

Paul D. Weiner

National eDiscovery Counsel
Shareholder

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Focus Areas

eDiscovery

Overview

Paul D. Weiner is a shareholder and serves as the firm's National eDiscovery Counsel.

eDiscovery is one of the most important and transformational legal developments in the digital age, impacting every aspect of evidence in litigation and information management globally. The field has developed into a \$200 billion industry, and continues to grow as data volumes expand at an unprecedented pace, businesses run their operations and individuals live their lives via digital platforms, new sources of technology emerge almost daily, and court rules and legal standards are amended to keep pace.

Industry-leading efforts from Littler, the world's largest employment and labor law practice representing management, are driven by Paul, a nationally recognized leader in the field.

Littler's long-held dedication to innovation is exemplified in eDiscovery as the firm was one of the first in the United States to hire attorneys at the shareholder level dedicated exclusively to eDiscovery worldwide. Paul oversees a team comprising eDiscovery lawyers, litigation support project managers, developers, data analysts, and database administrators who provide targeted advice, strategy and hands-on litigation assistance to Littler case teams and clients. He also built and manages the Littler National Data Center that handles electronic evidence processing and hosting activities, using best-of-breed technologies and quality assurance workflows.

Paul marries technology skills, litigation experience, and deep subject matter knowledge to provide focused guidance on eDiscovery matters. His involvement ranges from providing case and client-specific advice about meeting preservation

obligations, to addressing initial "meet and confer" obligations, to handling court appearances that address eDiscovery matters, to taking and defending depositions of IT personnel and experts, to developing strategies for efficient and effective data harvesting, protection, review and production, to implementing cost-shifting and reduction strategies, with a particular emphasis on high-exposure Rule 23 class and FLSA § 216(b) collective actions.

Paul has lectured and published extensively on eDiscovery, and his work has educated lawyers, judges and business people about the field. His work was cited in the landmark opinion of *Zubulake v. UBS Warburg LLC*, credited for facilitating the dramatic growth of the field of eDiscovery.

Paul is also well known for bringing cutting-edge solutions to both the technical and legal aspects of eDiscovery. One key trend, which he has helped lead through litigating cases and his scholarship, pertains to the growing availability of personal information through social media, mobile devices and other avenues – a development that has leveled the playing field between companies and individuals in what were previously viewed as “asymmetrical” discovery matters. No longer is most or all pertinent information in a case possessed by large employers, and Paul has worked to teach “eDiscovery is a two-way street,” including in a chapter he authored addressing those issues in the *Federal Judges’ Guide to Discovery*, published by the non-profit Electronic Discovery Institute®.

Paul is also the executive editor of a commentary by The Sedona Conference® designed to help resolve a disparity among circuits and bring a uniform, national standard to the issue of “possession, custody, or control” under discovery rules. The Sedona Conference is a non-profit research and educational institute dedicated to the advanced study of law and policy in the areas of antitrust law, complex litigation, and intellectual property rights; Paul serves on the Working Group Series Leadership Council of Sedona, and is a former member of the Steering Committee of Working Group 1, having served multiple terms in this position. The Commentary and its Principles provide practical, uniform, and defensible guidelines regarding when a litigant should be deemed to have “possession, custody, or control” of information subject to discovery. The guidelines also cover how new technologies, the proliferation of ESI, and increasingly complex business relationships aimed at the creation, use, transfer and storage of information, impact that analysis.

Paul also co-chairs the Advisory Board for the Georgetown Law Advanced eDiscovery Institute®. Georgetown’s annual conference is universally recognized as the premier eDiscovery event of the year, featuring thought leaders from U.S. government agencies, Fortune 500 corporations, high-profile plaintiffs’ law firms, Am Law 100 firms, international data privacy regulators and legal technologists. The Georgetown conference also consistently features more state and federal judges steeped in eDiscovery than at any other eDiscovery program in the country.

Based upon his innovative approaches to complex issues, Paul has been appointed as an eDiscovery Special Master for the U. S. District Court for the Eastern District of Pennsylvania, as a Discovery Master for the Court of Common Pleas First Judicial District of Pennsylvania, and is on the inaugural roster of eDiscovery Special Masters for the U. S. District Court for the Western District of Pennsylvania.

Paul is one of a select group of lawyers in the world ranked for eDiscovery by *Chambers USA: America's Leading Lawyers*® (1 of 7 in the USA in Band 1), *Chambers & Partners Global*®, and *Who's Who Legal*®: *Litigation* (*Who's Who* also ranked Littler as one of only two "Leading Law Firms" in the world in eDiscovery). He was also one of only 120 witnesses who testified before the Federal Rules Committee in support of the new Federal Rules of Civil Procedure addressing eDiscovery preservation and sanctions that became effective December 1, 2015.

Besides his deep substantive knowledge in the constantly evolving field of eDiscovery, Paul has practical, hands-on experience that comes from litigating scores of cases in today's digital age. Prior to joining Littler, Paul was a litigation partner at an Am Law 100 law firm, where he focused his practice on complex business litigation and served as trial counsel in jury and non-jury trials, and large commercial arbitrations. His trial and complex arbitration experience enables him to bring a practical and cost-effective perspective to what can otherwise appear to be esoteric eDiscovery issues that can hijack a case, and to never lose sight that the goal of all discovery, including eDiscovery, is to win the case.

Paul also serves as Chair of the Firm's Innovation Council, which is tasked with reengineering the traditional practice of law to bring to clients cost-effective and forward-thinking solutions that employ leading-edge technology, project management skills and alternative pricing strategies. Littler's Innovation Council led efforts to build Littler's Data Ecosystem that provides attorneys and clients with actionable insights at every stage of the legal process, and which was awarded top ranking for innovation in "Technology and Data" in the "Business of Law" Category of *Financial Times* 2019 North America Innovative Lawyers report. Paul was also part of the team that spearheaded the development and rollout of the firm's award-winning Littler Pay Equity Assessment™. He also serves as the co-moderator of the General Session of Littler's Annual Executive Employer® Conference.

