

Intermountain eDiscovery 2010
9.24.10 | Hilton Salt Lake City Center



Intermountain eDiscovery Conference 2010

Intermountain eDiscovery Conference 2010 is a one-day legal technology conference designed to provide legal professionals with information on the latest rules, tools, techniques, and practices of eDiscovery.

September 24, 2010 - Conference Sessions

8:00 - 8:45 Main Registration and Check In

9:00 - 9:45 Social Media and Electronic Discovery: Riches and Risks
[Sharon D. Nelson, Esq., President - Sensei Enterprises](#)
[John W. Simek, Vice President - Sensei Enterprises](#)

Split Sessions

10:00 - 10:45 Disaster Response - Don't Forget ESI
[Kevin N. Anderson, Shareholder - Fabian Law](#)

10:00 - 10:45 Early Data Assessment - Making Molehills out of Mountains.
[Bobby Malhotra, Attorney - Munger, Tolles & Olson](#)

11:00 - 11:45 Cross Border Discovery: Considerations, Challenges, and Consequences
[Rudy R. Perrino, Partner - Fulbright & Jaworski L.L.P.](#)

11:00 - 11:45 Best Practices: Complex Discovery in Corporations and Law Firms
[Ryan G. Baker, Founding Partner - Baker Marquart Crone & Hawxhurst](#)
[Mark L. Smith, Attorney - Winston & Strawn](#)

Lunch

12:00 - 1:00 Electronic Discovery "Lunch and Learn" Panel
[Conference Speakers](#)

1:15 - 2:00 Considering eDiscovery? Time, Cost, and Risk Considerations
[Daniel S. Day, Senior Attorney, Litigation - SUPERVALU, Inc.](#)

2:15 - 3:00 The Challenge and Benefit of Integrating IT into Electronic Discovery
[Tom O'Connor, Director - Gulf Coast Technology Center](#)



Sharon D. Nelson, Esq.
President
Sensei Enterprises



Social Media and Electronic Discovery: Riches and Risks

Ms. Nelson graduated from Georgetown University Law Center in 1978 and has been in private practice ever since. Her primary practice area is electronic evidence law.

Ms. Nelson is the past President of the Fairfax Bar Association, a Director of the Fairfax Law Foundation, and past chair of the American Bar Association's TECHSHOW Board. She is the former chair of the ABA Law Practice Management Publications Board and currently serves on the Governing Council of the ABA's Law Practice Management Section. She is a member of ARMA's E-Discovery Advisory Board, the ABA's Advisory Panel, the governing Council of the Virginia State Bar, and a graduate of Leadership Fairfax.

Ms. Nelson also serves as chair of the Virginia State Bar Unauthorized Practice of Law Committee, and is a member Bar Technology Committee. She is also a member of the Planning Board of the Pacific Legal Technology Conference, the American Bar Association (ABA), the Virginia Bar, the Virginia Bar Association, Fairfax Bar Association, the Virginia Women's Attorney Association, and Women in Technology.

In addition to her many professional affiliations, Ms. Nelson is the co-host of The Digital Edge: Lawyers and Technology, a popular ABA podcast series. She is also the author of Ride the Lightning, an ongoing electronic evidence blog, and the co-author of six books: The Electronic Evidence and Discovery Handbook: Forms, Checklists and Guidelines (ABA, 2006); Information Security for Lawyers and Law Firms (ABA, 2006); The 2008, 2009, and 2010 editions of The Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple (ABA, 2008, 2009, 2010); and How Good Lawyers Survive Bad Times (ABA 2009).



John W. Simek
Vice President
Sensei Enterprises



Social Media and Electronic Discovery: Riches and Risks

John W. Simek is the Vice President of Sensei Enterprises, Inc. He is an EnCase Certified Examiner (EnCE) and a nationally known testifying expert in the area of computer forensics.

Mr. Simek holds a degree in engineering from the United States Merchant Marine Academy and an MBA in finance from Saint Joseph's University. After forming Sensei, he ended his 20+ year affiliation with Mobil Oil Corporation, where he served as a senior technologist designing and troubleshooting Mobil's networks throughout the western hemisphere. Mr. Simek has in-depth experience with network troubleshooting, hardware and software implementations, systems integration, and logistical and financial expertise in a wide range of computer engineering designs and solutions. He has an extensive knowledge of multi-protocol environments and a diverse range of networking technologies.

