

2nd Annual E-DISCOVERY and E-DOCUMENTS

New Rules of Procedure | Private and Public Sector Strategies
Electronic Disclosure | E-Record Management Best Practices

September 30 and October 1, 2009 | World Trade and Convention Centre | Halifax



Electronic documents are revolutionizing the way organizations manage their records – they have also opened up new areas of potential risk and costs for both public and private sectors. Because of the increased volumes, diverse formats, and often complex nature of these e-records and their underlying data, the rules governing discovery and document disclosure are also changing. Attend to learn about:

- Latest E-Discovery Developments, Rules and Practice Guidelines – Sedona and More, A National and Regional Update
- E-Discovery and the Electronic Trial – A Long Range View from the Front Lines
- Latest Case Law Developments and the Implications
- Impact of E-Discovery on Public Sector Litigation and Administrative Law Proceedings
- Crafting an E-Document Retention Policy Framework and Process that Meets Organizational and Legal Objectives
- Privilege, Confidentiality, Privacy and Access to Information Requests in an Electronic Environment
- E-Discovery Project Management Essentials Once the Writ Drops
- Litigation Case Management in the Era of E-Records – Cost, Time, Resources
- Expert Evidence under the New Rules of Civil Procedure – Implications of the New E-Discovery and Disclosure Rules
- Preservation Orders, Litigation Holds and Avoiding Spoliation Sanctions – New Obligations and Risks for All Organizations

and much more...

Marketing Partner

CANADIAN **Lawyer**



PROGRAM CO-CHAIRS

Thomas P. Donovan
Partner
Cox & Palmer

Paul Fitzpatrick
Director, Legal Services
Bell Aliant Regional Communications

KEYNOTE SPEAKERS

Edward Gores Q.C.
Director of Litigation
Department of Justice, Nova Scotia

Glenn A. Smith
Senior Partner
Lenczner Slaght Royce Smith Griffin LLP

*Pre-conference in-depth workshops
for added value!*

WORKSHOP A
**E-Record Management and
Retention Protocols for Large and
Small Organizations**

WORKSHOP B
**The ABCs of E-Discovery and
Electronic Evidence – An Introduction**

Dear Colleague,

With new rules of procedure such as Rule 16 in Nova Scotia, rapidly evolving case law, and potentially significant consequences in some jurisdictions for failure to meet expected records management standards, there are many reasons why e-record management should be a priority for today's public and private sector organizations. Effective e-record management policies are a must to ensure compliance with changing legal requirements, and are just as essential for meeting organizational objectives – including cost management and risk minimization, particularly in today's more challenging business environment.

This **second annual Insight** program delivers a value packed agenda that addresses the up-front needs of **public and private sector organizations** that are working to develop and implement effective record management policies. It also brings legal practitioners and records managers the latest updates on litigation in an electronic age, and provides a view into what is ahead for the electronic court room. Don't be caught off guard if the writ drops! Attend and hear the latest on:

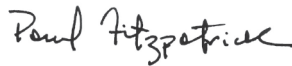
- Anton Pillar Order – criteria for obtaining, court controls, what the Nova Scotia Rules 2008 say and elements of an effective Order
- E-Discovery across borders
- Complex litigation, class actions and judicial inquiries
- Computer forensics essentials for legal and record management professionals
- And, a not to be missed, **MOCK E-DISCOVERY** session

You will benefit from specially prepared, up to date materials, and will enjoy ample opportunities to ask your questions and have your issues addressed. **For added value, lawyers, paralegals and records managers new to the topic will benefit from the two pre-conference workshops which provide an in-depth introduction to the topics of Managing E-Records and E-Discovery.**

Whether you work in the private or public sector, if you work on litigation files or manage electronic records, this is one conference you should not miss. We look forward to seeing you at the conference in September.



Thomas P. Donovan
Partner
Cox & Palmer



Paul Fitzpatrick
Director, Legal Services
Bell Aliant Regional Communications

WHO SHOULD ATTEND

- From Businesses and Public Sector Organizations, (including Municipalities and Hospitals)
 - Legal counsel, VPs, Directors, Senior Managers of Legal and Litigation Department
 - Compliance and Risk Officers
 - Chief Information/Privacy Officers
 - Records and IT Professionals
 - Litigation Support and E-Discovery Experts
 - Judges, Masters, Court Clerks
 - Administrative Boards and Tribunals
 - Legal Technology Managers
 - Corporate and Administrative Lawyers
 - As well as
 - E-Records, IT, Computer Forensics, and Data Recovery Specialists
- From the Legal Sector
- Litigation lawyers, law clerks and paralegals

Need additional information? Subscribe to **inCONFERENCE™**.