Outside of his law practice, Paul is active in the community, the bar and pro bono organizations, including having served as the President and long-time Executive Committee Member of The Temple American Inn of Court.

Professional and Community Affiliations

- Fellow (Top 1% of lawyers admitted to practice in the U.S.), American Bar Foundation, 2016-present
- Member, Board of Directors, Temple American Inn of Court, 2005-present (additional roles include Ambassador to the International Inns of Court 2017–2018; Counselor to the President 2013-2016; President 2011-2012; Vice President 2010-2011; Treasurer 2007-2010; Recorder 2005-2007)
- Co-Chair, Advisory Board, Georgetown Law Advanced eDiscovery Institute®, 2013-present (additional roles include Member, Advisory Board 2009-present; Planning Committee Co-Chair - various years)
- Member, Steering Committee, Working Group on Electronic Document Retention and Production (WG1), The Sedona Conference®, 2013-2017 (multiple terms)
- Member, Working Group Series Leadership Council, The Sedona Conference®, 2018-present
- Member, Editorial Board, The Federal Judges' Guide to Discovery (Edition 2.0), The Electronic Discovery Institute
- Member, Board of Directors, Breastcancer.org, 2012-2016

- Guest Lecturer, Trial Advocacy and Integrated Advocacy Programs, Temple University Beasley School of Law, 2008-present

Recognition

- Named, The Best Lawyers in America®, 2021-2024
- Ranked, E-Discovery & Information Governance, Band 1, *Chambers USA*, 2012-2023
- Ranked, E-Discovery & Information Governance, Band 1, *Chambers Global*, 2013-2023
- Co-Recipient, Inaugural Honorable Lowell A Reed, Jr. Distinguished Professionalism Award , (Along with The Honorable Cynthia Rufe), *Temple American Inn of Court, U.S. Constitution Center, Philadelphia, PA*, 2023
- Named, Litigation: eDiscovery, *Who's Who Legal*, 2015 (Creation of inaugural category) - 2020
- Named, Thought Leader - Litigation - eDiscovery, *Who's Who Legal*, 2019-2021
- Named, Super Lawyer® - Labor and Employment, Pennsylvania, *Super Lawyers*, 2010-2013
- Named, Super Lawyer® - Commercial Litigation, Pennsylvania, *Super Lawyers*, 2005
- Named, Lawyers on the Fast Track®, *Legal Intelligencer*, 2004

Education

J.D., Temple University James E. Beasley School of Law, 1994

B.A., Boston University, 1991

Bar Admissions

Pennsylvania

New Jersey

Courts

U.S. Court of Appeals, 3rd Circuit

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, Middle District of Pennsylvania

U.S. District Court, Western District of Pennsylvania

U.S. District Court, District of New Jersey

Publications & Press

Legal Tech's Predictions for E-Discovery in 2024

Legaltech News

January 16, 2024

7 E-Discovery Predictions For 2024 And Beyond

Law360

January 12, 2024

Commentary on Rule 34 and Rule 45 Possession, Custody, or Control

The Sedona Conference®

January 2024

Littler Recognized in 2023 Chambers USA Guide

Littler Press Release

June 6, 2023

Commentary on Rule 34 and Rule 45 Possession, Custody, or Control, 17 SEDONA CONF. J. 467 (2016)

The Sedona Conference® Brainstorming Group

June 2023

Legal Tech's Predictions for E-Discovery in 2023

Legaltech News

January 9, 2023

Legal Tech's Milestones for E-Discovery in 2022

Legaltech News

December 27, 2022

Littler Ranked in Chambers USA Guide 2022

Littler Press Release

June 1, 2022

Best Lawyers in America® 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

The Case for Requiring Data Security Provisions in Protective Orders

New York Law Journal

July 29, 2021

Littler Ranked in Chambers USA Guide 2021

Littler Press Release

May 27, 2021

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Littler Press Release

August 20, 2020

As Bankruptcies Grow, E-Discovery Counsels' Work May Become More Challenging

LegaltechNews

May 27, 2020

"Transparency," "Discovery-on-Discovery" Type Disclosures, and Party-Opponent Validation in eDiscovery

Labor Law Journal Wolters Kluwer

September 1, 2019

Littler Ranked in 2019 Chambers USA Guide

Littler Press Release

April 25, 2019

The Latest Legal News, Research and Legal Profiles

Who's Who Legal

October 1, 2018

A Framework for Mutual Compliance with Amended Rule 34

ABA Journal

May 29, 2018

Littler Ranked in 2018 Chambers USA Guide

Littler Press Release

May 15, 2018

The Latest Legal News, Research and Legal Profiles

Who's Who Legal

October 1, 2017

Littler Attorneys Named in 2017 Who's Who Legal Guide

Littler Press Release

September 28, 2017

Littler and Its Attorneys Receive Top Rankings in 2017 Chambers USA Guide

Littler Press Release

May 26, 2017

Commentary on Rule 34 and Rule 45 Possession, Custody, or Control

The Sedona Conference[®]

August 2016

Securing Protected Data in U.S. Legal Proceedings: Protective Orders

The Sedona Conference[®] *International Programme on Cross-Border Discovery & Data Protection Laws*

June 2016

Chambers USA Recognizes Littler and Attorneys in 2016 Guide

Littler Press Release

May 27, 2016

In Employment Cases, eDiscovery is a Two-Way Street

The Federal Judges' Guide to Discovery (Edition 2.0)