In addition to his EnCase Certification (EnCE), Mr. Simek is a Certified Handheld Examiner, Certified Novell Engineer, Microsoft Certified Professional + Internet, Microsoft Certified Systems Engineer, NT Certified Independent Professional, and a Certified Internetwork Professional. He is also a member of the High Tech Crime Network and of the International Information Systems Forensics Association as well as the American Bar Association. John has also been a member of the Planning Board for the American Bar Association's TECHSHOW and a past member of the Boyd-Graves Conference Subcommittee on Electronic Evidence. He provides computer forensics, electronic discovery, and information technology support to almost 600 area law firms, legal entities and businesses.



Kevin N. Anderson
Shareholder
Fabian Law



Disaster Reponse - Don't Forget ESI

Kevin Anderson is one of Fabian's most experienced and successful trial attorneys and is an activemediator and arbitrator. He has over twenty-seven years of litigation experience in state and federal courts, arbitration, and administrative forums. Kevin has experience in a variety of complex commercial disputes, has taken on the FBI and the NCAA, and represented Victoria's Secret, among other well-known clients.

But a substantial portion of Kevin's work has been for energy-related companies in a variety of litigation, arbitration and regulatory matters. Of significance, Kevin has been involved in resolving several disputes concerning long term coal supply agreements through negotiation, litigation, arbitration and mediation.

Other cases Kevin has handled include contract disputes, force majeure, eminent domain and condemnation, securities fraud, insurance coverage and benefits, banking, real estate transactions, fiduciary relationships and Indian law. Kevin was named one of the Mountain States Super Lawyers® for complex commercial litigation, based on peer recognition and his professional achievements.

Kevin has handled numerous cases that were resolved prior to trial, either by judicial disposition or settlement. He has been involved in the appeal of cases to the Utah Supreme Court and the Tenth Circuit Court of Appeals and has lectured on a variety of topics. He currently chairs Fabian's Energy & Electric Utilities Practice Group and is a member of the Board of Directors for the Utah Mining Association.

Kevin holds a Juris Doctorate from Georgetown University Law Center (1981) as well as a Bachelor of Arts from the University of Utah (1978).

Kevin was admitted to the Utah State Bar (1981), the Nevada State Bar (1992), the District of Columbia Bar (2005) and the Tenth Circuit Court of Appeals (1985). Additionally he served on the Utah Supreme Court Advisory Committee on Civil Procedure from 1991 to 1993.



Bobby Malhotra

Attorney

Munger, Tolles & Olson

Early Data Assessment - Making Molehills out of Mountains

Bobby Malhotra, Esq., is an Attorney in the Los Angeles office of Munger, Tolles & Olson where he focuses his practice on eDiscovery and high-technology matters. Mr. Malhotra has acquired over 5 years of complex litigation experience with a focus on developing cost-effective strategies for the preservation, collection, review and production of electronically stored information. Mr. Malhotra also has extensive experience advising clients concerning issues relating to electronic discovery preparedness, planning, and execution, as well as information privacy and data security.

In his career, Mr. Malhotra has also acquired over 5 years of experience in the Information Technology field. Mr. Malhotra has served as a technical consultant for a prestigious consulting company where he worked on large scale network infrastructure projects, including several multi-million dollar engagements for fortune 500 clients. Mr. Malhotra has also served as a network engineer focusing on Cisco and Microsoft operating system administration issues.

Mr. Malhotra is admitted to practice law in the state of Illinois and his education includes a Bachelor of Science in Telecommunications Systems Management and a Juris Doctor from DePaul University, where he was on the Dean's list several times and won the Dean's Scholarship award for academic excellence.

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Rudy R. Perrino

Partner

Fulbright & Jaworski L.L.P.



Cross Border Discovery: Considerations, Challenges, and Consequences

Rudy Perrino is a partner in the Los Angeles office of Fulbright & Jaworski L.L.P. His work focuses on the defense of mass tort, product liability and environmental claims, with an emphasis on multi-district, cross-border and international matters. He has extensive experience managing, litigating and trying large-scale, high exposure cases in courts across the country and around the world. He also has substantial experience counseling large public and private companies on issues relating to best practices, environmental compliance and chemical safety issues.

