

Attend this comprehensive and practical program and build your eDiscovery skills while earning your full annual CPD credit



# The *Osgoode* Certificate in eDiscovery, Records Management, Information Governance and Privacy

A multi-faceted skills-based program focused on:

- The knowledge, strategies and tactics plaintiff and defence litigators need to master eDiscovery
- The information management practices in-house counsel need to properly protect their clients

April 1 - May 6, 2014 | 5 Days over 5 Weeks | Toronto, Canada



Professional Development  
CLE



Osgoode Professional Development has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

LSUC (ON) CPD: 34.75 CPD Hours  
(29.25 Substantive, 5.5 Professionalism)



# Why You Should Attend

Rapid advancements in technology have meant that the sheer volume of discoverable electronic information is enormous. Whether you are acting for plaintiff or defence, it is imperative that you have effective eDiscovery practices, strategies and tactics to accomplish your goals. Further, if you're an in-house counsel, you have to ensure that your organization has appropriate records management policies and practices in place to protect it. The costs of getting it wrong can be very high indeed.

Designed by an expert Advisory Board, and Program Director, Susan Wortzman, this unique program focuses on the key areas in eDiscovery: records management and information governance; privilege, privacy and confidentiality concerns in the context of eDiscovery; preserving, identifying and collecting electronically stored information (ESI); and culling, analysing, processing and reviewing ESI. The program concludes with an analysis of forensic essentials, a debate about the future of eDiscovery and a panel discussion by experienced in-house counsel.

A key element is the interactive small group break-out sessions, where students will use case study simulations (introduced on Day 1) to participate in practical exercises involving the preparation of a project plan for preserving, identifying and collecting ESI; preparing an agenda for a "meet and confer" session; and carrying out a mock "meet and confer" session with opposing counsel. There will be comprehensive review of the group exercises, with ample opportunity to get personal feedback from the experts.

## Topics will include:

- Understanding limits and responsibilities in data exchange
- Best practices for protecting privacy and privilege: technological challenges (e.g. spreadsheets, embedded information and privileged metadata)
- How to establish and set up an effective records management policy – what to include and what not to include
- Effective cost management strategies: meeting the challenges of proportionality, particularly in the small or medium-size case
- Preserving, identifying and collecting data: accessing information and responding effectively to document requests
- Panel discussion: the role of in-house counsel within the eDiscovery context
- Project management approaches and techniques you should know
- **Mock exercise:** preparing a project plan and an agenda for a "meet and confer" session
- **Mock exercise:** conducting a "meet and confer" session with opposing counsel, with critical analysis and feedback from the experts
- Understanding computer forensics
- The latest case law developments and their practical impact

## Who Should Attend

- Lawyers in Private Practice
- In-House Counsel
- VPS, Directors, Senior Managers and Managers of Litigation Departments
- Litigation Support Specialists
- Project Lawyers & Projects Managers
- Government Lawyers
- Judges, Masters and Court Clerks
- Records and IT System Specialists
- Compliance and Risk Managers
- Information, Privacy and Freedom of Information Officers
- Directors of Strategic Planning and Knowledge Management

## Program Details

### Dates

#### Day 1

Records Management and  
Technology Primer  
April 1, 2014

#### Day 2

Privilege, Privacy and  
Information Governance  
April 8, 2014

#### Day 3

eDiscovery – Preserving, Identifying  
and Collecting Data  
April 22, 2014

#### Day 4

eDiscovery – Culling, Analysing,  
Processing and Review of ESI  
April 29, 2014

#### Day 5

Technology and the Law:  
Forensic Essentials  
May 6, 2014

The program will be held at  
*Osgoode Professional Development's*  
Downtown Toronto Conference Centre.

### For Further Program-Related Information

Please contact:  
Mira Ortved, Program Lawyer  
at 416.597.9724 or email  
mortved@osgoode.yorku.ca

In five one-day modules, an expert faculty will highlight key strategies and tactics in eDiscovery, records management, information governance and privacy. There will be an emphasis on the practical, with several skills-based exercises. The class size will be capped to ensure an optimal learning experience.

## THE CURRICULUM

### DAY 1

April 1, 2014, 9:00 a.m. – 5:00 p.m.