December 2015

How to Mitigate Risk When Handing Data to Outside Law Firms

Bloomberg BNA

November 17, 2015

Balance in All Things: The Path to Preservation Excellence

Legaltech News

November 5, 2015

Tips From the Experts: 8 Points on Perfecting Preservation

Legaltech News

September 10, 2015

The Big Move Toward Big Data in Employment

Littler Report

August 4, 2015

Chambers USA Recognizes Littler and Its Attorneys

Littler Press Release

May 20, 2015

Commentary on Rule 34 and Rule 45 Possession, Custody, or Control (Public Comment Version)

The Sedona Conference[®]

April 15, 2015

Amended Rules of Civil Procedure Address eDiscovery Preservation and Sanctions, Among Other Areas

Corporate Law & Accountability Report, Bloomberg BNA

January 14, 2015

Amended Rules of Civil Procedure Address eDiscovery Preservation and Sanctions, Among Other Areas

Inside Counsel Magazine

November 14, 2014

5 Critical Things to Consider When Implementing an eDiscovery Strategy: a collection of discovery best practices from industry leaders

InsideCounsel

November 12, 2014

Analysis paralysis

InsideCounsel

October 1, 2014

Littler and Its Attorneys Ranked In 2014 Chambers USA Guide

Littler Press Release

May 23, 2014

The Transformation of the Workplace Through Robotics, Artificial Intelligence, and Automation

Littler Report

February 13, 2014

An Opportunity to Give Back

The Bencher

September/October 2013

Littler Mendelson Named in the 2013 Chambers USA Guide

Littler Press Release

May 24, 2013

Anatomy of an Employment Class Action

The Sedona Conference® 7th Annual Getting Ahead of the Curve Program

March 21, 2013

EEOC Sanctioned for Failing to Produce Class Claimants' Social Media ESI and Other eDiscovery Misconduct

Littler Insight

March 18, 2013

The 2012 Global Employer: Highlights of Littler's Fifth Annual Global Employer Institute

Littler Report

February 21, 2013

A Litigator's Guide to Social Media Discovery in Civil Actions

The Legal Intelligencer

January 29, 2013

Impatient Judges Push Lawyers to Dive Into eDiscovery

Law Technology News

December 7, 2012

Second Circuit Makes Key Holdings Involving Proof Requirements in Individual Discrimination Cases and Litigation Hold Requirements

Littler Insight

July 26, 2012

The "Bring Your Own Device" to Work Movement

Littler Report

May 10, 2012

Nod to Predictive Coding in 'Da Silva Moore' Stirs Caution, Excitement

Law Technology News

April 30, 2012

True Grit: Four Models to Rein in eDiscovery Costs

Law Technology News

January 30, 2012

Survey Predicts Big Revenue Spike for Litigation Support

LawTechnologyNews.com

January 30, 2012

Stiff Sanctions: Violating international data privacy laws can land companies and counsel in serious hot water

InsideCounsel

January 1, 2012

The Challenges of Collecting Data Outside the U.S.

InsideCounsel

January 1, 2012

Electronic Discovery: A Special Report - Plaintiffs have their own duty to preserve

The National Law Journal

December 19, 2011

It's Time to Clarify via Amended Rules that Proportionality Must Apply to Preservation

A Legal Hold Pro[™] Signature Paper

October 2011

Digging Out of the eDiscovery Morass One Idea at a Time

The Legal Intelligencer

September 15, 2011

Bridging the eDiscovery Gap Between Bench and Bar

NY Litigator

Summer 2011

Pension Committee Revisited: A Retrospective of the Impact of Judge Scheindlin's Influential Opinion

A Legal Hold Pro[™] Signature Paper

February 2011

Who You Gonna Call

The American Lawyer

October 19, 2010

The Littler Ten: Employment, Labor and Benefit Law Trends for Navigating the New Decade

Littler Report

September 30, 2010

eDiscovery Best Practices: California Rule of Court Requires Advance Meeting and Planning

BNA Digital Discovery & E-Evidence

June 10, 2010

eDiscovery: New California Rule of Court Requires Advance Meeting and Planning

Littler Insight

January 11, 2010

Education of Lawyers, IT and 'Digital Packrats' Urged to Reduce eDiscovery Costs

The Society for Human Resource Management (SHRM)

November 20, 2009

Toward More Effective Search Terms for eDiscovery

Employment Law360

July 29, 2009

California Enacts New eDiscovery Rules that Mirror Federal Court eDiscovery Rules - with One Exception

Littler Insight

July 20, 2009

Strategies for Managing eDiscovery in Smaller Cases

Employment Law360

July 1, 2009

Can eDiscovery Counsel Meet Client Needs?

The National Law Journal

October 14, 2008

Qualcomm v. Broadcom: Morgan Stanley Redux?

Employment & Labor Relations Law Newsletter

Fall 2008

Law Firm Unveils In-House eDiscovery Services

Employment Law360

August 14, 2008

3 Ways to Prepare for eDiscovery

Employment Law360

August 6, 2008

eDiscovery Spurs Demand for Legal, IT Experts

Employment Law360

August 6, 2008

All eDiscovery, All the Time

The Philadelphia Business Journal

November 2007

Navigating the New eDiscovery Rules

ABA Section of Litigation, Tips from the Trenches Column

October 2007

eDiscovery Roundtable (transcript)

The Legal Intelligencer

April 11, 2007

US v. Stein: An Update

Civil Litigation Update

Spring 2007

Navigating the New eDiscovery Rules

Litigation Journal

Winter 2007

Failing to Produce e-Mails Could Cost Your Client ... One Billion Dollars! 10 Lessons Learned from an eDiscovery Sanction

Monograph

Spring 2006

US v. Stein: A Crack in the Armor of the United States Department of Justice's Thompson Memorandum

Civil Litigation Update

Winter 2006

Drafting International Arbitration Clauses to Avoid Unnecessary Disputes and Confusion