Gain online access to valuable conference papers and reports from any Insight conferences –whether it's energy, environment, finance, legal, or any of the other sectors covered at **Insight** conferences by subscribing today to **inCONFERENCE™**. Delegates will receive a set of original materials as well as online access to fully searchable conference papers through **Insight's inCONFERENCE™** that will serve as an invaluable reference source. To find out more, or to receive a free trial subscription, please go to <http://inconference.insightinfo.com>

WORKSHOP A | 9:00 A.M. to NOON

E-Record Management and Retention Protocols – Developing the Policies, Enforcing the Standards, Avoiding the Pitfalls for Large and Small Organizations

Robert Gerbrandt, *E-Discovery Consultant, Ledjit Consulting*

Attend this workshop to learn about best strategies for meeting compliance obligations while minimizing risk in electronic records management and retention for public and private sector organizations. Act now to avoid problems later!

Key topics include:

- How does the management of electronic documents differ from that of paper documents?
- Identifying organizational and legal objectives
- Understanding the hardware and software: implications for legal risk
 - mobile devices
 - servers
 - email
- Designing the policies and systems to ensure the objectives are met
- Transitioning to electronic records and dealing with hybrid record systems
- Special problems presented by electronic mail and messaging systems, databases, and “Government On-line systems”
- The back-up tape trap
- Have your preservation and retention systems in place for potential litigation situations
- Essential guidelines for implementing a litigation hold when the writ drops

Don't miss this opportunity to have your individual questions answered by a leader in the field. You will benefit from an interactive format and receive specially developed materials to share with your colleagues.

Rob Gerbrandt has spent the past several years supporting clients through their e-discovery challenges. His clients have been a cross section of US, Canadian and European Fortune 50 firms from all verticals and all have benefited from his process insight, communication skills and ability to integrate legal, business and technology teams into effective high performing groups. Rob is currently E-Discovery Consultant, Ledjit Consulting Inc.

12:00 | 1:00 LIGHT LUNCH WILL BE SERVED FOR DELEGATES ATTENDING BOTH WORKSHOPS

WORKSHOP B | 1:00 P.M. to 4:00 P.M.

The ABCs of E-Discovery and Electronic Evidence – An Introduction

Debbie Boutilier, *National Litigation Support/Manager ARO Litigation Support, Department of Justice*

David MacNeil, *Manager, Litigation Support Services, Cox & Palmer*

Peter A. McInroy, LLB, *Principal, ESI Consulting, Principal, M & E Legal Services Inc.*

At this intensive workshop you will learn the essentials of how electronic information systems and electronic records are changing the face of litigation and court processes. Experts in litigation support, computer forensics and litigation will walk you through the trial process and the way that this is changing in this new electronic environment. Among the topics to be covered in depth are:

- Basic vocabulary, essential terms and technology background for the e-documents era
- How is the pretrial and trial process changing because of the use of e-discovery?
- What do organizations need to know and do because of these changes?
- E-discovery process – changes in adapting to e-documents
- Litigation holds (retention and preservation obligations for electronic documents)
- What does e-discovery look like – a mock up
- What will be the next steps?

Changes are now unfolding very quickly in the litigation arena. Take advantage of this opportunity to acquire the most need-to-know information and have your questions answered by leaders at the forefront of these developments!

Deborah Boutilier manages Litigation Support services for the Department of Justice Canada, Atlantic region and nationally for legal teams involved in class actions and commissions of inquiry for the Department. Deborah has been a litigation paralegal for 19 years, the last eight with Justice Canada.

David MacNeil is the Manager of Litigation Support Services for Cox & Palmer in Halifax, NS. He joined the firm in 2002 and is responsible for the implementation and advancement of litigation technology within the firm.

Peter A. McInroy has practised in the area of Municipal Law for 30 years where litigation formed over 60% of his files for the past 20 years. For 10 years he has been following e-Discovery developments very carefully and has recently launched ESI Consulting as a result.

