

Register today at [www.minncle.org](http://www.minncle.org) or call 651-227-8266 or 800-759-8840.

To pay by credit card, register online or by phone.

# SUCCESSING AT E-DISCOVERY

4 Half-Day Seminars

JULY 23 & 31, 2019  
MINNESOTA CLE  
CONFERENCE CENTER  
MINNEAPOLIS

Nonprofit Org.  
U.S. Postage  
PAID  
Minnesota Continuing  
Legal Education

## IN-PERSON SEMINAR REGISTRATION & PRICING:

Please "✓" appropriate tuition rate and in-person seminar choice(s).

### IN-PERSON LIVE TUITION (per seminar):

- \$175 MSBA member
- \$175 paralegal
- \$195 standard rate
- I have a MN CLE Season Pass.<sup>SM</sup>

### IN-PERSON REPLAY TUITION (per seminar):

- \$155 MSBA member
- \$155 paralegal
- \$175 standard rate
- I have a MN CLE Season Pass.<sup>SM</sup>

### NEW LAWYER DISCOUNT!

- I have been admitted to the bar for fewer than 3 years and am deducting 50% from the fee marked above.

### 1 E-Discovery 101 [2906-20]

- LIVE: July 23, 2019
- MPLS REPLAY: August 7, 2019
- MPLS REPLAY: August 22, 2019

### 2 Roadmap to E-Discovery Production & Review [2907-20]

- LIVE: July 23, 2019
- MPLS REPLAY: August 7, 2019
- MPLS REPLAY: August 22, 2019

### 3 Authentication & Admissibility of Electronic Evidence [2908-20]

- LIVE: July 31, 2019
- MPLS REPLAY: August 15, 2019
- MPLS REPLAY: August 27, 2019

### 4 Beyond Civil E-Discovery – Criminal, Regulatory & Internal Investigations [2909-20]

- LIVE: July 31, 2019
- MPLS REPLAY: August 15, 2019
- MPLS REPLAY: August 27, 2019

## WEBCAST REGISTRATION & PRICING:

Tuition for live webcasts is \$195 (per webcast). Register for webcasts online at [www.minncle.org](http://www.minncle.org).

### PAYMENT:

- Enclosed is a check for \$ \_\_\_\_\_

To pay by credit card, please register online or by phone.

- Check here if address below is new.

Name (first) \_\_\_\_\_ (mi) \_\_\_\_\_ (last) \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Attorney License No. (if applicable) \_\_\_\_\_

Profession, if non-attorney \_\_\_\_\_

MAIL TO: Minnesota CLE • 2550 University Ave. West #160-S • St. Paul, MN 55114

[Imp]

### SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those with a financial need. Most scholarships awarded are 50% off the seminar price. To obtain an application, contact Grant at [gdavies@minncle.org](mailto:gdavies@minncle.org) or 651-254-2111.

Minnesota Continuing  
Legal Education

2550 UNIVERSITY AVE W #160-S, SAINT PAUL MN 55114



DATED MATERIAL – PLEASE EXPEDITE!

RECYCLABLE



# SUCCESSING AT E-DISCOVERY

4 NEW Half-Day Courses –  
Pick the Ones That Best Meet Your  
Practice Needs & Experience!

JULY 23 & 31, 2019

Attend in-person  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370, Minneapolis

OR

View via live webcast



Minnesota Continuing Legal Education  
Your State Bar at Work for You

## BONUS BENEFIT

1-Year Online  
Subscription to  
E-Discovery  
Deskbook!

# SUCCESSING AT E-DISCOVERY

4 NEW Half-Day Courses –  
Pick the Ones That Best Meet Your  
Practice Needs and Experience!

TUESDAY, JULY 23, 2019

### 1 E-Discovery 101

*An Essential, Practice-Oriented Overview*

### 2 Roadmap to E-Discovery Production & Review

*How to Do It Better & Avoid Pitfalls*

WEDNESDAY, JULY 31, 2019

### 3 Authentication & Admissibility of Electronic Evidence

*Tackling Common & Complex Issues*

### 4 Beyond Civil E-Discovery – Criminal, Regulatory & Internal Investigations

*Sharpening E-Discovery Skills Is for More than  
Just Civil Litigators!*

Attend in-person at  
Minnesota CLE Conference Center, Minneapolis

*In-person replays also available.*

Also available  
via live webcast  
July 23 & July 31

# 4 New, Tip-Filled E-Discovery Courses to Choose From!

## COURSE INFORMATION

### 1 E-Discovery 101 *An Essential, Practice-Oriented Overview*

#### IN-PERSON LIVE & LIVE WEBCAST:

Tuesday, July 23, 2019

#### IN-PERSON REPLAYS:

Minneapolis – August 7 & 22 (Registration 8:30; Replay 9:00)

