

*The 15th Annual Sedona
Conference Institute:
Pre-Trial Practice in a
Post-Pandemic World*

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Materials

- 1.1 *The Sedona Conference Cooperation Proclamation, Resources for the Judiciary, Third Edition* (June 2020 with 2022 Supplement)
- 1.2 National Center for State Courts, *What Are We Learning About Remote Hearings?* (April 14, 2022) (links to webinar recording and supporting materials)
- 1.3 Arizona Supreme Court, *Recommended Remote and In-Person Hearings in Arizona State Courts in the Post-Pandemic World* (February 22, 2022)
- 1.4 Maryland Judiciary, *Report of Joint Subcommittee on Post-COVID Judicial Operations* (March 9, 2022)
- 1.5 National Center for State Courts, *The Use of Remote Hearings in Texas State Court: The Impact on the Judicial Workload* (December 2021)
- 1.6 Hon. Samuel A. Thumma and Marcus W. Reinkensmeyer, *Post-pandemic Recommendations: COVID-19 Continuity of Court Operations During a Public Health Emergency Workgroup*, SMU LAW REVIEW FORUM, 1-2022
- 1.7 Ross Todd, *Miami Judge Says More Remote Participation By Unrepresented Litigants 'Means Better Justice'*, DAILY BUSINESS REVIEW, March 11, 2022
- 2.1 Philip J. Favro, ed., *Selected eDiscovery and ESI Case Law from 2021*
- 2.2 Philip J. Favro, ed., *Selected eDiscovery and ESI Case Law from 2021-22*
- 2.3 Thomas Y. Allman, *Amended Rule 37(e): Case Summaries* (April 2022)
- 3.1 *The Sedona Conference Primer on Crafting eDiscovery Requests with Reasonable Particularity* (January 2022)
- 3.2 *The Sedona Conference Commentary on Proportionality in Electronic Discovery* (May 2017)
- 4.1 *The Sedona Conference Commentary on Ephemeral Messaging* (July 2021)
- 4.2 *The Sedona Canada Commentary on Discovery of Social Media* (September 2021)
- 4.3 *The Sedona Conference Primer on Social Media, Second Edition* (February 2019)
- 5.1 *The Sedona Conference Commentary on Rule 45 Subpoenas to Non-Parties, Second Edition* (October 2020)
- 5.2 *The Sedona Conference Commentary on BYOD: Principles and Guidance for Developing Policies and Meeting Discovery Obligations* (May 2018)
- 5.3 *The Sedona Conference International Litigation Principles on Discovery, Disclosure & Data Protection in Civil Litigation* (January 2017)

- 5.4 *The Sedona Conference Commentary and Principles on Jurisdictional Conflicts over Transfers of Personal Data Across Borders* (April 2020)
- 6.1 *The Sedona Conference Commentary on Protection of Privileged ESI*, 17 SEDONA CONF. J. 95 (2016)
- 6.2 *The Sedona Conference Commentary on Effective Use of 502(d) Orders* (August 2021)
- 6.3 *The Sedona Conference Commentary on Application of Attorney-Client Privilege and Work-Product Protection to Documents and Communications Generated in the Cybersecurity Context* (November 2019)
- 6.4 *The Sedona Conference Commentary on Cross-Border Privilege Issues, Public Comment Version* (October 2021)
- 7.1 *The Sedona Conference Commentary on ESI Evidence & Admissibility*, Second Edition (October 2020)
- 7.2 Richard Gabriel, *The Online Courtroom and the Future of Jury Trials* (November 2020)
- 7.3 *The Sedona Conference Cooperation Proclamation, Resources For the Judiciary, Third Edition* (June 2020 with 2022 Supplement)
- 8.1 *The Sedona Conference Commentary on Law Firm Data Security* (July 2020)
- 8.2 *The Sedona Canada Commentary on Privacy and Information Security for Legal Service Providers: Principles and Guidelines* (August 2020)
- 8.3 *The Sedona Conference Commentary on BYOD: Principles and Guidance for Developing Policies and Meeting Discovery Obligations* (May 2018)
- 8.4 State Bar of California, *Formal Opinion Interim No. 20-0004* (Feb. 25, 2022)
- 8.5 *Bibliography of Ethics Rules and Opinions Governing Remote Practice of Law* (April 2022)

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Dialogue Leaders

Lisa Alleyne
Scotiabank
Toronto, ON, CA

Lisa is Senior Counsel, Information Governance and eDiscovery at Scotiabank. She is called in New York and Ontario. Lisa manages and provides guidance on all aspects of electronic discovery and information governance including document preservation, legal holds, identification and collection of documents and cross-border issues surrounding data privacy. Prior to joining Scotiabank, Lisa was part of Bell Canada's in-house litigation team; she was a civil litigator in private practice in Toronto; and was a criminal defence attorney in New York.

