Panelists:

**Alan Winchester, Esq.**  
**Harris Beach PLLC**

Mr. Winchester is a member of the firm and leader of its national eDiscovery practice (e-info<sup>SM</sup>). This team assists organizations with all aspects of computers and their intersection with the law. In the area of eDiscovery, his services include the location and production of documents during litigation or government investigations. Mr. Winchester also practices in the areas of cybersecurity, information governance and compliance for organizations that host private or protected information on their computer systems. He also practices within the Medical and Life Sciences Industry Team and in the Mass Torts and Industry-Wide Litigation Practice Group where he defends device and pharmaceutical companies in both personal injury and consumer fraud based claims.

### eDiscovery

Mr. Winchester is experienced in all phases of the electronic discovery process. He and his group, which includes forensically trained IT professionals, routinely help organizations with the identification and preservation of potentially relevant content; its collection; review and finally production to the requesting party. He is a pioneer in the use of predictive coding to cost effectively and quickly identify responsive documents for early case assessment and review purposes and has been lecturing and writing in this area for the last four years. He has developed sampling methods used to test key word searches and to validate coding decisions. Mr. Winchester also assists organizations with information management relating to the development of document management strategies and retention policies and the development of disaster recovery plans.

### Cybersecurity

Mr. Winchester has experience assisting organizations develop and implement compliance programs for critical information and systems, offering guidance on legal and regulatory requirements associated with the storage of protected information and what to do in the event of a data breach, developing and implementing an information security incident response plan, working with IT professionals to investigate the scope of a data breach and working to represent organizations faced with either government investigations or private actions associated with cybersecurity loss.

### Information Governance

Mr. Winchester has worked with organizations to develop information governance policies. This has included preparing organizations for a potential regulatory or legal

action, developing policies to safeguard important business transactions, and helping organizations comply with government and industry standards in developing best practices to manage and retain documents.

#### Pharmaceutical and Medical Device Defense

In the tort arena, Mr. Winchester focuses his practice primarily on litigation involving technology and pharmaceutical products. He has defended manufacturers of chemical or pharmaceutical products in products liability claims brought as class actions, multi-district litigation and statewide consolidations or as individual suits involving cancer, cardiac and pulmonary defects, birth defects and other systemic injuries. He has also acted as national counsel, local counsel, and science counsel for numerous companies.

Present assignments in all of Mr. Winchester's areas of experience include:

- Discovery counsel for a major pharmaceutical drug subject to recall due to concerns about the manufacturing process.
- Discovery counsel to defendants in complex federal court matters in the implementation of litigation holds and good faith compliance with obligations for disclosure of Electronically Stored Information (ESI) under the revised Federal Rules.
- Document counsel to an entity involved in a significant Department of Justice investigation.
- Regulatory and compliance counsel to national health care insurer seeking to develop document retention plans that incorporate ESI.
- Regulatory and compliance counsel to quasi-governmental agencies seeking counseling on record retention strategies for ESI.
- Risk assessment counsel to multiple international pharmaceutical companies seeking prelaunch evaluations of their products.
- National counsel of a manufacturer of devices and pharmaceuticals used in dentistry.
- Counsel to a company involving the theft of intellectual property through its computer systems by a competitor.
- Counseling companies which maintain credit card information on the requirement of PCI data security standards.
- Discovery counsel to a compounding pharmacy facing criminal and civil liability associated with allegedly contaminated pharmaceuticals.
- Regional counsel to a sporting goods and toy manufacturer for product liability and Consumer Products Safety Commission claims.

**Dera J. Nevin**

Director, eDiscovery Services

**Proskauer Rose LLP**

Dera J. Nevin is the Director, eDiscovery Services at Proskauer Rose LLP. She is an accomplished eDiscovery lawyer with significant operational experience developing and managing eDiscovery and practice support programs and teams. She maintains a focus on strategic process and technology initiatives and eDiscovery matter and program cost containment. She has significant experience recommending and implementing technology, building and evaluating eDiscovery operations and spearheading strategic initiatives directed at increasing eDiscovery program effectiveness. Her experience includes advising on all aspects of e-discovery in civil, criminal, regulatory and M&A transactions and in internal investigations, and in transborder eDiscovery. She has managed review and production totals of over 500 million records. She has pioneered the use of eDiscovery applications, including technology-assisted review and multi-lingual search. She has advised numerous corporations on the development and implementation of eDiscovery programs and strategies, including litigation hold management and audit. She also has experience in related aspects of information governance, including records retention and disposition initiatives, including those arising from document conversion and system migration projects.

Ms. Nevin is a founding member of the Legal Technology Professionals Institute, and serves on its Board, and is a part member of the EDRM Advisory Board Co-Chair of the EDRM Metrics Group. Ms. Nevin is also on the advisory board and teaches in the Bryan University e-Discovery Project Management (EDPM) post-graduate program. She is a frequent speaker on a variety of topics relating to electronic evidence management, including document review and production, large team coordination, international transmission of data and the law of privilege and privacy in the management and exchange of electronic records. She writes a regular column on e-Discovery in *Canadian Lawyer* magazine, and has published articles on e-Discovery in the Association of Corporate Counsel Magazine and in the LTN.

Ms. Nevin graduated from the University of Toronto Faculty of Law (J.D.), and holds an M.A. and a B.A. (Hons.) from Queen's University.

**Anthony Vescova**  
eDiscovery Specialist  
**Nixon Peabody LLP**

Anthony Vescova provides technology support and technical advice to litigation teams working in Nixon Peabody's New York offices (NYC & Long Island).

As an eDiscovery specialist, Mr. Vescova consults with attorneys, staff, and clients then assists in the design and execution of efficient, cost-effective eDiscovery strategies. Mr. Vescova also maintains electronic discovery databases and supports projects throughout the litigation process.

Mr. Vescova has extensive experience supporting trial teams from war room set up to "hot seat" support.

Since joining Nixon Peabody LLP, Mr. Vescova has worked with the eDiscovery services group utilizing his skills across all phases of the Electronic Discovery Reference Model (EDRM).

Legal Application Experience: Relativity; CaseLogistix; Concordance; Summation; TrialDirector; TextMap; CaseMap; TimeMap; Trident; LiveNote; IPRO Suite

## **Scott Gibbs**

Senior ESI/Forensic Coordinator, Managing Partner and Director of Digital Forensics  
**Direct Data Discovery**

Scott Gibbs is Direct Data Discovery's Senior ESI/Forensic Coordinator, and is their Managing Partner and Director of Digital Forensics. Mr. Gibbs' specializes in digital forensics examinations and is an expert in computer forensics, data recovery, and digital security.

Mr. Gibbs has been an IT administrator for more than nine years, an IT Director for a digital forensics and eDiscovery firm for more than six years, and a forensic examiner for also more than six years. Mr. Gibbs has received digital forensics training from Guidance Software, Mile2 Security and EC Council training materials.

Scott has earned the following certifications, The EnCE (Encase Certified Examiner), the CCE (Certified Computer Examiner), the CHFI (Certified Hacking Forensics Investigator), and the MCP (Microsoft Certified Professional).

Mr. Gibbs' extensive technical background, combined with a high level of experience in computer forensics and investigative services allows him to provide top level professional consulting services to law firms and corporations in a wide variety of industries.

Mr. Gibbs received his undergraduate degree from Clark Atlanta University, Atlanta, GA.