8:30 – 8:55 a.m. CHECK-IN & CONTINENTAL BREAKFAST

8:55 – 9:00 a.m. WELCOME & INTRODUCTION

9:00 – 10:00 a.m.

#### Your Updated E-Discovery Primer – Essentials for Every Litigator’s Practice

For many lawyers, e-discovery is essentially the elephant in the living room – something that is clearly present in everyone’s litigation practice, but often ignored as if it is not there. There are many causes for this phenomenon, but the most likely reasons include a perception that e-discovery is very technical and complicated, as well as expensive for clients. The time has come to introduce the elephant, since e-discovery does not have to be any of those. This session covers:

- Measures and types of electronic data;
- Differences between digital and paper;
- Process model of an e-discovery project;
- Use of discovery counsel, e-neutrals, and special masters; and
- New developments like “emoji discovery”!

– John M. Degnan; Briggs and Morgan, PA.; Minneapolis  
– Heidi J.K. Fessler; Innova Law Group, PLLC; Minneapolis

10:00 – 11:00 a.m.

#### Legal Ethics and Professionalism in an Electrified Battlefield

##### 1.0 ethics credit applied for

Lawsuits have long been won and lost because of discovery, and e-discovery has electrified that battlefield. E-discovery presents unique ethical challenges as well as challenges to professionalism, which arrive not only in the form of obstructive tactics and incivility; they enter the case when a lack of competence with e-discovery technologies and data issues causes unnecessary burden and cost. Two experienced trial attorneys identify and analyze these issues, and provide concrete practice tips to avoid ethics and professionalism problems in e-discovery.

– John M. Degnan; Briggs and Morgan, PA.; Minneapolis  
– Mary T. Novacheck; Bowman and Brooke LLP; Minneapolis

11:00 – 11:15 a.m. BREAK

11:15 a.m. – 12:15 p.m.

#### Think Outside the Device: Demo-ing the Latest Digital Evidence Available to Produce in Litigation

Come and see demos of the latest digital evidence available for production in litigation! New technology relentlessly thrusts itself into the lives of our clients, and many adopt it with gusto. This presentation shows what legal teams must know about preserving and collecting hard-to-find but relevant client and opposing party evidence from mobile devices, the cloud, cell phone service providers, automobiles, wearables, appliances, smart speakers, and the Internet of Things.

– John J. Carney; Carney Forensics; Saint Paul

### 2 Roadmap to E-Discovery Production & Review *How to Do It Better & Avoid Pitfalls*

#### IN-PERSON LIVE & LIVE WEBCAST:

Tuesday, July 23, 2019

#### IN-PERSON REPLAYS:

Minneapolis – August 7 & 22 (Registration 12:30; Replay 1:00)

12:30 – 12:55 p.m. CHECK-IN

12:55 – 1:00 p.m. WELCOME & INTRODUCTION

1:00 – 1:45 p.m.

#### Preservation Obligations and Legal Holds – A Guide to Compliant Implementation

This session will provide an overview of litigation holds, including what triggers the duty to preserve and common issues and pitfalls in crafting and implementing holds and the potential consequences for failing to comply with the duty to preserve.

– Keiko L. Sugisaka; Maslon LLP; Minneapolis  
– Heidi J.K. Fessler; Innova Law Group, PLLC; Minneapolis

1:45 – 2:30 p.m.

#### Review Acceleration and the Evolving Technology of Search – Including the Latest on Artificial Intelligence

Document review is an important part of litigation, and it can often be time-consuming and provide distinct challenges. These presenters will discuss how to conduct better, more efficient, and more effective document review when dealing with large- or small-scale e-discovery matters.