Journal of Alternative Dispute Resolution - ICFAI

July 2005

Tips for Protecting Your Litigation Interests in Biopharmaceutical Manufacturing Contracts

Contract Manufacturing for Biopharmaceuticals Conference

May 2005

The Class Action Fairness Act of 2005: An Overview

Civil Litigation Update

Spring 2005

Drafting International Arbitration Clauses to Avoid Unnecessary Disputes and Confusion

Mealey's International Arbitration Report

September 2004

Pitfalls In Drafting Arbitration Clauses: Tips For Avoiding Costly Disputes

Atlantic Coast In-House

April 2004

Swift Sanctions: An Analysis of Proposed New Rule of Civil Procedure 229.1

Civil Litigation Update

Winter 2004

Arbitration is Not Always Quick: In Complex Cases, Careful Thought is Needed Before Giving Up the Court Process

The National Law Journal

November 17, 2003

Digital Dangers: A Primer on Electronic Evidence In The Wake of Enron

Litigation Journal

Fall 2003

Digital Dangers: A Primer on Electronic Evidence In The Wake of Enron

Pennsylvania Bar Association Quarterly

January 2003

Paying for Electronic Discovery: The Tables Are Beginning To Turn

Civil Litigation Update

Fall 2002

Ten Ways to Contain the Cost of Electronic Discovery

Pennsylvania Law Weekly

September 30, 2002

Advancing Litigation Expenses for Corporate Officers and Directors Accused of Wrongdoing

Outside Counsel

Fall 2000

Speaking Engagements

Demystifying eDiscovery: Effective strategies to harness today's worldwide data deluge

Speaker, The 2023 Littler European Executive Employer Conference, Amsterdam, Netherlands

November 8, 2023

A Conversation About the Pros and Cons of a Written Versus Unwritten Constitution

Co-Planner, a Joint Event of Gray's Inn, London and Temple American Inn of Court, Philadelphia, National Constitution Center, Philadelphia, PA

October 26, 2023

Panelist, Picking Up the Slack, Demystifying Modern Collections

PREX 2021, Virtual
September 28, 2021

Faculty Member, The Sedona Conference eDiscovery Negotiation Training – Practical Cooperative Strategies

Virtual
February 9–11, 2021

Panelist, Should We Build a Better Mousetrap?

The Sedona Conference® Working Group 1, Electronic Document Retention and Production, Annual Meeting, St. Louis, MO
October 24, 2019

Moderator, Possession, Custody & Control: Employee Personal Data, Communications Channels, & Devices

The 5th Annual Judicial Training Symposium (a joint educational initiative of The Electronic Discovery Institute and The Federal Judicial Center), Lake Tahoe, NV
October 16, 2019

Moderator, It's a Mobile World

PREX 2019: Actionable Strategies for In-House eDiscovery, Chicago, IL
September 18, 2019

Colloquium Co-Lead Moderator, The Exchange

Today's General Counsel eDiscovery Institute for the Corporate Market, New York, NY
July 16 - 17, 2019

Co-Moderator, General Session, Fueled by Ingenuity, Inspired by You: Your Challenges, Our Solutions

The 2019 Executive Employer® Conference (36th year), Phoenix, AZ
May 9, 2019

Guest Lecturer, eDiscovery: Digital Dangers in the 21st Century

LL.M. in Trial Advocacy, Temple University Beasley School of Law, Philadelphia, PA
January 3, 2019

Debater (Responding Parties), The Great Debate: In re Broiler Chicken, Order of Special Master Regarding ESI Search Methodologies

15th Annual Georgetown Law Advanced eDiscovery Institute, Washington, D.C.
November 15, 2018

Guest Lecturer, How the Legal Industry is Creating New Career Paths: New Technologies, Methods, Outcomes, and Opportunities for Graduates in Law, Business and Tech

Cornell Tech – LAW 6304: Delivering Legal Services Through Technology, New York, NY

October 29, 2018

Moderator, Evolving Challenges: Communications in the Cloud

The Sedona Conference® Working Group 1, Electronic Document Retention and Production, Annual Meeting, Los Angeles, CA

October 26, 2018

Co-Chair, The Great Debates Continue, TED-Talk Style: Jury Trials in Civil Cases, Unique Issues in Terrorism Trials, and Threats to Judicial Independence - The UK and the U.S. Perspective

Joint Inn of Court Program presented by Temple Inn of Court and Gray's Inn, London, Philadelphia, PA

October 18, 2018

Colloquium Co-Lead Moderator

Today's General Counsel eDiscovery Institute for the Corporate Market, New York, NY

July 17 - 18, 2018

Gigabytes of GPS and Terabytes of Texts: eDiscovery for the Digital Workplace

Nevada Association of Corporate Counsel, Las Vegas, NV

May 23, 2018

Co-Moderator, Navigating the Ever-Evolving Times: Practical Solutions for Long-Term Workplace Sustainability

The 2018 Executive Employer® Conference, Phoenix, AZ

May 3, 2018

Moderator, Judicial Roundtable

14th Annual Georgetown Law Advanced eDiscovery Institute, Washington, D.C.