Prof. Thomas Y. Allman
University of Cincinnati
College of Law
Cincinnati, Ohio

Tom is a retired General Counsel who currently serves as an Adjunct Professor of Law at the University of Cincinnati College of Law. He served as Senior Vice President and General Counsel of BASF Corporation prior to retirement and was an early advocate of rulemaking unique to electronic discovery, including the former and current Rule 37(e). He is chair Emeritus of The Sedona Conference Working Group 1 on Electronic Document Retention and Production (WG1) and closely follows e-discovery developments in state and federal courts.

Denise E. Backhouse
Littler Mendelson, P.C.
New York, NY, USA

Denise is a Shareholder and eDiscovery Counsel at Littler Mendelson, P.C. Her practice focuses on litigating the eDiscovery aspects of class and collective actions, as well as leveraging her significant international experience to help employers with cross-border discovery challenges. At Sedona, Denise is a member of the Working Group Series Leadership Council, served on the Steering Committee for WG6, is Editor-in-Chief of The International Litigation Principles and The International Investigations Principles, and contributed to publications including the Commentary on Ephemeral Messaging. Denise serves on the ABA Cross-Border Institute Steering Committee and InfoGovANZ's International Council and is a Founding Director of the Benjamin N. Cardozo School of Law Data Law Initiative. She is also a member of the International Association of Privacy Professionals (CIPP/E). Denise received her J.D. from Columbia University Law School, and her M.A. in late medieval history and B.A. with first-class honors, both from the University of Melbourne, Australia.

Rebekah Bailey
Nichols Kaster, PLLP
Minneapolis, MN, USA

Rebekah is a partner at Nichols Kaster, PLLP, in Minneapolis where she represents employees, students, and consumers in class actions and relators in qui tam litigation. She has obtained successful results on behalf of her clients in state and federal courts across the country, as well as in arbitration. Rebekah chairs her firm's eDiscovery committee, developing and implementing internal eDiscovery policies, procedures, and tools. She is a founding member of the firm's civil rights and impact team and consumer class action group, and she has served as a member of the firm's National Wage and Hour Team. Rebekah has spoken at national conferences on various topics such as electronic discovery, arbitration, equal pay, and various wage and hour issues.

Lea Bays
Robbins Geller Rudman
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San Diego, CA, USA

Lea is a Partner at Robbins Geller Rudman & Dowd LLP in San Diego. Robbins Geller Rudman & Dowd specializes in complex litigation, with an emphasis on securities class actions on behalf of investors. Lea currently focuses on the firm's electronic discovery issues and provides counsel to the firm's multi-disciplinary e-discovery team. She is familiar with the various stages of electronic discovery, including identification of relevant electronically stored information, data culling, predictive coding protocols, privilege, and responsiveness reviews. Lea also has experience in post-production discovery through trial preparation for a wide range of litigation.

Hon. Cathy Bissoon
U.S. District Court,
Western District of
Pennsylvania
Pittsburgh, PA, USA

Judge Bissoon was sworn in as a U.S. district court judge in October 2011, after having served as a U.S. magistrate judge in the Western District of Pennsylvania starting in August 2008. With her appointment, Judge Bissoon became the first Hispanic female Article III judge in Pennsylvania, the first Asian American Article III judge in Pennsylvania, and the first South Asian American female Article III judge in the United States. Prior to her appointment, Judge Bissoon clerked for the Honorable Gary L. Lancaster of the Western District of Pennsylvania. She was also a partner at Reed Smith and then a director at Cohen & Grigsby. Judge Bissoon is a founding member of the Q. Todd Dickinson Intellectual Property American Inn of Court and was elected as its first president in 2012. Judge Bissoon graduated summa cum laude from Alfred University in 1990 and received her law degree from Harvard Law School in 1993. She is one of her Court's designated patent judges and chairs the Court's patent committee and Local Patent Rules Advisory Committee. Judge Bissoon serves as a Judicial Advisor for The Sedona Conference's Working Group 9 on Patent Damages and Remedies (WG9) and, Working Group 10 on Patent Litigation Best Practices (WG10) Steering Committee and The Sedona Conference Diversity Committee.

Stacey Ellen Blaustein
IBM
Armonk, NY, USA

Stacey is a Senior Attorney in the Corporate Litigation Department of IBM Corporation, where she manages all aspects of E-Discovery, including E-Discovery in international and domestic cases, setting policies and processes, and ensuring compliance with best practices. She is integrally involved in Cross-Border Discovery and Data Privacy issues, such as GDPR implementation for Corporate Litigation and the effect of GDPR on Records Management. Stacey handles third party (non-IP) subpoena practice and aspects of regulatory requests. Before joining IBM, she practiced for more than eighteen years as a securities litigation attorney. She is an active member of The Sedona Conference Working Group 6 on International Electronic Information Management, Discovery and Disclosure (WG6), a member of the Electronic Discovery Institute Faculty, and served on the Planning Board for the ABA TechShow. Stacey is a graduate of Barnard College of Columbia University, and the Emory University School of Law.