– Danielle Doocy; D4 LLC; Minneapolis  
– David Yerich; United Health Group; Minnetonka

2:30 – 2:45 p.m. BREAK

2:45 – 3:45 p.m.

#### Proper Collection and Processing – Including Maximizing the Tools for Efficiency

Injudicious decisions made during data collection and processing can compromise the defensibility of your e-discovery obligations and can result in increased time and costs spent to re-collect and re-process data. This session will address best practices in data collection and data processing, including leveraging technology to minimize cost and maximize defensibility. Presenters will discuss techniques for reducing the volume of data, the type of collection needed, and technology options.

– Judith K. Branham; Stroz Friedberg LLC; Minneapolis  
– Andrew M. Hansell; Faegre Baker Daniels LLP; Minneapolis  
– MODERATOR: Heidi J.K. Fessler; Innova Law Group, PLLC; Minneapolis

3:45 – 4:15 p.m.

#### Privilege and Clawbacks – Protecting Privileged ESI

A look at key state and federal rules and how they affect e-discovery practices; and analysis of best practices for reviewing documents for privileged ESI to avoid inadvertent production and waiver of the privilege.

– Timothy M. O’Shea; Fredrikson & Byron, PA.; Minneapolis

### 3 Authentication & Admissibility of Electronic Evidence *Tackling Common & Complex Issues*

#### IN-PERSON LIVE & LIVE WEBCAST:

Wednesday, July 31, 2019

#### IN-PERSON REPLAYS:

Minneapolis – August 15 & 27 (Registration 8:30; Replay 9:00)

8:30 – 8:55 a.m. CHECK-IN & CONTINENTAL BREAKFAST

8:55 – 9:00 a.m. WELCOME & INTRODUCTION

9:00 – 10:15 a.m.

#### Authentication and Admissibility of Electronic Evidence

This session will review steps to authenticate and admit common forms of electronic evidence in litigation and help practitioners understand what they need to do during e-discovery to make sure evidence will be admissible. It will also include valuable insights from the bench.

– Kathryn Johnson; Dorsey & Whitney LLP; Minneapolis  
– Mary T. Novacheck; Bowman and Brooke LLP; Minneapolis  
– Magistrate Judge Becky R. Thorson; United States District Court; Saint Paul  
– MODERATOR: John M. Degnan; Briggs and Morgan, PA.; Minneapolis

10:15 – 10:30 a.m. BREAK

10:30 – 11:15 a.m.

#### Self-Destructing or Encrypted Messages Outside Regular Network Controls – Are They Really Inaccessible? How Do You Find Them? How Do You Authenticate Them?

– Heidi J.K. Fessler; Innova Law Group, PLLC; Minneapolis  
– Niloy Ray; Littler Mendelson PC.; Minneapolis

11:15 a.m. – 12:15 p.m.

#### Working with Forensic Experts – Including New Ways to Leverage Their Talents to Collect and Authenticate Evidence

A practical discussion of how to:

- Assess your forensic needs;
  - Vet possible forensic experts for hire on a project;
  - Work with your expert in a way that facilitates authentication and admissibility of the e-evidence, and keeps the budget under control; and
  - Harness the expert’s knowledge in this dynamic area – including implications for the growing use of blockchain.
- John M. Degnan; Briggs and Morgan, PA.; Minneapolis  
– Mark Lanterman; Computer Forensic Services; Minneapolis  
– Damien Riehl; Stroz Friedberg; Minneapolis

### 4 Beyond Civil E-Discovery – Criminal, Regulatory & Internal Investigations *Sharpening E-Discovery Skills Is for More than Just Civil Litigators!*

#### IN-PERSON LIVE & LIVE WEBCAST:

Wednesday, July 31, 2019

#### IN-PERSON REPLAYS:

Minneapolis – August 15 & 27 (Registration 12:30; Replay 1:00)

12:30 – 12:55 p.m. CHECK-IN

12:55 – 1:00 p.m. WELCOME & INTRODUCTION

1:00 – 1:15 p.m.

