

E-DISCOVERY FOR FINANCIAL SERVICES CONFERENCE

Developing Cost-Effective eDiscovery Procedures within Financial Institutions through Extensive Regulatory and Legal Analysis, Complemented by a Deep Understanding of Recent Technological Developments and New Methods of Data Preservation

PROGRAM OVERVIEW

Commercial Banks. Investment Firms. and Insurance companies have unique regulatory requirements and processes that impact how they conduct internal investigations caused by regulatory inquiries, litigation, antitrust and whistleblowers. The industry uses a variety of resources to conduct the investigation, including internal response teams and outside counsel consultants. With the scope of these investigations often ranging beyond simply reviewing email and created user accounts, extending to enterprise applications for financial & HR information, file-shares, document management systems, collaboration tools, and structured databases for sales, marketing, trading and investments, the manner in which these internal investigations are conducted and the tools used requires a tremendous amount of technology and resources, which is where eDiscovery becomes an important asset.

Driven by extensive regulations regarding the management and retention of digital information Such as the rules imposed by reporting regulations and even the Dodd Frank, the industry generates and retains vast quantities of electronic information pertaining to every aspect of the business. This information comes into play during potential litigation as well as regulatory situations.

Given that the financial industry is one of the most highly regulated industries in the United States, it should come as no surprise that they are also an industry that is constantly on the edge of the next law suit. Whether based on insider trading, anti-trust litigation or one of the myriad of regulatory guidance that influence the industry, legal departments within commercial banking, investment firms and insurance companies are at no loss for

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work. Over the course of the past 15 years, the industry has also seen the addition of numerous technological advancements in the workplace which have not only increased productivity and profitability, but have also led to an increased need for corporate vigilance over this data. Within the litigation setting, there is no more important tool at this time than eDiscovery; giving litigation teams and general counsel the ability to quickly and effectively search through thousands of pages of material in the click of a key. eDiscovery can, and is, used in a number of settings within the industry, and comes with its own tremendous set of challenges as companies grapple with the opportunity and cost of the changing methods of discovery.



DISTINGUISHED PRESENTERS INCLUDE:

Aaron Crews

eDiscovery Counsel

LITTLER MENDELSON P.C.

Seth Eichenholtz

Vice President, eDiscovery

Case Manager

SWISS REINSURANCE AMERICA

Allison Brecher

Director of Information Management & Strategy, Senior

Litigation Counsel

MARSH & MCLENNAN COMPANIES

Edsel David

Director Project Management, Head of Knowledge Management

FANNIE MAE

Director of Records Management **CAPITAL SOURCE BANK**

Honorable Craig Shaffer

Magistrate Judge

UNITED STATES DISTRICT COURT, DISTRICT OF COLORADO

Maura Grossman

Counsel, Litigation

WACHTELL, LIPTON, ROSEN &

Honorable Frank Maas

Magistrate Judge

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NY

Honorable Robert Collings

Magistrate Judge

UNITED STATES DISTRICT COURT, DISTRICT OF MASSACHUSETTS

Jennifer Shea

Team Lead - eDiscovery Services

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Ryan McCarthy

Senior Vice President, Incident Management

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Tom Stein

Litigation Counsel

AMERICAN EXPRESS

Marla Bergman

Vice President, Legal & Internal Audit **GOLDMAN SACHS**

Lisa Markey

BARNEY

David Cohen

REED SMITH LLP

ECM Technologist, Corporate

Legal and Compliance IT

Wendy Butler Curtis

eDiscovery of Counsel

ORRICK, HERRINGTON &

PUGH, JONES, JOHNSON &

Vice President, Legal and

Compliance Department

MORGAN STANLEY SMITH

LIBERTY MUTUAL GROUP

Jeremy Berger

SUTCLIFFE

Partner

QUANDT

Tiffany Ferguson

Douglas Hyman

Partner

Vice President, Information Risk Management

BARCLAYS CAPITAL

DAY ONE / MONDAY, OCTOBER 17

7:00 REGISTRATION & CONTINENTAL BREAKFAST

7:50 CHAIRPERSON OPENING REMARKS & CONFERENCE WELCOME

8:00 MANAGING E-DISCOVERY DEMANDS COST-EFFECTIVELY DURING COMPLEX LITIGATION

In today's technologically advanced workplace, increasing amounts of data are stored in an increasing number of ways. Compliance with eDiscovery requirements can eat up a large share of the litigation budget, especially if eDiscovery is not managed in an optimal manner. Those who are involved in litigation, as well as SEC and other governmental investigations are subject to immense volumes of information that may be demanded. This session will highlight cost-saving strategies for slashing eDiscovery costs without incurring substantial liability risks.

- Targeted collection methods
- Steps undertaken in-house vs. steps better left to outside eDiscovery service providers and outside counsel
- · Using technology to reduce time and expense of data processing and review
- The best cost-saving strategies and their defensibility in court

David Cohen. Partner

REED SMITH LLP

8:45 FEDERAL REGULATIONS, AGENCY INVESTIGATIONS AND THEIR IMPACT ON E-DISCOVERY

The regulatory environment surrounding financial institutions creates a whole new realm of challenges when it comes to eDiscovery. The amount of data that needs to be held for a certain period of time varies based on the regulation, and institutions registered with the SEC are involved with extensive amounts documentation. With new regulations being passed, such as the Dodd-Frank Act, and with the number of agency investigations increasing, financial institutions are subject to more litigation causing modifications to the eDiscovery process.