November 17, 2017

Moderator, Judicial Roundtable

The Sedona Conference® Working Group 1, Electronic Document Retention and Production, Annual Meeting (15th Anniversary), Phoenix, AZ

November 3, 2017

Panelist, Early Case Management to Promote Efficiency and Cut Costs

The Electronic Discovery Institute's 3rd Annual Judicial Training Symposium, Marana, AZ

October 10, 2017

Panelist, Evaluating Correctness and Reliability of TAR

Duke Law Conference on Technology Assisted Review (“TAR”) Best Practices, Arlington, VA
September 7, 2017

Colloquium Co-Lead Moderator

Today’s General Counsel eDiscovery Institute for the Corporate Market, New York, NY
July 18 - 19, 2017

Panelist, How Would You Rule? The Effects of the December 2015 Amendments to the Federal Rules of Civil Procedure

Day 2 Keynote Panel, Legalweek 2017, New York, NY
February 1, 2017

Moderator, Possession, Custody and Control Across Federal Circuits

13th Annual Georgetown Law Advanced eDiscovery Institute, Washington, D.C.
November 10, 2016

One Year Later: Developments in Production Under Rule 34 and State Law Equivalents

Dialogue Leader, The Sedona Conference Working Group 1 Yearly Meeting, Atlanta, GA
October 27, 2016

Moderator, eDiscovery in Employment Cases

2016 Electronic Discovery Institute Leadership Summit, Ft. Lauderdale, FL
October 14, 2016

Panelist, Technology 2020 and Case Study on “Possession, Custody, or Control”

3rd Annual Innovations in eDiscovery, New York, NY
September 28, 2016

Faculty Member, eDiscovery Challenges in Specific Practice Areas: Employment

The Electronic Discovery Institute Distance Learning Initiative, Curated Web Training and Certification Curriculum
September 2016

Colloquium Co-Lead Moderator, Today’s General Counsel eDiscovery Institute for the Corporate Market

New York, NY
July 18 - 19, 2016

eDiscovery 2.0: Navigating the New eDiscovery Federal Rules of Civil Procedure

State Bar of Nevada, Labor & Employment Law Section, Lloyd George Federal Courthouse, Las Vegas, simulcast to Bruce Thompson Federal Courthouse, Reno
June 18, 2016

Co-Moderator, The Ever-Evolving Workplace: Practical Strategies for Addressing Future and Current Employment Law Challenges

The 2016 Executive Employer® Conference, Phoenix, AZ

May 5, 2016

Faculty Member, Federal Rule of Evidence 502

The Electronic Discovery Institute Distance Learning Initiative, Curated Web Training and Certification Curriculum

March 2016

Panelist, Navigating the New Rules

Innovations in eDiscovery Conference, New York, NY

December 9, 2015

Panelist, eDiscovery 2020

12th Annual Georgetown Law Advanced eDiscovery Institute, Washington, D.C.

November 19, 2015

Panelist, Preservation and the Evolving IT Landscape

The 4th Annual Conference on Preservation Excellence, Portland, OR

September 18, 2015

Moderator, The Essential Preservation Plan

The 4th Annual Conference on Preservation Excellence, Portland, OR

September 17, 2015

Presenter, eDiscovery 2.0

2015 Houston Employer Conference, Houston, TX

August 13, 2015

Colloquium Co-Lead Moderator, eDiscovery Institute for the Corporate Market

Today's General Counsel, New York, NY

July 20-21, 2015

The Road to Workplace 2020: Lessons from the Past, Current Developments and Future Trends

The 2015 Executive Employer® Conference, Phoenix, AZ

May 7, 2015

Digital Dangers: eDiscovery in the 21st Century

Commercial Litigation Institute - Pennsylvania Bar Institute, Philadelphia, PA

March 18, 2015

Ethical Issues for In-House Counsel, Littler Briefing

Philadelphia, PA
October 8, 2014

Colloquium Co-Lead Moderator, eDiscovery Institute for the Corporate Market

Today's General Counsel, New York, NY
July 16-17, 2014

Right-Sizing Your Process: eDiscovery on a Limited Budget

eDiscovery Series - The Federal Bar Association, Western Pennsylvania Chapter, Pittsburgh, PA
May 29, 2014

Dealing with Difficult Data: a Look at Preserving and Producing Increasingly Common but Challenging Data Sources

8th Annual National Institute on eDiscovery, Center for Professional Development and the Section of Litigation -
American Bar Association, New York, NY
May 16, 2014

Ethical Issues for In House Counsel

The 2014 Executive Employer® Conference, Phoenix, AZ
May 9, 2014

Employee Privacy in the Age of Big Brother Technology

The 2014 Executive Employer® Conference, Phoenix, AZ
May 8, 2014

The Snowden Effect

The Sedona Conference® Program on Cross-Border Discovery, San Francisco, CA
April 9, 2014

Possession, Custody and Control in Cross-Border Discovery

The Sedona Conference® Program on Cross-Border Discovery, San Francisco, CA
April 9, 2014

21st Century Challenges to the Open Court Principle in the U.S. and the UK

Temple American Inn of Court and The Bar Council, London, England
April 2, 2014

Social Media for Litigators: Admissibility, Preservation and the Latest Judicial Developments

American Law Institute, Philadelphia, PA
December 5, 2013

Right-Sizing Your Process: eDiscovery on a Limited Budget

10th Annual Georgetown Law Advanced eDiscovery Institute, Washington DC
November 21, 2013

eDiscovery Jeopardy

Pennsylvania Bar Institute, Philadelphia, PA
November 11, 2013

BYOD, Social Media and Privilege

eDiscovery Advocacy Institute, New York, NY
October 1, 2013

Colloquium Co-Lead Moderator, eDiscovery Institute for the Corporate Market

Today's General Counsel, New York, NY
July 17-18, 2013

Managing Privacy, Mitigating Risks: Social Media, BYOD, Cloud Computing

2013 Conference - eDiscovery Intelligence, Pittsburgh, PA
May 21-22, 2013

Friendly Fire at the Bar: A Debate on Predictive Coding Debate

2013 Conference - eDiscovery Intelligence, Pittsburgh, PA
May 21-22, 2013

Case Law Update

New York Conference on Preservation Excellence, New York, NY
April 30, 2013

Preserving Wild Data/Emerging Data Sources

New York Conference on Preservation Excellence, New York, NY
April 30, 2013

Fostering a Culture of Compliance

New York Conference on Preservation Excellence, New York, NY
April 30, 2013

Possession, Custody & Control

2013 Mid-Year Meeting, Working Group on Electronic Document Retention & Production - The Sedona Conference®, St. Louis, MO
April 26, 2013