Hon. Scott Borrowman
Merit Systems Protection
Board
Oakland, CA, USA

Scott Borrowman has been an administrative judge at the U.S. Merit Systems Protection Board since January 2020. He previously served as agency counsel at the Social Security Administration, where he litigated employment and disability cases, and where he acted as the regional electronic discovery coordinator. He previously worked at Redgrave LLP, where he advised clients about electronic discovery and other information law issues. He clerked in the U.S. District Court for the Middle District of Florida. Scott volunteers as judge *pro tem* in the San Francisco County Superior Court, where he hears civil discovery motions (and frequently urges parties to review publications from The Sedona Conference to guide their handling of discovery). Scott is a member of the drafting team for the Primer on Rule 34 Specificity of Requests.

Yar R. Chaikovsky
Paul Hastings LLP
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Yar is Global Co-Chair of Paul Hastings' Intellectual Property practice, overseeing the firm's 100-plus lawyer IP practice. He is located in Palo Alto and serves as lead trial counsel for preeminent global technology companies, litigating in district courts and at the ITC in a wide array of diverse technology fields. A few of his professional recognitions include American Lawyer "Litigator of the Week"; Law360 MVPs for both Technology and Appellate; Chambers USA; National Law Journal Winning Litigator twice and Trailblazer twice; Benchmark Litigation National and California Star; Managing IP's "IP Stars"; The Legal 500, including Litigation and Appellate; IAM Patent 1000 Gold Ranking, Global Leaders.

Sean Cotulla
California Department of
Justice
Sacramento, CA, USA

Sean Cotulla has 25 years of experience in the legal and technology industry. She began her career as a paralegal and systems administrator in the U.S. Trustee's Office in Sacramento. She then served in a variety of roles in state government, serving as a Senior Legal Analyst for the Office of the State Public Defender, the Correctional Law Section at the California Department of Justice, and the California Governor's Office restructuring the clemency and commutations section. Sean then returned to the California Department of Justice, Litigation Support Section as a Program Analyst, Regional Manager, and is currently the Program Manager of eDiscovery and Litigation Services Section. Sean is a graduate of UC Davis, receiving her degrees in Political Science and Sociology.

J. Scott Evans
Adobe Inc.
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J. Scott is Director of IP & Advertising law at Adobe, where he heads the legal team that advises on trademarks, copyrights, anti-piracy, internet policy and advertising issues. On four separate occasions, Managing Intellectual Property magazine voted J. Scott one of the 50 Most Influential People in IP (2009, 2011, 2013, 2015). J. Scott was inducted into the Legal Elite Hall of Fame by Business North Carolina magazine in 2016. J. Scott has been named one of the 50 Market Shapers by World Trademark Review magazine and, most recently, he was awarded 2017 In-House Counsel of the Year by WTR. J. Scott served as the 2015 President of the International Trademark Association and currently serves on the 2018 Nominating Committee. J. Scott frequently lectures on trademark, copyright and Internet policy issues.

Phil Favro
Innovative Driven
Alpine, UT, USA

Philip Favro is a leading expert on issues relating to the discovery of electronically stored information. Phil serves as a court-appointed special master, expert witness, and trusted advisor to law firms and organizations on matters involving electronic discovery and ESI. He is a nationally recognized scholar on electronic discovery, with courts and academic journals citing his articles. Phil also regularly provides training to judges on electronic discovery and ESI. He is a licensed attorney who in private practice represented organizations and individuals in litigation across the spectrum of business disputes. In addition to handling a range of complex and other discovery issues, Phil has extensive experience in the courtroom, including motion practice involving summary judgment, preliminary injunctions, and discovery disputes, together with trial and arbitration experience.

Deborah Fishman
Arnold & Porter
Menlo Park, CA, USA

Deborah is a partner in Arnold & Porter's Silicon Valley office, where she focuses her practice on intellectual property, with a particular emphasis on biopharmaceutical and medical device patent litigation. She has represented leading life sciences companies like Elan Pharmaceuticals, Alexion Pharmaceuticals, and Olympus Surgical in all aspects of complex patent litigation. Deborah has successfully represented Fortune 500 companies in business-critical patent cases and commercial disputes. She is registered to practice before the USPTO and has an active practice in post-grant contentious proceedings before the PTAB, before district courts, and on appeal to the Federal Circuit. Deborah has been recognized by LMG Life Sciences, IAM Patent 1000, The Legal 500 US and Managing Intellectual Property, where she has been named one of the Top 250 Women in IP since 2017.