- Concrete steps to take when preparing for additional regulation
- Understanding retention & compliance rules associated with the Dodd-Frank Act
- Targeted documentation strategies when undergoing SEC & FINRA investigations

9:30 ALIGNING E-DISCOVERY AND RECORDS MANAGEMENT TO INCREASE RETENTION EFFICIENCY

The regulatory environment of the financial industry creates several challenges for eDiscovery and litigation professionals when determining their retention strategies and objectives. It is important for litigation executives to coordinate their strategies with records management in order to create policies and procedures for proper record retention. Financial firms must examine their current retention schedules, regulatory changes that will impact those schedules, as well as analyzing the more recent issue of back-up tapes and their relation to eDiscovery and retention.

- · Analyzing retention difficulties in the financial market
- Creating a global documentation strategy
- · Restoring large amounts of information from back-up tapes

Jeff McQuate, Director of Records Management

CAPITAL SOURCE BANK

10:15 COFFEE & NETWORKING BREAK

10:45 OVERCOMING OBSTACLES SURROUNDING E-DISCOVERY AND NON-TRADITIONAL FORMS OF DATA PRESERVATION

Because methods of data storage no longer consist of simply computers and servers, during litigation, companies are faced with the challenge of extracting data from non-traditional devices such as Blackberry's, PDAs, iPads and tablets. It is essential that each employee involved in the eDiscovery process understands the regulatory and legal inferences surrounding these devices, determines who is held accountable for information shared along these mediums, and keeps up-to-date on technological advances in mobile device data extraction.

- Effective company control over data stored in new technologies
- Rulings addressing the use of non-traditional data storage in eDiscovery
- Tools and capabilities available to extract data from non-traditional devices

11:30 THE IMPACT OF SOCIAL MEDIA FOR FINANCIAL SERVICES ON E-DISCOVERY

In this modern era, financial firms are forced to monitor data from social networking sites that they did not have to handle before. With companies turning to Twitter and Facebook to promote their businesses, the volume of data that needs to be collected for eDiscovery is only increasing. Social media is an exploding mode of communication for companies, and financial firms should consider using social media research in the defense of litigation, analyze the legal and regulatory impact, as well as risks associated with using these new methods of communication.

- · Analysis of the current state of law surrounding social media networking
- eDiscovery steps taken during litigation when working with social media
- Using social media research in the defense of litigation

Tiffany Ferguson, Partner

PUGH, JONES, JOHNSON & QUANDT

12:15 LUNCHEON FOR ALL ATTENDEES, SPEAKERS & SPONSORS

1:30 E-DISCOVERY CHALLENGES ASSOCIATED WITH TRANSITIONING TO CLOUD COMPUTING

The evolution to cloud computing is on the rise for financial services firms around the country, allowing users to have greater flexibility, mobility and storage space at a fraction of the cost of traditional technology software. However, cloud computing is a very complex and cutting edge issue for financial eDiscovery professionals since it is so new to the industry. This session will discuss steps to transition the organization to the cloud, issues associated with placement and retrieval of data, as well as litigation matters associated with cloud computing.

- In-depth, step-by-step process to cloud computing
- · Analyzing cloud contracts and their litigation issues
- · Risks associated with shifting to cloud computing

Aaron Crews, eDiscovery Counsel

LITTLER MENDELSON, P.C.

2:15 MAKING IMPORTANT E-DISCOVERY DECISIONS DURING EARLY CASE ASSESSMENT

Many financial firms struggle with analyzing case information and making eDiscovery process decisions during the early stages of litigation. A case is filed and the issues associated with it are unclear, causing litigation professionals to have a vague direction of the eDiscovery process associated with the particular case. We will discuss how to effectively analyze the information given to make eDiscovery decisions, manage the financial risks associated with these decisions, and understand the importance of the eDiscovery expert during this stage of litigation.

- · Making effective decisions with limited information
- · eDiscovery and risk mitigation
- · Understanding the value of the eDiscovery expert during early case assessment

Seth Eichenholtz, Vice President, eDiscovery Case Manager

SWISS REINSURANCE AMERICA *Pending Final Confirmation

3:00 LEGAL HAZARDS ASSOCIATED WITH EMAIL MANAGEMENT AND INSTANT MESSAGING

Although there is a large proliferation of new technologies creating challenges for eDiscovery, a vast majority of eDiscovery remains focused on email, instant messaging and text messages. Financial institutions around the country are facing challenges involving extraction and review of email and instant messaging during litigation, as well as looking for best practices for retention of non-record email. Since many people tend to think of email as merely a conversation, rather than an important company document, email management has become top-of-mind for Legal, eDiscovery and Records Management professionals.