Compliance and Liability Prevention Fundamentals: Employee Handbooks, Policies, Background Checks, Drug Testing and Data Protection

The Global Employer® – Latin America Conference, Miami, FL
February 22, 2013

Preparing to Depose an IT Custodian

9th Annual Georgetown Law Advanced eDiscovery Institute, Washington, DC
December 7, 2012

The 2012 eDiscovery Briefing

Huron Legal Institute, Philadelphia, PA
November 15, 2012

Sustainable Innovations for a Changing Global Workforce

Global Employer® Institute, Washington D.C.
November 8, 2012

When Preservation is a Real Challenge

2012 Conference on Preservation Excellence, Portland, OR
September 27-28, 2012

Recognizing the Triggering Event

2012 Conference on Preservation Excellence, Portland, OR
September 27-28, 2012

Where Do We Go From Here

2012 Conference on Preservation Excellence, Portland, OR
September 27-28, 2012

eDiscovery 2.0: Top Tips and Trends

Association of Corporate Counsel, Nevada Chapter, Las Vegas, NV
September 25, 2012

The New Amendments to the Pennsylvania Rules of Civil Procedure on eDiscovery (effective August 1, 2012) ... Are You Ready?

Pennsylvania Bar Institute Webinar
August 8, 2012

Resources and Tips for Staying Current

eDiscovery for the Corporate Market - Executive Counsel Institute, New York, NY
July 17, 2012

Dealing with Challenges of Legal Holds: Pension Committee, Rimkus, Pippins & Progeny

eDiscovery for the Corporate Market - Executive Counsel Institute, New York, NY

July 16, 2012

The Importance of Day-to-Day Processes, Management Skills, Swimming Upstream: Information Management and Governance

eDiscovery for the Corporate Market - Executive Counsel Institute, New York, NY

July 16, 2012

Making the Business Case for Information Governance

Nuix Leadership Forum, Palm Beach, FL

June 18, 2012

eDiscovery Jeopardy

Pennsylvania Bar Institute, Philadelphia, PA

May 11, 2012

Ethical Minefields and eDiscovery – A Perfect Match

The 2012 Executive Employer® Conference, Scottsdale, AZ

May 10, 2012

Addressing Retaliation and Whistleblowing

The 2012 Executive Employer® Conference, Scottsdale, AZ

May 9, 2012

eDiscovery 2.0: Top 10 Tips and Trends, Littler Briefing

Philadelphia, PA

May 2, 2012

Possession, Custody & Control in Today's Brave New World

2012 Mid-Year Meeting, Electronic Document Retention & Production Working Group - The Sedona Conference®, Denver, CO

April 27, 2012

The Nuts and Bolts of Getting it Done, including the Emergence of “The Cloud” as a Repository, SaaS, Vendor Responsibilities and More

LegalTech®, New York, NY

January 31, 2012

Social Media Roundtable

15th Annual Electronic Discovery and Records Retention Conference - Thompson Reuters, San Francisco, CA
December 7, 2011

eDiscovery Leadership Breakfast Series

Cowen Group, Philadelphia, PA
December 1, 2011

Future of the Rules/New Developments

8th Annual Georgetown Law Advanced eDiscovery Institute, Washington, DC
November 19, 2011

Social Media Roundtable

15th Annual Electronic Discovery and Records Retention Conference - Thompson Reuters, New York, NY
November 10, 2011

Risk Management (eDiscovery Department Leader Track)

Georgetown Law eDiscovery Practice Support Program, Washington, DC
November 4, 2011

A Federal Rule on Preservation & Sanctions: Exploring the Alternatives

2011 Annual Meeting, Electronic Document Retention & Production Working Group - The Sedona Conference®, Austin, TX
October 6, 2011

Preservation: Will this be the Next Change to the Federal Rules

Masters Conference for Legal Professionals, Washington, D.C.
October 3, 2011

Effective Cost and Risk Containment Steps to Achieve Proportionality

eDiscovery for the Corporate Market - Executive Counsel Institute, Houston, TX
September 23, 2011

Data Assessment from Beginning to End: Tools, Tricks and Traps

eDiscovery for the Corporate Market - Executive Counsel Institute, Houston, TX
September 22, 2011

Technology Issues in the Employment Context

Electronic Discovery Institute, Leadership Summit, Amelia Island, FL
September 7, 2011

eDiscovery in Employment Litigation

Pennsylvania Bar Institute, Philadelphia, PA
August 31, 2011

Data Assessment from Beginning to End: Tools, Tricks and Traps

eDiscovery for the Corporate Market - Executive Counsel Institute, New York, NY
July 13, 2011

Effective Cost and Risk Containment Steps to Achieve Proportionality

eDiscovery for the Corporate Market, Executive Counsel Institute, New York, NY
July 12, 2011

Ethical Challenges in the New World of eDiscovery

National Conference on Equal Employment Opportunity Law, Labor and Employment Law Section - American Bar Association, New Orleans, LA
April 9, 2011

The eDiscovery Forecast: Partly Cloudy with a New Technology Front, Large Accumulations of Data, and a Chance of Sanctions

The 2011 Executive Employer® Conference, Phoenix, AZ
April 7, 2011

Pension Committee Revisited: Where Do We Go From Here?

A Legal Hold Pro™ Signature Webinar
March 22, 2011

Gestire il diluvio di dati: Stati Uniti eDiscovery nel 21° secolo (Managing the Data Deluge: U.S. eDiscovery in the 21st Century)

La Sapienza Università di Roma, Rome, Italy
March 8, 2011

eDiscovery Issues in Wage and Hour Litigation, Parts I - III

BNA Video Insights Series - BNA Labor and Employment Resource Center™
March 7, 2011

eDiscovery and Data Privacy

Emerging Trends in Cyber Privacy Symposium, Temple University Beasley School of Law
February 5, 2011

Bridging the eDiscovery Gap Between Bench and Bar

Annual Meeting, Commercial and Federal Litigation Section - New York State Bar Association, New York, NY
January 26, 2011

Litigation Holds 2010 - What Has Changed, What Has Stayed The Same?