8:15 | 9:00

Registration and Continental Breakfast

9:00 | 9:05

Welcoming Remarks from Insight

9:05 | 9:10

Co-Chairs' Opening Remarks

Thomas P. Donovan

Partner
Cox & Palmer

Paul Fitzpatrick

Director, Legal Services
Bell Aliant Regional Communications

9:10 | 10:00

OPENING KEYNOTE ADDRESS

E-Discovery and the Electronic Trial – A Long Range View from the Front Lines

Glenn A. Smith

Senior Partner
Lenczner Slaght Royce Smith Griffin LLP



10:00 | 10:15

Networking Coffee Break

10:15 | 11:15

The Latest E-Discovery Developments and Practice Guidelines – Sedona and More, A National and Regional Update

Susan Wortzman

Partner
Wortzman Nickle Professional Corporation

- Overview of new guidelines and standards on e-discovery and e-evidence
- Sedona Canada highlights and key issues
- Background and recent developments – USA and Canada

Thomas P. Donovan

Partner
Cox & Palmer

- Regional Developments in Atlantic Canada
 - Common law provinces
- Nova Scotia Rule 16
 - Identification of vendors
 - Development of a production protocol
 - Case law

- Major pitfalls and how to avoid them
 - Litigation response teams
 - Record retention policy development
 - Cost containment issues
- Expected developments on the horizon

11:15 | 12:15

Crafting an E-Document Retention Policy Framework and Process that Meets Organizational and Legal Objectives – Public and Private Sector Perspectives

Christene H. Hirschfeld

Partner
Boyne Clarke
Barristers and Solicitors

Robert Gerbrandt

E-Discovery Consultant
Ledjit Consulting

- Structuring a comprehensive e-document management system – key considerations and priorities
- What are the current legal obligations on retention of organizational records?
- Risk and compliance issues – privacy, security, confidentiality; access issues
- Design and implementation challenges and how they are being addressed
- The input, storage, retrieval, and destruction processes
- Identifying key players in the process
- Cost considerations and efficiencies
- Outsourced versus in-house solutions
- Administration, coordination, accountability
- Defining roles and responsibilities
 - Legal teams
 - Outside counsel
 - IT professionals

12:15 | 1:15

Networking Luncheon

1:15 | 2:00

KEYNOTE SESSION

Impact of E-Discovery on Public Sector Litigation and Administrative Law Proceedings

Edward Gores Q.C.

Director of Litigation
Department of Justice, Nova Scotia

2:00 | 2:45

Latest Case Law Developments and the Implications for Record Management and E-Discovery Practices

Jennifer Ross

Partner

Burchell Hayman Parish

- Latest Canadian case law update
 - *eBay Canada Limited v. Canada* (National Revenue), 2008
 - *Mathieson v. Scotia Capital Inc.*, 2008 (ON S.C.)
 - *Commissioner of Competition v. Labatt Brewing Company Limited*, 2008
 - *Chadwick v. Canada* (Attorney General), 2008 BCSC 851
 - *Innovative Health Group Inc. v. Calgary Health Region*, 2008 ABCA 219
- Implications of recent decisions for litigation and for record management
- Review of case law in other jurisdictions and the likely fall out
- Take-aways and new standards set

2:45 | 3:00

Networking Refreshment Break

3:00 | 4:00

Privilege, Confidentiality, Privacy and Access to Information Requests in an Electronic Environment

Brian K. Awad

Partner, Burchell Hayman Parish

Daniela Bassan

Partner, Stewart McKelvey

- Protection of privilege in litigation – case updates, tips and strategies
- Privilege perspectives of in-house and external counsel
- Interface between protection of privilege and disclosure of electronic information
- Balancing relevance, privacy and confidentiality in litigation
- Considering privacy legislation and its impact on litigants and the courts
- Accessing information and responding to document requests in an electronic era

4:00 | 5:00

Forensic Investigations in the Electronic World – Computer Forensics Essentials for Legal and Records Professionals

Peter A. McInroy, LLB

Principal, ESI Consulting

Principal, M & E Legal Services Inc.

Neil Walker

Computer Forensic Analyst

DiscoverE Forensics Consulting (Halifax)

Susan Wortzman

Partner

Wortzman Nickle Professional Corporation

Dan MacRury Q.C. (invited)

Chief Crown Attorney - Cape Breton

Public Prosecution Service

- Available forensic methodologies and procedures
- Common consideration and pitfalls
- When should I consider using a forensic computer specialist?
- What data or information do I get by using forensics that I would otherwise miss?
The perils of undetected metadata
- Strategies on how to identify, acquire and preserve relevant data in a legally and forensically sound manner and what legal and technical issues are involved
- Correct handling, processing and analysis of data
- Production and presentation of digital data
- *Anton Pillar Order* – criteria for obtaining, court controls, what the Nova Scotia Rules 2008 say and elements of an effective Order
- What forms of data can a Blackberry/smart phone or similar device hold? How can it be accessed, harvested and produced as evidence?
- Differing approaches required when dealing with data on a desktop or laptop as opposed to a server environment
- How different types of email applications deal with emails (how and where they are saved) and what this means for legal proceedings
- How expensive is it to use a forensics approach and are there ways to reduce and/or control these costs – ie., Can we elect to use forensics on a selective basis?
- Policy and procedure takeaways