Hon. Audrey G. Fleissig
U.S. District Court,
Eastern District of Missouri
St. Louis, MO, USA

Judge Fleissig was appointed as a District Judge of the U.S. District Court for the Eastern District of Missouri in June 2010. In 2015, she was appointed as a member of the Judicial Conference Committee on Court Administration and Case Management ("CACM"), and currently serves as Chair of the CACM Committee. Judge Fleissig served as an adjunct professor at Washington University School of Law for over twenty years, teaching pretrial practice and procedure, trial advocacy, evidence, and electronic discovery and evidence. Prior to her appointment to the district court, Judge Fleissig was a Magistrate Judge in the Eastern District of Missouri for nine years, presiding over civil cases and the pretrial phase of criminal cases. She began her legal career in private practice, first as an associate and then an equity partner in the law firm of Peper, Martin, Jensen, Maichel and Hetlage, primarily handling securities, commodities, and other financial litigation, and class action litigation. In 1991, she left private practice to become an Assistant U.S. Attorney, handling criminal white-collar fraud cases. In 2000, she was confirmed as U.S. Attorney for the Eastern District of Missouri, the first woman appointed to the position in the state of Missouri. She has been a member of the Board of Governors of the Bar Association of Metropolitan St. Louis, President of the Women Lawyers' Association of Greater St. Louis, and in 2016 was selected by Missouri Lawyers' Weekly as Woman of the Year.

David Gaston
National Labor Relations
Board
Washington, DC, USA

David serves as Assistant General Counsel and Chief of the E-Litigation Branch at the National Labor Relations Board (NLRB). In his role as the Agency's Lead Technology Counsel, David leads the NLRB in the development and execution of information policy and ESI-related litigation strategy. Prior to this role, David was an Attorney-Advisor at the U.S. Department of Agriculture in Washington, DC. His practice areas primarily relate to information governance, civil litigation, e-discovery, digital investigations, and the Freedom of Information Act. Before his government service, David was the Director of Waters Edge Consulting, a consulting firm focused on information governance and security. He is co-author of the *Discovering the Digital Record -- The Questions for Examination* (2008), an e-discovery reference volume. David is a graduate of Harvard Law School and the University of Georgia.

Prof. Maura R. Grossman
University of Waterloo
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Maura is a Research Professor in the School of Computer Science at the University of Waterloo, in Ontario, as well as an eDiscovery attorney and consultant in New York. Previously, she was Of Counsel at Wachtell, Lipton, Rosen & Katz, where, for 17 years, she advised the firm's lawyers and clients on legal, technical, and strategic issues involving eDiscovery and information governance, both domestically and abroad. Maura's scholarly work on technology-assisted review, most notably, *Technology-Assisted Review in E-Discovery Can Be More Effective and More Efficient Than Exhaustive Manual Review*, published in the Richmond Journal of Law and Technology in 2011, has been widely cited in case law, both in the U.S. and elsewhere. Her longstanding contributions to eDiscovery technology and process were featured in the February 2016 issue of The American Lawyer, as well as in the September 2016 issue of the ABA Journal, where she was recognized as a 2016 Legal Rebel. Maura has served as a court-appointed special master, neutral/mediator, and eDiscovery expert to the court in multiple high-profile federal cases, and has taught Electronic Discovery at Columbia Law School, the Georgetown University Law Center, Pace Law School, and Rutgers Law School–Newark.

Jeff Harradine
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Jeff Harradine is Senior Managing Counsel at Xerox Corporation. He oversees litigation (both offensive and defensive) and employment counseling for Xerox and its subsidiaries in the United States and Canada. His matters routinely bring up novel and challenging e-discovery and privilege issues that require solutions that are innovative and defensible. Jeff is a graduate of Cornell University and Cornell Law School. Before coming to Xerox, he was a partner at a litigation boutique in New York. He began his career as a law clerk to the late Franklin S. Van Antwerpen of the United States Court of Appeals for the Third Circuit.

Ronald J. Hedges
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Ron is a Senior Counsel with Dentons US LLP. He served as a United States Magistrate Judge in the District of New Jersey from 1986 to 2007. He is a frequent writer and speaker on various topics related to electronic information, among other things, and is the lead author of *Managing Discovery of Electronic Information: A Pocket Guide for Judges, Third Edition* (Federal Judicial Center: 2017). He is also the Co-Senior Editor of *The Sedona Conference Cooperation Proclamation: Resources for the Judiciary, Third Edition*.

Tessa K. Jacob
Husch Blackwell LLP
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Tessa is partner at Husch Blackwell and is the co-founder and co-chair of the firm's eDiscovery Solutions group. A practicing attorney for 28 years, Tessa has a strong understanding of the legal, technical, and strategic aspects of eDiscovery and has served as lead eDiscovery counsel in numerous class actions and has led eDiscovery efforts for numerous companies. She has vast experience with large volume litigation as well tremendous knowledge and experience using data mining tools and technology assisted review. She frequently speaks on issues related to eDiscovery and is on the advisory boards for National eDiscovery Leadership Institute, Arkfeld-ASU eDiscovery Conference, and the University of Florida eDiscovery Conference, and is an Adjunct Professor of Law at the University of Missouri at Kansas City School of Law. Tessa also serves on Husch Blackwell's Executive Recruiting Committee (KC), the Diversity Committee, and Chairs the firm's Diversity and Inclusion subcommittee.