14th Annual Electronic Discovery and Records Retention Conference - Thompson Reuters, New York / Chicago / San Francisco
October/November/December 2010

The Client Speaks - Pressure Points Between In-House and Outside Counsel, A Candid Dialogue

14th Annual Electronic Discovery and Records Retention Conference - Thompson Reuters, New York / Chicago / San Francisco
October/November/December 2010

Practical Answers to the Most Current and Common eDiscovery Questions

eDiscovery Series - Federal Bar Association, Western Pennsylvania Chapter, Pittsburgh, PA
December 9, 2010

2010: A Sanctions Odyssey

7th Annual Georgetown Law Advanced eDiscovery Institute, Washington, DC
November 19, 2010

eDiscovery Team Building: Do You Need National eDiscovery Counsel

Masters Conference, Washington, D.C.
October 4, 2010

Real ECA and Risk Analysis

eDiscovery for the Corporate Market - Executive Counsel Institute, New York, NY
July 13, 2010

Effective Cost and Risk Containment Steps

eDiscovery for the Corporate Market - Executive Counsel Institute, New York, NY
July 12, 2010

Zubulake Revisited: The Impact of the Pension Committee Decision on Data Preservation, Collection, Review and Production

Washington, D.C.
June 2, 2010

The Future of Employment Law Class Actions

The 2010 Executive Employer® Conference, Phoenix, AZ
April 9, 2010

Achieving a Cost-Efficient, Defensible Document Review

LegalTech® XXIX, New York, NY
February 2, 2010

How Corporations Can Operate Most Effectively with Outside Counsel

LegalTech® XXIX, New York, NY
February 2, 2010

Data Retention Plans and Early Case Assessment Technology – Moving Towards a More Effective System In-House

LegalTech® XXIX, New York, NY
February 1, 2010

eDiscovery and EPLI: Overcoming the Challenges Associated with the Preservation and Production of Electronically Stored Information and Incorporating eDiscovery into EPLI Cases

15th Annual Conference on Employment Practices Liability Insurance - American Conference Institute, New York, NY
January 26, 2010

How Much Horsepower Do You Really Need? Proportionality Wins the Race

13th Annual Electronic Discovery and Records Retention Conference - Thompson Reuters, New York / Chicago / San Francisco
October/November/December 2009

Retrospective Analysis of Critical Cases and How to Manage Your Risk

13th Annual Electronic Discovery and Records Retention Conference - Thompson Reuters, New York / Chicago / San Francisco
October/November/December 2009

eDiscovery Roundtable

American Lawyer Media
November 16, 2009

Controlling eDiscovery Costs in Smaller Stakes Litigation

6th Annual Georgetown Law Advanced eDiscovery Institute, Washington, DC
November 12, 2009

eDiscovery in Employment Litigation: Best Practices to Avoid Sanctions and Penalties

National Teleconference - Strafford Publications

October 13, 2009

Managing the Data Deluge: eDiscovery Issues in Labor Class Actions

Employment Class Actions Conference - Law Seminars International, San Francisco, CA

July 28, 2009

Digital Dangers: Recent Developments and Trends

The Boston Employer Conference, Dedham, MA

June 24, 2009

eDiscovery and Privacy: How Domestic and Global Employers Can Manage the Ultimate 'Catch 22,'

Practical Privacy Series - International Association of Privacy Professionals (IAPP), Santa Clara, CA

June 18, 2009

Preventing Your Intellectual Property from RIFing out the Door

Association of Corporate Counsel, DELVACCA Chapter, Philadelphia, PA

May 15, 2009

Cost Containment in the New, Billion Dollar World of eDiscovery

The 2009 Executive Employer® Conference, Phoenix, AZ

April 24, 2009

Digital Dangers: Recent eDiscovery Developments and Trends

Littler Mendelson, Portland, OR

February 20, 2009

eDiscovery in Employment Litigation: Best Practices to Avoid Sanctions and Penalties

National Teleconference - Strafford Publications

February 18, 2009

Identifying and Working with Special Masters, Neutral Experts and Expert Witnesses

12th Annual Electronic Discovery and Records Retention Conference - West Legalworks, New York and San Francisco

October and December 2008

eDiscovery From the Corporate Side: Challenges and Solutions

5th Annual Georgetown Law Advanced eDiscovery Institute, Arlington, VA

November 19, 2008

Digital Dangers: Recent Developments and Trends

The Ohio Employer Conference, Cleveland, OH
October 30, 2008

Cross-Border Data Transfer: An International 'Catch 22'

Global Employer[®] Institute, Washington, D.C.
October 25, 2008

Digital Dangers: Recent eDiscovery Developments and Trends, Littler Briefing

San Jose, CA
October 2, 2008

eDiscovery in Employment Litigation: Best Practices to Avoid Sanctions and Penalties

National Teleconference - Strafford Publications
July 29, 2008

Digital Dangers: Recent eDiscovery Developments and Trends, Littler Briefing

St. Louis, MO
May 21, 2008

Digital Dangers: Recent Developments and Trends

Littler Briefing, Las Vegas, NV
May 14, 2008

Complying with Your eDiscovery Requests: Tips to Make Your Life Easier

14th Annual Employment Law Institute - Pennsylvania Bar Institute, Philadelphia, PA
April 18, 2008