#### Records Management and Technology Primer

- Introduction to the program and the case study simulation, which will form the basis for the upcoming group break-out sessions
- Setting the stage: EDRM/eDiscovery overview – breakdown of topics
- Getting familiar with the terminology
- Best practices for creating and implementing a successful records management policy
- Email and bring-your-own-device policies and protocols
- Instant messages, cloud computing and social media
- Retention periods
- Technology primer: from bits to bytes – how is data stored?
- Network overview – comprehensive review of enterprise architecture: networks, servers, internet, cloud computing and review of email systems

#### Keynote Luncheon Address

Master Calum MacLeod, Superior Court of Justice, Ottawa  
George J. Socha, Socha Consulting LLC

#### Faculty

Kevin Lo, Managing Director, Froese Forensic Partners Ltd.  
Master Calum MacLeod, Superior Court of Justice, Ottawa  
Kathryn Manning, Wortzmans  
Dera J. Nevin, eDiscovery Lawyer and Consultant  
James T. Swanson, Burnet, Duckworth & Palmer LLP  
Sheila Taylor, Ergo Information Management Consulting  
Laura Van Soelen, Gowling Lafleur Henderson LLP  
Susan Wortzman, Wortzmans

Osgoode Hall Law School's *Osgoode Professional Development* offers both credit and non-credit programming to meet the life-long learning needs of lawyers and other professionals who need legal information. Osgoode Hall Law School is one of the world's pre-eminent law schools. *Osgoode Professional Development* embodies the law school's commitment to meeting the educational needs of the broader community and has offered many continuing legal education programs for health care, law enforcement and other professionals.

### DAY 2

April 8, 2014, 9:00 a.m. – 4:00 p.m.

#### Privilege, Privacy and Information Governance

- Review of the common privilege issues encountered in the document collection, review disclosure and production process:
  - solicitor and client privilege
  - litigation privilege
  - deal privilege
  - joint privilege and common interest privilege
  - jurisdictional issues
- Technological challenges to preserving privilege and privacy (e.g. spreadsheets, embedded information and privileged metadata)
- Use of redactions
- Challenges to privilege claims
- Effective responses to inadvertent disclosure of privileged information
- Sanctions
- Review of the common privacy and confidentiality issues encountered in the document collection, review disclosure and production process
  - provincial and federal privacy legislation
  - *Charter* considerations
  - employment law considerations
  - social media
  - distinguishing between relevant and non-relevant private or confidential information
  - overcoming jurisdictional and technological challenges
- Case law update
- New and emerging issues regarding new technology, and how this fits in with corporate policies

#### Faculty

Duncan C. Boswell, Gowling Lafleur Henderson LLP  
Alex Cameron, Fasken Martineau DuMoulin LLP  
Thomas N.T. Sutton, McCarthy Tétrault LLP  
Susan Wortzman, Wortzmans

### DAY 3

April 22, 2014, 9:00 a.m. – 4:00 p.m.

#### eDiscovery – Preserving, Identifying and Collecting Data

- eDiscovery overview – the initial steps: preservation, identification and collection of ESI
- Project management: how it fits in from the start
- Proportionality – cost containment best practices

## Day 3 Continued....

- Ethics of eDiscovery and areas of potential eDiscovery negligence and how to best avoid them
- Case study simulation – group exercise: team break-out session to prepare a project plan for preservation, identification and collection of ESI, preparation of agenda for meet and confer session; meet and confer session with opposing counsel; review of group exercise and group debrief
- Review of eDiscovery resources: SEDONA Canada principles, the Ontario eDiscovery Implementation Committee, and the OBA Case Law Digest

### Keynote Luncheon Address

**Dr. Ann Cavoukian**, Information and Privacy Commissioner of Ontario

### Faculty

**Rachael Chadwick**, Wortzmans

**Karen B. Groulx**, Dentons Canada LLP

**Marlon Hylton**, McCarthy Tétrault LLP

**Melanie Schweizer**, Assistant General Counsel, Advertising and Brand, Bell Canada

**Glenn Smith**, Lenczner Slaght Royce Smith Griffin LLP

**Susan Wortzman**, Wortzmans

## DAY 4

April 29, 2014, 9:00 a.m. – 5:00 p.m.

