



February 22, 2019

ADR Agenda

Title: Using Neutrals to Expedite ESI Discovery Disputes and your trial date

8:30-9:45a.m.

Moderator: Hon. Lucy Chernow Brown, Circuit Judge (Ret.) *

Panelists: William J. Cea, Esq.**
Hon. Meenu T. Sasser, Circuit Judge
Laura J. Starr, Esq.
Hon. Kenneth D. Stern, Circuit Judge (Ret.)*
Robert W. Wilkins, Esq.**

Session Coordinators: Hon. Kenneth D. Stern, Circuit Judge (Ret.) and Laura J. Starr, Esq.

I. Discussion Areas

- a. What is ESI and related terminology – such as metadata;
(5 minutes allotted)
- b. Define eNeutral, Certified Circuit Civil Mediator, Special Master – limitations, differences and to what extent;
(5 minutes allotted)
- c. Court Rules Governing ESI, Current Governing Case Law and evolving technology
(5 minutes allotted)
- d. Using Neutrals to Resolve ESI discovery disputes and narrowing issues
(20 minutes allotted)
- e. Ethical concerns relating to ESI – duty of competence and confidentiality, disclosure to non-parties (experts/neutrals), document retention, document preservation/litigation hold notices and document destruction, access to confidential client information
(20 minutes allotted)
- f. Malpractice concerns with ESI
(10 minutes allotted)
- g. Cost benefits in the use of neutrals, convincing your client & opposing counsel
(10 minutes allotted)

II. The Format

- a. Panel Discussion and Questions and Answers.
- b. At least 20 minutes devoted to issues of Ethics and Professionalism

* Board Certified Attorney or Certified Circuit Civil Mediator. ** Board Certified Attorney and Certified Circuit Civil Mediator