Digital Discovery Dangers: The e-Trail from the Boardroom to the Courtroom

The 2008 Executive Employer[®] Conference, Phoenix, AZ
April 11, 2008

EEOC Class Actions - A Developing Trend

The 2008 Executive Employer[®] Conference, Phoenix, AZ
April 10, 2008

Current Trends in U.S. and European eDiscovery

2008 Privacy Summit - International Association of Privacy Professionals, Washington D.C.
March 28, 2008

The eDiscovery Battleground

Class Action Summit - Littler Mendelson, Laguna Beach, CA
March 6, 2008

Views From The Top - eDiscovery

CIO Forum Annual Conference - Healthcare Information and Management Systems Society (HIMSS), Orlando, FL
February 26, 2008

Emerging Technology Trends - Advanced Analytics and Linguistic Technologies

LegalTech®, New York, NY
February 6, 2008

eDiscovery in Employment Litigation: Best Practices to Avoid Sanctions and Penalties

National Teleconference - Strafford Publications
January 31, 2008

Processing: Identifying Variables, Assessing Options

11th Annual Electronic Discovery and Records Retention Conference - West Legalworks, San Francisco, CA
December 13-14, 2007

Top Ten Steps To Enforcing A Restrictive Covenant

13th Annual Business Lawyers' Institute - Pennsylvania Bar Institute, Philadelphia, PA
October 18, 2007

Electronic Discovery Changes - Federal & State Practice for the Criminal & Civil Attorney

2007 Bucks County Bench Bar Conference, Baltimore, MD
October 5, 2007

Gunfight at the OK Corral - Dispute Resolution Clauses in Agreements: Drafting Tips and Practical Considerations

2007 Bench-Bar Conference - Philadelphia Bar Association, Atlantic City, NJ
September 28, 2007

The e-Trail from the Boardroom to the Courtroom: the New Electronic Discovery Amendments to the Federal Rules of Civil Procedure

12th Annual Business Lawyers' Institute of the Pennsylvania Bar Institute
November 2, 2006

Lessons Learned From an eDiscovery Sanction, With a Look Forward to the New Federal Rules of eDiscovery

12th Annual Business Lawyers' Institute - Pennsylvania Bar Institute, Philadelphia, PA
November 2006

An Overview of the New Electronic Discovery Amendments to the Federal Rules of Civil Procedure, Lecturer

The Philadelphia Federal Courts Committee, Philadelphia, PA
November 2006

Guarding the Crown Jewels: A Litigation Perspective

Information Security, Trade Secrets and Intellectual Property Symposium - Association of Corporate Counsel, DELVACCA Chapter, Conshohocken, PA
January 19, 2006

The Andersen Case, Lessons of the Fall

Civil Litigation Section Retreat - Pennsylvania Bar Association, Gettysburg, PA
April 2004

The New Sarbanes-Oxley Act of 2002

Annual Ethics Program - Association of Corporate Counsel, DELVACCA Chapter, Philadelphia, PA
May 2003

Ethics Potpourri

Pennsylvania Bar Institute - Philadelphia, PA
April 2003

The Andersen Case, Lessons of the Fall

8th Annual Business Lawyers' Institute - Pennsylvania Bar Institute, Philadelphia, PA
October 2002

The New Sarbanes-Oxley Act of 2002

Annual Ethics Program - Association of Corporate Counsel, DELVACCA Chapter, Conshohocken, PA
October 2002

Books & Book Chapters

- *The Sedona Conference® Commentary on Rule 34 and Rule 45 Possession, Custody, or Control*, Reissued January 2024 (to reaffirm the guidance and recommendations of the 2016 Commentary), Executive Editor and Working Group 1 Steering Committee Liaison (with Judicial Observer, Judge Kristen Mix, D.Co.) , January 2024
- Ballet, Magna-Tiles® and Doughnuts: A Framework for Mutual Compliance with Amended Rule 34, *The ABA Journal of the Section of Litigation*, Vol. 4, No. 2, pp. 9 – 11, Winter 2008
- Chapter 27, The Improvement in the Administration of Justice, *eDiscovery for the 21st Century and Beyond*, Eighth Edition, ABA Lawyers Conference Judicial Division, Peter M. Koelling, Editor, January 2017
- *The Sedona Conference® Commentary on Rule 34 and Rule 45 Possession, Custody, or Control*, Executive Editor and Working Group 1 Steering Committee Liaison, August 2016

- In Employment Cases, eDiscovery is a Two-Way Street, *The Federal Judges' Guide to Discovery (Edition 2.0)*, Chapter 12, The Electronic Discovery Institute, December 2015
- *The Littler Report®: The Move Towards Big Data in Employment*, Contributing Author (eDiscovery section), August 2015
- *The Sedona Conference® Commentary on Rule 34 and Rule 45 Possession, Custody, or Control*, Team Leader and Working Group 1 Steering Committee Liaison, April 15, 2015 (April 2015 Public Comment Version)
- *The Littler Report: The Transformation of the Workplace Through Robotics, Artificial Intelligence and Automation, Employment and Labor Law Issues, Solutions and the Legislative and Regulatory Response*, Contributing Author, February 2014
- *The Littler Report: The "Bring Your Own Device to Work" Movement*, Contributing Author, May 2012
- *The Littler Ten: Employment, Labor and Benefit Law Trends for Navigating the New Decade*, Contributing Author, September 2010
- Navigating the New eDiscovery Rules, *The ABA Journal of the Section of Litigation*, Vol. 33, No. 2, Winter 2007
- *Failing to Produce e-mails Could Cost Your Client . . . One Billion Dollars! 10 Lessons Learned from an e-Discovery Sanction*, Co-Author, Monograph, Spring 2006
- Digital Dangers: A Primer On Electronic Evidence In The Wake of Enron, *The ABA Journal of the Section of Litigation*, Co-Author, Vol. 30, No. 1, pp. 24-30, Fall 2003