Prior to joining Fulbright, Rudy served for several years as the Director of Litigation at Dole Food Company, reporting directly to the Executive Vice President and General Counsel, where he managed worldwide litigation for the Fortune 500 company. While there, Rudy's work was primarily to develop and execute "bet the company" litigation strategies to manage, litigate, bring to trial and resolve thousands of claims of injury from pesticide exposure. Those cases, brought almost exclusively by foreign plaintiffs, had been pending in the U.S. and in several foreign countries for nearly twenty years when Rudy joined Dole. While at Dole, Rudy drove the final resolution through trial and settlement of more than 20,000 claims and over 250 lawsuits. In addition, he was key architect and driver of the strategy that ultimately proved the existence of a massive fraudulent scheme aimed at using U.S. courts to extort millions of dollars from Dole and other defendants.

Prior to working for Dole Food Company, Rudy worked for several years representing chemical companies, petroleum companies, manufacturers, distributors, and other various business interests in claims of toxic exposure and environmental contamination. His experience with toxic exposure claims runs the gambit, including benzene and other petroleum byproducts, dioxins, chlorinated solvents, MTBE, sulfur dioxide, chlorinated pesticides, organophosphate pesticides, heavy metals, asbestos, heavy metals including lead, mercury and hexavalent chromium, mold and numerous other alleged toxic agents through multiple pathways. He also has experience in cases involving injury by pharmaceutical products.

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Ryan G. Baker

Founding Partner

Baker Marquart Crone & Hawxhurst



Best Practices:

Complex Discovery in Corporations and Law Firms

Ryan G. Baker is a founding partner of Baker Marquart Crone & Hawxhurst. He has successfully represented some of the world's largest companies in complex commercial litigation. Ryan's practice areas include entertainment, antitrust, securities and intellectual property. Ryan has extensive experience in all aspects of litigation. He has tried cases and argued motions in both state and federal courts. In addition to his trial court practice, Ryan has successfully practiced in front of the California and Ninth Circuit courts of appeal. Ryan has also represented clients in securities offerings, private placements and licensing transactions. Based on his experience and success, Ryan was named a "Rising Star" by Los Angeles magazine in 2009 and 2010.

Ryan has appeared on CNN's Burden of Proof. He has also been quoted in the Los Angeles Times and Daily Journal. Before practicing law, Ryan was chief operating officer of WebMediate, Inc., a company offering alternative dispute resolution over the Internet. While at WebMediate, Ryan served on a panel at a workshop co-sponsored by the Federal Trade Commission and the Department of Commerce - Alternative Dispute Resolution for Consumer Transactions in the Borderless Online Marketplace.

Ryan currently serves on the Board of Advisors of After-School All-Stars, a non-profit organization providing after-school educational enrichment activities for children. Ryan also served as a "big" for three years with Big Brothers Big Sisters of Greater Los Angeles.

Ryan received his law degree from Harvard Law School in 2000. In 1997, he earned his bachelor's degree in political science from Brigham Young University, graduating magna cum laude with University Honors.

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Mark L. Smith
Attorney
Winston & Strawn



Best Practices: Complex Discovery in Corporations and Law Firms

Mark L. Smith is a commercial litigator whose practice covers antitrust, securities, class actions, government investigations, banking litigation, and compliance guidance.

Mark is Chair of Winston & Strawn's Cross-border Litigation Practice Group, Vice-chair of the firm's eDiscovery Practice Group, and a member of the Sedona Conference.

Mark has represented a wide range of clients, from multinational Fortune 500 companies to smaller product and service providers in both large and small litigation matters and provides ongoing counsel to several companies on securities, antitrust, international privacy, cross-border litigation, eDiscovery, and privacy matters.

Mark is a current and past recipient of the Rising Star Award for Southern California Attorneys and is a Central District of California Distinguished Service Award winner,

Mark provides training and has also published and spoken on eDiscovery and the substantive areas of law in which he practices numerous times over the last several years.