Samantha Jameson
Tensegrity Law Group
McLean, VA, USA

Samantha is a partner at Tensegrity Law Group with a practice focused on patent litigation and related issues. She has litigated complex patent disputes in U.S. district courts, the U.S. Court of Appeals for the Federal Circuit, the U.S. International Trade Commission, and the Patent Trial and Appeal Board. She has experience litigating in areas such as medical devices, life sciences, memory, computer peripherals, and location technology. Prior to joining Tensegrity Law Group in 2013, she was a law clerk to the Honorable Richard Linn of the U.S. Court of Appeals for the Federal Circuit. Before clerking, Samantha obtained her Ph.D. in Cell Biology at Duke University.

Karen E. Keller
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Karen's practice primarily focuses on intellectual property litigation in federal courts across the country and at the International Trade Commission. In addition to serving as a member of The Sedona Conference Working Group 10 on Patent Litigation Best Practices (WG10), Karen is the President Emeritus of the Delaware Chapter of the Federal Bar. In late 2012, Chambers USA Women in Law recognized Karen's work by nominating her for its 2013 Up and Coming Intellectual Property Lawyer of the Year Award and she has been consistently ranked in the past few years by Chambers, the IAM Patent 1000 and Super Lawyers. She has a B.S. in Biochemistry and Molecular Biology, and worked at GlaxoSmithKline conducting drug discovery research. Karen prosecuted patent and trademark applications and worked on other intellectual property litigation matters at an intellectual property boutique firm in Philadelphia and at one of Delaware's largest law firms before founding Shaw Keller LLP in 2011.

Henry J. Kelston
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New York, NY, USA

Henry's practice is concentrated in the areas of class actions, securities litigation and electronic discovery, representing consumers and investors nationwide. He currently represents consumers in class actions involving breast implants allegedly associated with certain cancers, the unlawful use of facial recognition and location tracking by leading technology companies, and improper bank fees charged by major national banks. He also represents limited partners defrauded by the managers of a private investment fund worth nearly \$1 billion as well as consumers in Covid-related refund lawsuits. Henry has been on the front lines in data breach cases against some of the largest technology companies in the world and has represented consumers in class actions challenging food labeling practices, including several cases against major food manufacturers contesting the use of "natural" claims on products containing GMOs. His work in *In re Conagra Foods, Inc.* contributed to a groundbreaking decision by the Ninth Circuit Court of Appeals, significantly strengthening the rights of consumers to bring class actions. Henry served as a member of the drafting team for *The Sedona Conference Commentary on the Effective Use of Federal Rule of Evidence 502(d) Orders* and assisted in developing The Sedona Conference Working Group 1 Draft Commentary on Privilege Logs. Most recently, he assisted in drafting *The Sedona Conference Commentary on Legal Holds, The Trigger & The Process* and served on the faculty for The Sedona Conference eDiscovery Negotiation Training.

Colleen M. Kenney
Sidley Austin LLP
Chicago, IL, USA

Colleen is a partner and the chair of Sidley's E-Discovery practice. She has litigated class actions that range from claims under the Fair Labor Standard Act, the Equal Pay Act and Title VII, consumer fraud, and securities fraud. Colleen has over 25 years of experience assisting clients mediate, arbitrate, and litigate complicated and multifaceted contractual and other commercial disputes in a variety of industries. She is a Certified Public Accountant and a Certified Management Accountant. Prior to law school, Colleen worked for four years as an auditor for a large public accounting firm. She is a longtime member of the Sedona Conference Working Group on Electronic Discovery, the Electronic Discovery Institute, the Seventh Circuit E-Discovery Pilot Program on E Discovery, and the Duke Law Conference Discovery Proportionality Guidelines Team. Colleen has been recognized as a *Super Lawyer* and is currently recognized in *Who's Who Legal: Litigation (E-Discovery)* and as a *Top 100 High Stakes Litigator*.

Chris Q. King
Redgrave LLP
Chicago, IL, USA

Chris, a partner in Redgrave LLP's Chicago office, devotes his practice to discovery, eDiscovery, privacy and data security, and information governance matters. Recognized as a leader in information law, he counsels his clients over a broad spectrum of complex litigation issues, and his experience spans multiple industries and numerous areas of practice, ranging from antitrust to products liability to securities fraud. Chris oversees discovery strategy in complex litigation matters and has briefed and argued electronic discovery motions in dozens of federal and state court cases and recognizes the critical link between eDiscovery and the overall strategy for litigating the merits of the case. Chris is a member of The Sedona Conference Working Group 1 on Electronic Document Retention and Production (WG1). Before joining Redgrave LLP, he was a partner at Dentons, where he founded and led the eDiscovery and Information Governance practice for the U.S. region. Chris is a graduate of Northwestern University (B.A. 1980) and Vanderbilt Law School (J.D. 1983).