### eDiscovery – Culling, Analysing, Processing and Review of ESI

- Strategies for culling, analysis, processing and review of ESI
- Best practices for data analysis and processing
- Technology assisted review: key word searching and predictive coding
- How do you measure your results and the quality of your adopted process in a given case?
- TREC – outlining the TREC results
- Group exercise – breakout sessions to update project plan, and to conduct second meet and confer session with opposing counsel

### Keynote Luncheon Address

**Maura R. Grossman**, Of Counsel, Wachtell, Lipton, Rosen & Katz

### Faculty

**Duncan Fraser**, General Counsel, eDiscovery and Litigation Support Services, Department of Justice Canada

**Jean-Sébastien Rochon**, Special Advisor and Counsel to the Assistant Deputy Minister, Business and Regulatory Law, Department of Justice Canada

**Chuck Rothman**, Wortzmans

**Shaun Saldanha**, LitReady

**David Sharpe**, Manager, E-Discovery Services, KPMG

## Day 4 Continued....

**Susan Wortzman**, Wortzmans

**Jason Woycheshyn**, Bennett Jones LLP

## DAY 5

May 6, 2014, 9:00 a.m. – 4:15 p.m.

### Technology and the Law: Forensic Essentials

- Proving ESI with ESI – authenticity, integrity and identity
- Explaining HASH values
- System and application metadata, and their value in litigation
- Forensics: what is it and when do you need it?
- Deleted files, fragments slack space and FAT/NTFS
- Locked, encrypted hidden and corrupt files
- Best practices, risks, quick assessment and gap analysis
- Live faculty demonstration of forensics, with particular focus on measuring and validating results
- **Panel Discussion** - Let's hear from the clients: How In-House Counsel manage their eDiscovery expectations

### Keynote Luncheon Address

**The Hon. Colin L. Campbell, Q.C.**, (Retired Justice Superior Court Ontario), Mediator, Arbitrator, Complex Case Management

### Lunchtime Debate

#### Moderator

**Duncan Fraser**, General Counsel, eDiscovery and Litigation Support Services, Department of Justice Canada

#### Debaters

**The Hon. Justice David M. Brown**, Ontario Superior Court of Justice

**Thomas N.T. Sutton**, McCarthy Tétrault LLP

### Faculty

**Joseph Coltson**, Managing Director, Duff & Phelps

**Duncan Fraser**, General Counsel, eDiscovery and Litigation Support Services, Department of Justice Canada

**Kevin Lo**, Managing Director, Froese Forensic Partners Ltd.

**Laurie MacFarlane**, Senior Counsel, Litigation, CIBC

**Lynne Vicars**, Senior Legal Counsel - Legal Practice Management & eDiscovery, Scotiabank

**Susan Wortzman**, Wortzmans





The *Osgoode Certificate in eDiscovery, Records Management, Information Governance and Privacy* draws on the experience and expertise of the following leaders in their field:

**Duncan C. Boswell**, Gowling Lafleur Henderson LLP

**The Hon. Justice David M. Brown**  
Ontario Superior Court of Justice

**Alex Cameron**, Fasken Martineau DuMoulin LLP

**The Hon. Colin L. Campbell, Q.C.**, (Retired Justice Superior Court Ontario), Mediator Arbitrator, Complex Case Management

**Dr. Ann Cavoukian**, Information and Privacy Commissioner of Ontario

**Rachael Chadwick**, Wortzmans

**Joseph Coltson**, Managing Director  
Duff & Phelps

**Duncan Fraser**, General Counsel  
eDiscovery and Litigation Support  
Services, Department of Justice Canada

**Maura R. Grossman**, Of Counsel, Wachtell Lipton, Rosen & Katz

**Karen B. Groulx**, Dentons Canada LLP

**Marlon Hylton**, McCarthy Tétrault LLP

**Kevin Lo**, Managing Director  
Froese Forensic Partners Ltd.

**Laurie MacFarlane**, Senior Counsel  
Litigation, CIBC

**Master Calum MacLeod**  
Superior Court of Justice, Ottawa

**Kathryn Manning**, Wortzmans

**Dera J. Nevin**, eDiscovery Lawyer  
and Consultant

**Jean-Sébastien Rochon**, Special Advisor  
and Counsel to the Assistant Deputy Minister  
Business and Regulatory Law, Department  
of Justice Canada