Mark received a B.S., magna cum laude, from the University of Utah in 1997 and a J.D. from Harvard Law School in 2000, where he was senior editor and articles editor of the Harvard Environmental Law Review and a writer for the Harvard Law Record.



Daniel S. Day

Senior Attorney, Litigation

SUPERVALU, Inc.

Considering eDiscovery? Time, Risk, and Cost Considerations

Daniel S. Day is a Senior Attorney with SUPERVALU, Inc. where he focuses on commercial litigation management, supervision of outside counsel, and dispute resolution in the areas of real estate, construction, business torts, contracts, intellectual property, bankruptcy, and antitrust for a leading national food and drug retail and supply distribution chain.

A member of the Board of Directors of the Association of Corporate Counsel, Mountain West Chapter, Mr. Day previously served as an attorney with Berman, Gaufin, Tomsic, and Savage of Salt Lake City. In his role with Berman, Gaufin, Tomsic, and Savage, Mr. Day was responsible for large complex business litigation to include business torts, securities fraud, contracts, constitutional law, antitrust, banking and utility regulation, bankruptcy, and employment law. Additionally, Mr. Day handled firm administrative responsibilities such as recruiting, insurance, employee benefits, including retirement plans, and other management assignments.

Mr. Day's education includes:

- J.D., 1990, University of Utah College of Law, Salt Lake City, Utah
- William H. Leary Scholar, 1990, 1988-89, 1987-88
- Development Editor, Utah Law Review, 1989-9; Staff Member, Utah Law Review, 1988-89
- Judicial Extern, Judge David K. Winder, U.S. District Court, Utah, Fall 1989
- B.A. Political Science, cum laude, 1987, University of Utah, Salt Lake City, Utah
- Certificate of International Relations, Minor in Spanish
- Golden Key National Honor Society, Pi Sigma Alpha



Tom O'Connor

Director

Gulf Coast Technology Center



The Challenge and Benefit of Integrating IT into eDiscovery

Tom O'Connor is a nationally known consultant, speaker and writer in the area of computerized litigation support systems. He is a New England native who graduated from The Johns Hopkins University in 1972 with a BA in Political Science. After attending law school for one year at The University of Notre Dame, Tom returned to Baltimore and undertook a career as a paralegal specializing in complex litigation.

His initial exposure to a document intensive case came several years later when he assisted several public interest firms in Boston with a class action voting rights suit brought on behalf of patients at state hospitals. Over the years he has been involved in asbestos litigation, the Keating case, the San Diego Civic Center construction litigation, California class actions against crematoriums, national breast implant litigation, tobacco litigation on behalf of the Attorney General of Texas and various phases of the Enron litigation.

Tom's involvement with large cases led him to become familiar with dozens of various software applications for litigation support and he has both designed databases and trained legal staffs in their use on many of the cases mentioned above. This work has involved both public and private law firms of all sizes across the nation and, over the past several years, has expanded to include issues involving electronic discovery.

A frequent lecturer on the subject of legal technology, Tom has been on the faculty of numerous national CLE providers and has taught college level courses on legal technology. He is currently a member of the American Bar Foundation and former member of the Governing Council of the Law Practice Management Section of the ABA and the ABA TechShow Planning Board. A prolific writer on the subject, with articles in numerous legal publications, Tom has been the Editor of several legal newsletters as well as author of *The Automated Law Firm*, a guide to computer systems and software published by Aspen Law & Business and *The Lawyers Guide to Summation*, published by the ABA. In addition, he is currently a member of the Advisory Board of *Law Technology News*, the award winning technology newspaper published by American Lawyer Media.

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Orange Legal Technologies

Legal Service Provider
Salt Lake City, Utah



Orange Legal Technologies provides clients with services and technology to include the OneO® Discovery Platform. The OneO® Discovery Platform is a web-accessible electronic discovery platform that enables online analysis, processing, and review of unstructured data from the security of a hosted centralized repository. Delivered under a Software as a Service (SaaS) model, this internally developed proprietary technology provides Orange Legal Technologies with the ability to meet client needs with both in-house and best-of-breed partnership services.

To learn more about Orange Legal Technologies, visit our website at OrangeLT.com.



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