5:00

Conference Adjourns for the Day

SPONSORSHIP OPPORTUNITIES

Gain additional presence and prestige in front of senior level decision makers through Insight's sponsorship opportunities. All of our exclusive sponsorship packages include a comprehensive suite of preferential benefits. For further details, please contact Gene Beil at 416.642.6129 or Gene.Beil@incisivemedia.com

8:30 | 9:00

Continental Breakfast

9:00 | 9:05

Co-Chairs' Opening Remarks

9:05 | 10:00

If the Writ Drops – Managing the Imperatives of the Organization and the Litigation in an Electronic Document Environment

Sandra Potter

Managing Director

Potter Farrelly & Associates

- E-discovery project management essentials once the writ drops
- Defining roles and responsibilities for best outcomes and economies
- What are the roles and obligations of the various team players?
- Process and systems that should go into gear
- The most common pitfalls and how to avoid them
- Scope of production and the proportionality principle
 - Cost/benefit analysis
 - Negotiating the net for production

10:00 | 10:15

Networking Coffee Break

10:15 | 11:00

Litigation Case Management in the Era of E-Records – Cost, Time, and Resources

Debbie Boutilier

*National Litigation Support/Manager ARO Litigation Support
Department of Justice*

David MacNeil

*Manager, Litigation Support Services
Cox & Palmer*

- What are the top litigation file management challenges in an e-document environment?
- When should the specialists be brought in – litigation support, IT support, computer forensics, etc.
- How do you choose the right one for the job?
- Setting up the communication lines, the processes and the systems
- Cost containment strategies
- Key documentary tools and procedures

11:00 | 12:00

Latest Technology and Tools for E-Discovery and Document Exchange

Speaker to be announced

- Database capacities and functions
- De-duplication and information reduction possibilities
- Search functions, search engines and search aids
 - what is possible?
- Meeting the challenges of e-data formats
- Impact on the role of counsel, of litigation support and the rest of the team
- Cost considerations and alternative solutions

12:00 | 1:00

Networking Luncheon

1:00 | 1:45

Complex Litigation, Class Actions and Judicial Inquiries – the Record Management and E-Discovery Challenges and How to Meet Them

Stacey O'Dea

Partner

McInnes Cooper

- How are these cases different? What are the real case management and e-discovery challenges?
- What are the current best practices and strategies for addressing these challenges?
- Databases, technologies and systems – best approaches for managing large volumes of information
- Mediation and arbitration processes and e-records

1:45 | 2:15

Expert Evidence Under the New Rules of Civil Procedure – Implications of the New E-Discovery and Disclosure Rules

Andrew Fraser

Partner

Stewart McKelvey

- Overview of new *Civil Procedure Rules* for experts in Nova Scotia
- Interaction with new *Civil Procedure Rules* on e-discovery and disclosure
- Roles for E-experts and consultants
- Technical and legal issues at play
- Tips and strategies

2:15 | 3:00

Preservation Orders, Litigation Holds and Avoiding Spoliation Sanctions – New Obligations and Risks for All Organizations

Jane O’Neill

*Board Director/Partner
McInnes Cooper*

Blair Mitchell

Litigation Counsel

- What triggers the preservation hold?
- What constitutes “negligence” in the management of records in a litigation context?
- Defensive strategies – reasonableness test, communication obligations
- Preservation orders – how far does the court’s reach extend?
- What information and records may be harvested?
- Allowable scope of search and seizure
- Metadata – what may be accessed?
- Metadata – what must be retained?
- Chain of custody – oversight and systems
 - who does what
 - oversight and accountability
 - communication issues: IT language versus legalese
 - logs

3:00 | 3:15

Networking Refreshment Break

3:15 | 3:45

E-Discovery Across Borders

Frank E. Walwyn

*Partner
WeirFoulds LLP*

- Legal considerations and jurisdictional issues
 - Case law
 - Process
- Practical considerations from a risk management perspective
- Common pitfalls and how to avoid them

3:45 | 4:45

Mock E-Discovery Session – Key Steps and Processes

In the role of “Judge”:

Frank E. Walwyn

*Partner
WeirFoulds LLP*

In the role of “Plaintiff representative”:

Dominic Jaar

*President
Ledjit Consulting*

In the role of “Defense representative”:

Jean-François De Rico

Langlois Kronström Desjardins

This mock session will walk you through the different phases of a case involving e-discovery: from the initial strategy and processes to the production of the relevant documents. Tips and tricks for all parts of the EDRM will be offered by lawyers who specialize in e-discovery. To ensure that the session sticks to reality, a “judge” will moderate the panel and render an order necessary for a successful e-discovery. Join us to discuss:

- Key preparation steps
- Important milestones
- Identifying the potentially relevant documents
- Preserving them
- Meet and confer
- From collection to processing
- Cost and time issues
- Key decisions and what to consider in making them

4:45

Co-Chairs’ Closing Remarks and Conference Concludes

UPCOMING CONFERENCES

EMPLOYEE TERMINATIONS

September 14 – 15, 2009 | Halifax

7th Annual ATLANTIC CANADA POWER SUMMIT

October 5 – 6, 2009 | Saint John

2nd Annual E-DISCOVERY and E-DOCUMENTS

New Rules of Procedure | Private and Public Sector Strategies
Electronic Disclosure | E-Record Management Best Practices

FIVE EASY WAYS TO REGISTER Call 1 888 777-1707 | Fax 1 866 777-1292 | Internet: www.insightinfo.com
Email: order@incisivemedia.com | Mail Incisive Media, 214 King Street West, Suite 300, Toronto, Ontario M5H 3S6

September 30 and October 1, 2009
World Trade and Convention Centre | Halifax
WORKSHOPS | September 29, 2009

Yes! Please register the following delegate(s) (photocopy for additional delegates)

Priority Code: 9404-PDF

Mr. Ms. Name _____

Title: _____

Area of practice: _____

Company: _____

Business Address: _____

City: _____ Province: _____ Postal Code: _____

Telephone: [] _____ Fax: [] _____

E-mail: _____

Type of Business: _____ #of Employees: _____

Registrant's Signature Required: _____

Signature _____ Date _____

REGISTRATION FEE: (Includes meals, documentation and *in*CONFERENCE™, fully searchable online access to this conference's papers*)

Please check your choice:

Special for Public Sector Pricing	
<input type="checkbox"/> By May 29	\$1,495.00 + HST (\$194.35) = \$1,689.35
<input type="checkbox"/> After May 29	\$1,695.00 + HST (\$220.35) = \$1,915.35
<input type="checkbox"/> Early Bird Special (Register and pay by May 29, 2009)	\$1,695.00 + HST (\$220.35) = \$1,915.35
<input type="checkbox"/> Regular Conference Price:	\$1,895.00 + HST (\$246.35) = \$2,141.35
<input type="checkbox"/> Workshop A [] or B []	\$600.00 + HST (\$78.00) = \$678.00
<input type="checkbox"/> Both Workshops	\$1,095.00 + HST (\$142.35) = \$1,237.35
<input type="checkbox"/> Solution Providers Pricing	\$2,095.00 + HST (\$272.35) = \$2,367.35

Payment enclosed. Payment to follow. (GST Reg. #856568779RT0001)

Charge to my VISA® AMEX® MasterCard®

Card Number: _____ Exp. Date: _____

Card Holder's Name: _____

Signature: _____ Date: _____

* Please allow 4-6 weeks after conference for activation of login and password.

Please Note: Full payment is required in advance of conference dates. Please make all cheques payable to **Incisive Media Canada, Inc.**

INSIGHT reserves the right to change program date, meeting place or content without further notice and assumes no liability for these changes.

Conference Code: LAC09404

HOTEL RESERVATIONS:

The World Trade and Convention Centre is conveniently located at 1800 Argyle Street in Halifax. For overnight accommodation please contact the Prince George Hotel at 1-800-565-1567 or 1-902-425-1986 or by fax 1-902-429-6048.

CANCELLATION AND REFUND POLICY:

A refund (less an administration fee of \$200 plus HST) will be made if notice of cancellation is received in writing three weeks before the event. We regret that no refund will be given after this period. A substitute delegate is welcome at any time.

SPECIAL OFFER: Send 4 people for the price of 3!

Register 3 delegates for the main conference at regular price at the same time and you're entitled to register a fourth person from your organization at no charge. For other group discounts, please call 1-888-777-1707. All discounts must be redeemed when booking, discounts will not be valid or applied after this time.

INSIGHT REWARD PROGRAM: Attend multiple Insight conferences in 2009 and/or register during 2009 and save! Attend and/or register for a 2nd conference in the calendar year (January to December) and receive a 25% discount and attend and/or register for a 3rd conference and receive a 50% discount. Buy more and save!

PRIVACY POLICY: By registering for this conference, **Insight** will send you further information relating to this event. In addition, you may receive by mail, telephone, facsimile or e-mail information regarding other relevant products and services from either **Insight** OR third parties with whom we partner. If you do not wish to receive such information from either Insight or third parties, please inform us by email at privacy@incisivemedia.com or by telephone at 1 888 777-1707.