**Chuck Rothman**, Wortzmans

**Shaun Saldanha**, LitReady

**Melanie Schweizer**, Assistant General Counsel  
Advertising and Brand, Bell Canada

**David Sharpe**, Manager, E-Discovery Services  
KPMG

**Glenn Smith**, Lenczner Slaght Royce Smith  
Griffin LLP

**George J. Socha**, Socha Consulting LLC

**Thomas N.T. Sutton**, McCarthy Tétrault LLP

**James T. Swanson**, Burnet, Duckworth  
& Palmer LLP

**Sheila Taylor**, Ergo Information Management  
Consulting

**Laura Van Soelen**, Gowling Lafleur  
Henderson LLP

**Lynne Vicars**, Senior Legal Counsel - Legal  
Practice Management & eDiscovery, Scotiabank

**Susan Wortzman**, Wortzmans

**Jason Woycheshyn**, Bennett Jones LLP

## FACULTY

### PROGRAM DIRECTOR

**Susan Wortzman**  
Wortzmans

### ADVISORY BOARD

**Alex Cameron**  
Fasken Martineau DuMoulin LLP

**Duncan Fraser**  
General Counsel, eDiscovery  
and Litigation Support Services  
Department of Justice Canada

**Kevin Lo**  
Managing Director  
Froese Forensic Partners Ltd.

**Master Calum MacLeod**  
Superior Court of Justice, Ottawa

**Thomas N.T. Sutton**  
McCarthy Tétrault LLP

# THE OSGOODE CERTIFICATE IN eDISCOVERY, RECORDS MANAGEMENT, INFORMATION GOVERNANCE AND PRIVACY

Don't miss this unique opportunity to sharpen your eDiscovery skills. Register now.

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Firm/Company: \_\_\_\_\_ Practice Area: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
Email: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Priority Service Code: 

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 Please delete me from your mailing list.  
 If you do not wish to be contacted by e-mail, indicate here.

## Fee Per Delegate

\$3495 plus 13% HST for a total of \$3949.35.

Fees include attendance, program materials, continental breakfast, lunch and refreshments for each of the 5 days of the program. The price does not include accommodations. Please inquire about group discounts and financial assistance. Dress is business casual.

Payment Options – Payment must be made prior to the program

- Cheque enclosed (payable to York University – GST# R119306736)  
 Bill my credit card:  VISA  Mastercard

Card# \_\_\_\_\_

Expiry: \_\_\_\_\_

Signature: \_\_\_\_\_

Payment Amount: \_\_\_\_\_

## Cancellations/Rainchecks/Substitutions

If you are unable to attend the program your organization may name a replacement. A full refund will be issued for cancellations received a minimum of 21 days before the program start date. Written cancellations received after March 11, 2014 will include an administration charge of \$700. Non-attendance or withdrawal after the program start date will incur a full program fee. Payment must be received by March 25, 2014.

## Program Changes

We will make every effort to present the certificate program as advertised, but it may be necessary to change the dates, location, speakers or content with little or no notice. In the event of program cancellation, York University and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

## Location

Osgoode Professional Development  
Downtown Toronto Conference Centre  
1 Dundas St. W., 26th Floor  
Toronto, ON, M5G 1Z3



## LSUC (ON) CPD:

- Day 1:** 7.5 CPD Hours (7.0 Substantive, 0.5 Professionalism)  
**Day 2:** 6.5 CPD Hours (2.5 Substantive, 4.0 Professionalism)  
**Day 3:** 6.5 CPD Hours (5.5 Substantive, 1.0 Professionalism)  
**Day 4:** 7.5 CPD Hours (7.5 Substantive, 0.0 Professionalism)  
**Day 5:** 6.75 CPD Hours (6.75 Substantive, 0.0 Professionalism)

**Quebec/BC/Manitoba/New Brunswick/NWT/Nunavut/PEI/Yukon and Saskatchewan:** eligible for 32.25 CPD/MCLE credit hours towards professional development requirements; **NSBS CPD:** eligible for 34.5 credit hours; **NY CLE Board (on-site participants only):** eligible for 37.5 credit hours in the Area of Professional Practice for transitional and non-transitional lawyers. Also eligible for CLE/Insurance Premium Credits Program offered by the **Law Society of PEI** and for Alberta CPD credit with the **Law Society of Alberta**. Questions? E-mail: cpd@osgoode.yorku.ca or refer to the program website.

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## For Further Program-Related Information

Please contact: Mira Ortved, Program Lawyer at 416.597.9724 or email mortved@osgoode.yorku.ca

## Certificate of Program Completion

You will receive a certificate upon completion of The Osgoode Certificate in eDiscovery, Records Management, Information Governance and Privacy. Participants must attend all program modules and satisfactorily pass a take-home assignment to receive a certificate.

Public CLE Seminars

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## 4 Convenient Ways to Register

- MAIL** your registration form to:  
Osgoode Professional Development  
Downtown Toronto Conference Centre  
1 Dundas St. W., 26th Floor  
Toronto, ON M5G 1Z3
- ONLINE** at [www.osgoodepd.ca](http://www.osgoodepd.ca)
- FAX** your registration to 416.597.9736
- CALL US** at 416.597.9724 or 1.888.923.3394

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