#### How E-Discovery Differs in Criminal Cases from Civil

The rules governing civil and criminal discovery are fundamentally dissimilar due to different public policies underlying criminal and civil litigation, constitutional requirements, and special ethical obligations of prosecutors and defense counsel. This fast-paced overview examines those concepts.

– Heidi J.K. Fessler; Innova Law Group, PLLC; Minneapolis

1:15 – 2:15 p.m.

#### Ethical and Practical Considerations When Collecting and Admitting Social Media Evidence in a Criminal Case

##### 1.0 ethics credit applied for

– Douglas L. Micko; Office of the Federal Defender; Minneapolis  
– Heidi J.K. Fessler; Innova Law Group, PLLC; Minneapolis  
– Judge Vicki J. Vial-Taylor; First Judicial District; Hastings

2:15 – 2:30 p.m. BREAK

2:30 – 3:30 p.m.

#### Data and Information Management Systems – What Every Lawyer Working on Criminal, Regulatory or Internal Investigations Needs to Know

The complexity involved in the identification, preservation and collection of data required by today’s criminal, regulatory, or internal investigation matters requires an enhanced knowledge of technology and data. This session will increase your understanding about how to identify what devices and systems may contain relevant data, and how to access that data in a manner that preserves the data’s forensic defensibility.

– Heidi J.K. Fessler; Innova Law Group, PLLC; Minneapolis  
– Scott Larson; Larson Security LLC; North Oaks

3:30 – 4:15 p.m.

#### Corporate Depositions – Deposing or Defending the Corporate Witness Identified for Data Testimony

Get vital guidance for preparing 30(b)(6) depositions of corporate witnesses who will testify about records policies and key data systems. Find out what you need to know to avoid pitfalls and achieve your objectives.

– Mathea K.E. Bulander; Redgrave LLP; Minneapolis  
– Joel Smith; Kosieradzki Smith Law Firm LLC; Plymouth

#### SEMINAR LOCATIONS

##### ■ In-Person Live Seminars

Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370, Minneapolis

##### ■ Live Webcasts

Webcasts are viewed online at [www.minncle.org](http://www.minncle.org).

##### ■ In-Person Replays

Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370, Minneapolis

Please register for replays at least one week in advance to secure your copy of the materials on the day of the seminar.

#### CREDITS

Minnesota CLE has applied to the Minnesota State Board of CLE for **3.0 standard CLE credits for each course**.

**NOTE: We anticipate courses #1 and #4 each will include 1.0 ethics credit.** (The total number of credits attendees may claim for each of these courses is 3.0 credits.)

Minnesota CLE also has applied to the MSBA for **3.0 civil trial specialist credits each for courses #1, #2 and #3**.

#### ACCOMMODATION

If you have a disability and need an accommodation in order to attend, please contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

#### CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar written materials and PowerPoint presentations through their website account. Passholders may purchase the materials at 50% of the full retail price.

#### SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for individuals with a financial need. Most scholarships awarded are 50% off the seminar price. To obtain an application, contact Grant at [gdavies@minncle.org](mailto:gdavies@minncle.org) or 651-254-2111.

#### QUESTIONS?

[www.minncle.org](http://www.minncle.org) • 651-227-8266 • 800-759-8840

## BONUS BENEFIT –

### 1-Year Online Subscription to E-Discovery Deskbook!

Every attendee of one or more of these programs will receive a **FREE 1-year online subscription (for that attendee’s use) to Minnesota CLE’s E-Discovery Deskbook – LinkedLaw edition** – edited by John M. Degnan & Heidi J.K. Fessler.

- The *E-Discovery Deskbook* covers all aspects of e-discovery – **whether you are working solo, in a firm small or large, in government, or in-house**.

- It’s an essential resource for practitioners of **all skill levels**.

- And, LinkedLaw eDeskbooks are **available 24/7 online**, via your computer or mobile device.

- In addition to being **fully searchable**, LinkedLaw eDeskbooks are **linked to primary authorities mentioned in the text**. Summon the texts of statutes, rules, and cases with simple mouse clicks.

(Subscription not transferrable.)

#### SPECIAL THANKS

to *E-Discovery Deskbook* co-editors John M. Degnan and Heidi J.K. Fessler for their time and assistance planning the seminars in this series.