Hon. James P. Kleinberg (ret.)
JAMS
San Jose, CA, USA

Judge Kleinberg retired from the Superior Court of California in April 2014, after 11 1/2 years of service. Since then, he has served as a neutral with JAMS based in San Francisco and Silicon Valley handling arbitration, mediation, mock trials and appeals, and special court assignments. During his last three years on the bench he supervised the Complex Civil Litigation Department. After graduating from Michigan Law School, Judge Kleinberg was a Trial Attorney with the U.S. Department of Justice, Antitrust Division. In 1983 he joined McCutchen, Doyle, Brown & Enersen (later Bingham McCutchen) as a litigation partner in San Jose, Palo Alto, and San Francisco. In 2013 he was named "Outstanding Jurist" by the Santa Clara County Bar Association, and in 2014 he was named "Trial Judge of the Year" by the Santa Clara County Trial Lawyers Association.

Heather Kolasinsky
Humana
Louisville, KY, USA

Heather is Director of Legal Operations and Head of e-discovery for Humana. On a daily basis, she manages discovery matters by developing policies and processes to create cost-effective, defensible discovery practices, and she oversees and provides advice regarding preservation, collection, processing, TAR, and production. Additionally, Heather guides a team that handles legal operations management, diversity and pro bono initiatives. She acts as an advisor to senior legal and business management at her company. Heather has presented at a variety of conferences and is a member of the Association of Corporate Counsel and the Corporate Legal Operations Consortium. She has been appointed to the Sedona Leadership Counsel and is a past member of The Sedona Conference Working Group 1 on Electronic Document Retention and Production (WG1) Steering Committee.

Hon. Heather McShain
U.S. District Court,
Northern District of Illinois
Chicago, IL, USA

Magistrate Judge Heather K. McShain was sworn in as a United States Magistrate Judge on May 1, 2020. Previously, Judge McShain served for ten years as an Assistant United States Attorney in the Northern District of Illinois, where she most recently held the position of Deputy Chief in the Financial Crimes Section and supervised the Health Care Fraud Unit. Judge McShain also served as a Deputy Chief in General Crimes and a line AUSA in the General Crimes, Financial Crimes, and Public Corruption and Organized Crime Sections. Prior to moving to Chicago, Judge McShain also served as an AUSA for seven years in the Civil Division within the U.S. Attorney's Office for the Southern District of New York, an associate at Jones Day in Washington, D.C., and a law clerk to Judge Robert Cowen, U.S. Court of Appeals for the Third Circuit, and Judge William Lee, U.S. District Court for the Northern District of Indiana. Judge McShain obtained a B.S. in Mathematics from the University of Notre Dame and a J.D. from Notre Dame Law School. Judge McShain currently serves as an Adjunct Professor of Law at Notre Dame Law School.

Glenn J. Melcher
Consumer Financial
Protection Bureau
Washington, DC, USA

Glenn Melcher is Senior Special Counsel for eDiscovery and Information Governance for the Consumer Financial Protection Bureau. Mr. Melcher provides legal advice and guidance to attorneys in the Bureau's Office of Enforcement on discovery issues and litigation strategy in enforcement actions by the Bureau in federal district court and the Bureau's administrative court. He also provides advice and guidance in the issuance of civil investigative demands, meet and confers, compliance with CIDs and enforcement of CIDs. Mr. Melcher is responsible for cybersecurity risk assessment and incident response within the Office of Enforcement. He also provides legal advice and guidance to the Bureau on a wide range of information governance, privilege, data privacy, records management and FOIA issues. Before assuming his current position at the CFPB, Mr. Melcher was Special Counsel for eDiscovery at the IRS Office of Chief Counsel. Mr. Melcher also previously served as Branch Chief with the IRS Office of Chief Counsel. Prior to joining IRS Chief Counsel, Mr. Melcher was a Senior Trial Attorney in the Tax Division of the Department of Justice where he litigated numerous complex cases involving large corporations and partnerships.

Prof. Wendy Muchman
Northwestern University
Pritzker School of Law
Chicago, IL, USA

Wendy Muchman is a Professor of Practice at Northwestern University Pritzker School of Law and teaches classes in Professional Responsibility. Her teaching awards include the Robert Childres Award and an award for Outstanding Professors of a Small Class. From 1989 to 2019, she was employed at the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois serving for years as Chief of Litigation and Professional Education. Ms. Muchman is a Past President of the National Organization of Bar Counsel and the NOBC liaison to the ABA Standing Committee on Ethics Professional Responsibility. Ms. Muchman is Vice-Chair of the ABA Government and Public Sector Lawyer Division. She is a member of the ABA Working Group for Evaluation and Development of a Model Code of Conduct for Judicial Law Clerks and an appointed member of the ABA CPR Conference Planning Committee. She is an Affiliate of the Il. S.Ct. Committee on Professional Responsibility.

Hon. Andrew J. Peck (ret.)
DLA Piper
New York, NY, USA

Judge Peck served for 23 years as a U.S. Magistrate Judge for the Southern District of New York, including a term as Chief Magistrate Judge from 2004 to 2005. Before his appointment to the bench, Judge Peck was in private practice for 17 years, focusing on commercial and entertainment litigation, including copyright and trademark matters, with extensive trial experience. As Senior Counsel at DLA Piper, Judge Peck advises on innovative and efficient solutions to the challenges of information management, both within and outside the litigation context. He frequently speaks at conferences concerning eDiscovery issues. Judge Peck is also available to serve as an arbitrator, mediator and Special Master. Judge Peck is recognized internationally for bringing electronic discovery competency to the attention of both the judiciary and bar. Indeed, he is widely described as the first judge to tackle the subject of eDiscovery head on, most notably in the influential 1995 decision *Anti-Monopoly v. Hasbro*, in which Judge Peck found that “it is black letter law that computerized data is discoverable if relevant.” Also among his legacy rulings is the 2011 employment class action *Monique Da Silva Moore, et. al. v. Publicis Groupe & MSL Group*, the first judicial decision approving the use of technology-assisted review. In March 2018, the New York Law Journal called Judge Peck “one of e-discovery’s most influential figures.” Among the honors he has received, American Lawyer named him to its list of the Top 50 Innovators of the Last 50 Years as its Judicial E-Discovery Innovator. He is ranked in eDiscovery in both Chambers and Legal500. Judge Peck has been appointed Judicial Emeritus of the Working Group 1 on Electronic Document Retention and Production (WG1) Steering Committee.

Tony Petruzzi
Tucker Ellis LLP
Cleveland, OH, USA

Tony is the Chair of the E-Discovery Group at Tucker Ellis LLP. He is also a member of the Business Litigation Group focusing his practice in the areas of white collar criminal defense, corporate investigations, and business litigation. The nature of Tony’s practice requires extensive experience and knowledge related to eDiscovery. He frequently advises and works with clients on eDiscovery issues when responding to subpoenas and discovery requests and in conducting internal investigations. Tony provides services and counsels clients in all areas of eDiscovery, including preservation of ESI, drafting ESI Protocols, and conducting custodial interviews. He also manages the collection, review, and production of ESI for small litigations, complex litigations, and white collar cases.

Todd Presnell
Bradley Arant Boalt
Cummings LLP
Nashville, TN, USA

Todd is a partner in Bradley’s Nashville office where he maintains a trial practice, serves in discovery-counsel roles, and leads and advises on internal corporate investigations. He has tried 28 cases to verdict and argued before several federal and state courts of appeals. Todd also advises in-house legal departments on privilege-related issues, and authors the popular legal blog, Presnell on Privileges, which the ABA Journal named to its 2016 Top 100 Blawg list.

Neil A. Riemann
Penry| Riemann PLLC
Raleigh, NC, USA

Neil litigates commercial cases and advises clients on privacy, cybersecurity, and technology law. He litigates in state and federal courts, handling major industrial accident, business tort, environmental, insurance, and construction claims before trial and appellate courts. Additionally, he has argued before the General Accounting Office, defended clients in enforcement actions before the SEC, arbitrated broker-customer disputes before the Financial Institutions Regulatory Authority (FINRA), and arbitrated construction claims before the American Arbitration Association. He has a special interest in privacy and security issues affecting software developers and manufacturers supplying products for the “Internet of Things.” He holds Certified Information Privacy Professional—United States (CIPP/US) and Certified Information Privacy Manager (CIPM) designations from the International Association of Privacy Professionals. Neil is Co-Editor in Chief of the Sedona Conference’s Commentary on Law Firm Data Security, and a Steering Committee member for the Sedona Conference’s Working Group 11 on Data Security and Privacy Liability.

Hon. Michael L. Robinson
North Carolina Business
Court
Winston-Salem, NC, USA

Michael Robinson was sworn in as a Special Superior Court Judge for Complex Business Cases on July 1, 2016, with chambers located at Wake Forest University School of Law. Judge Robinson was engaged in the private practice of law for 35 years in Winston-Salem, concentrating his practice for the last several decades on complex business litigation. In addition to his service on the Court, Judge Robinson served as a North Carolina State Bar Councilor from 2009 to 2018 and is a member of the American College of Business Court Judges. Judge Robinson received a B.A. degree in Economics from Davidson College (1977) and his J.D., with honors, from the University of North Carolina School Of Law (1980), where he was a member of the Order of the Coif.

Lauren Schwartzreich
Littler Mendelson P.C.
New York, NY, USA

Lauren, Shareholder and eDiscovery Counsel at Littler Mendelson P.C., assists clients with all aspects of electronic discovery, including initial preservation obligations; developing strategies for efficient and effective data harvesting, review and production; implementing cost-shifting/cost-reduction strategies; leveraging structured data to resolve cases; and the admissibility of electronic evidence at trial. Lauren was also involved in the development of Littler CaseSmart® for class and collective actions. She regularly speaks and publishes on eDiscovery, social media, privacy, and litigation technology issues. Lauren serves as Chair of the ABA’s Annual National Institute on E-Discovery, as a Member of the Steering Committee for The Sedona Conference Working Group on Electronic Document Retention and Production (WG-1) and is recognized by Who’s Who Legal for Litigation: eDiscovery. She also serves as Co-Chair for her firm’s LGBT Pride affinity group and is recent Fellow for the Leadership Council on Legal Diversity (LCLD).

Mark Selwyn
WilmerHale
Palo Alto, CA, USA

Mark is a partner in the Litigation/Controversy Department, co-chair of the Intellectual Property Litigation Practice Group, and a member of the firm’s Management Committee. Major corporations rely on him to litigate biomedical, electrical, chemical, mechanical, and business method patents involving a diverse array of technologies. He represents Silicon Valley’s most prominent technology companies in patent and other intellectual property cases in federal courts throughout the country and before the International Trade Commission (ITC). Mark was named to the *Daily Journal’s* exclusive list of Top Intellectual Property Lawyers for the tenth time in 2019. He was also recognized for exceptional standing in the legal community in the area of intellectual property in *Chambers USA* (2005-2020). In 2017, Mark was recognized by the Burton Awards and received the *Law360* Distinguished Writing Award. Mark is also Vice President of California ChangeLawyers, the leading California philanthropy for diversity, equity and inclusion in the legal profession.

Hon. Samuel A Thumma
Arizona Court of Appeals
Phoenix, AZ, USA

Judge Samuel Anderson Thumma has served on the Arizona Court of Appeals, Division One, since 2012. He was chief judge from 2017-2019 and assistant chief judge from 2015-2017. He was a judge for the Arizona Superior Court from 2007 to 2012. Judge Thumma chairs the ABA's Judicial Division Appellate Judges Conference; is a Uniform Law Commission; an Advisor for the ALI Restatement of the Law (Third) of Torts: Remedies; and a member of the Joint Technology Committee. He chairs the Arizona Commission on Access to Justice and co-chairs the COVID-19 Continuity of Court Operations During Public Health Emergency Workgroup. A frequent speaker and author, he was a partner at Perkins Coie Bron & Bain, P.A., Phoenix, and an associate at Arnold & Porter, Washington, D.C. He was a law clerk for Arizona Supreme Court Chief Justice Stanley G. Feldman and Judge David R. Hansen, U.S. District Court for the Northern District of Iowa. He earned a Master of Laws from Duke University School of Law (2020); a J.D. from University of Iowa College of Law (1988); and a B.S. from Iowa State University (1984).

Margot Want
U.S. District Court, Eastern
District of Louisiana
New Orleans, LA, USA

Ms. Want graduated from Tulane Law School in 2009, where she served as Senior Managing Editor of the Tulane Law Review and graduated Order of the Coif. Upon graduation, she became a term law clerk for the Honorable Martin L.C. Feldman of the Eastern District of Louisiana. For the next four years, she practiced at Adams and Reese LLP in New Orleans, Louisiana, primarily in commercial litigation and transactions. She then went in house with PosiGen Solar Solutions, where she worked on transactional and corporate matters and managed outside litigation counsel. Since 2016, she has been Career Law Clerk for Magistrate Judge Janis van Meerveld in the Eastern District of Louisiana. Much of her work in that role involves discovery matters. Ms. Want is a member of the Sedona Conference WG1 Brainstorming Group and Drafting Team for Improving the Privilege Log Process.

Kenneth J. Withers
The Sedona Conference
Phoenix, AZ, USA

Ken is the Deputy Executive Director of The Sedona Conference and its Corporate Secretary. Since 1989, he has published several widely distributed papers on electronic discovery, hosted a popular website on electronic discovery and electronic records management issues, and given presentations at more than 300 conferences and workshops for legal, records management, and industry audiences. His publications include *Ephemeral Data and the Duty to Preserve Discoverable Electronically Stored Information* in the UNIVERSITY OF BALTIMORE LAW REVIEW (2008); *Living Daily with Weekley Homes* in the TEXAS STATE BAR ADVOCATE (Summer 2010); and *Risk Aversion, Risk Management, and the Overpreservation Problem in Electronic Discovery* in the SOUTH CAROLINA LAW REVIEW (2013). From 1999 through 2005, he was a Senior Education Attorney at the Federal Judicial Center in Washington D.C., where he developed Internet-based distance learning programs for the federal judiciary concentrating on issues of technology and the administration of justice. Ken also contributed to several well-known FJC publications, including the *Manual for Complex Litigation, Fourth Edition* (2004), *Effective Use of Courtroom Technology* (2001), and the *Civil Litigation Management Manual* (2001).

The 15th Annual Sedona Conference Institute: Pre-Trial Practice in a Post-Pandemic World

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