- Understanding the legal hazards associated with email
- · Educating employees on the importance of email protocol

Douglas Hyman, Vice President, Legal and Compliance Department MORGAN STANLEY SMITH BARNEY *Pending Final Confirmation

3:45 COFFEE & NETWORKING BREAK

4:15 USING ADVANCED SEARCH TECHNOLOGY IN E-DISCOVERY: ARE WE READY FOR WATSON?

As the volume of ESI continues to proliferate, the ability to timely identify, review and produce information in response to a litigation or regulatory requests has become increasingly challenging for the financial services industry. This session will address the use of relevance-ranking, machine-learning and other state-of-the-art tools that are revolutionizing the practice of eDiscovery by enabling more cost-effective, defensible, non-linear approaches to document review. We will discuss the latest developments in search and review including research in support of the use of technology-assisted processes.

- What is "Technology-Assisted Review"?
- How does it compare to Exhaustive Manual Review?
- · Is it defensible?

Maura Grossman, Counsel, Litigation

WACHTELL, LIPTON, ROSEN & KATZ

5:00 PANEL: PROACTIVELY PREPARING FOR E-DISCOVERY IN THE FINANCIAL INDUSTRY

Just as risk management professionals perform stress tests to be prepared for another financial crisis, eDiscovery specialists and in-house legal professionals should proactively prepare for litigation. Taking steps to develop a self-supporting system, and having the tools ready to ensure successful implementation of an eDiscovery process are only a few of the many ways companies can prepare for litigation.

- Understanding strategic differences when being proactive rather than reactive
- Successful methods for addressing issues before they arise
- Ensuring the correct personnel are on hand and prepared for litigation

Allison Brecher, Dir. of Information Management & Strategy, Sr. Litigation Counsel

MARSH & MCLENNAN COMPANIES

Jennifer Shea, Team Lead - Electronic Discovery Services

BANK OF AMERICA

Lisa Markey, Vice President, Information Risk Management BARCLAYS CAPITAL

5:45 DAY ONE OF CONFERENCE CONCLUDES

DAY TWO / TUESDAY, OCTOBER 18

7:30 REGISTRATION & CONTINENTAL BREAKFAST

7:50 CHAIRPERSON OPENING REMARKS

8:00 SUCCESSFULLY EDUCATING EMPLOYEES ON DATA STORAGE AND E-DISCOVERY BEST PRACTICES

The role of the eDiscovery team is of utmost importance in financial institutions. However, it is essential that employees throughout the company are educated on eDiscovery best practices, and particularly on understanding where to store their emails, documents and other company information. This discussion will focus on using a consultative approach, rather than scare tactics, when teaching the importance of electronic discovery, managing the technological process, and educating the entire company on appropriate data storage policies.

- Taking a consultative approach to eDiscovery when educating employees
- In-house technology as a process to be learned
- Ensuring all employees have a complete understanding of data storage and retention policies

Edsel David, Director, Project Management – Head of Knowledge Management FANNIE MAE

8:45 JUDICIAL PANEL: ASSESSMENT OF RECENT CASES INVOLVING E-DISCOVERY

With federal regulations constantly evolving, and technology rapidly transforming, it is important to take a deeper look into recent case law involving eDiscovery. This panel discussion will assess recent case rulings and decisions on important eDiscovery issues, as well as discuss future expectations for rules surrounding eDiscovery as a result of new regulatory developments, social media networking and metadata. Specifically, this session will discuss the recent ruling around metadata; certain key metadata fields are an integral part of public records.

Frank Maas, Magistrate Judge

US DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

Robert Collings, Magistrate Judge

US DISTRICT COURT, DISTRICT OF MASSACHUSETTS

Craig Shaffer, Magistrate Judge

US DISTRICT COURT, DISTRICT OF COLORADO

9:30 COFFEE & NETWORKING BREAK

10:00 DETERMINING WHERE THE ORGANIZATION FALLS ALONG THE CONTINUUM OF THE E-DISCOVERY PROCESS

One end of the continuum is handling all eDiscovery matters in-house, while the other end of the spectrum involves outsourcing eDiscovery efforts to outside counsel and consultants. However, financial institutions know that an effective eDiscovery strategy is not concentrated to either absolute. It is important to determine where the organization stands along that continuum by examining combinations of in-house processes and outside consulting, and determining which proves most effective for the organization's eDiscovery needs.

- Evaluating current eDiscovery people, process and technology within the organization
- Examining the organization's litigation profile, regulatory risk and day-today management
- Assessing pros and cons of different combinations of in-house methods and outside consulting

Wendy Butler Curtis, eDiscovery of Counsel

ORRICK, HERRINGTON & SUTCLIFFE

10:45 ANALYSIS OF EACH PHASE OF THE EDRM MODEL

The EDRM Model was created to improve the guidelines used when companies are working through an eDiscovery process during litigation. With technology changing at a rapid pace, and the number of regulations and agency investigations increasing, financial firms are undergoing amplified litigation, resulting in inevitable amendments to the eDiscovery process. It is important for financial institutions, vendors, consultants and outside counsel to fully understand each mode of the EDRM Model and how it works as a whole to better improve the eDiscovery process.

- Detailed examples of each mode of the EDRM model and how they work together
- Educating employees on understanding the entire model rather than one phase
- Making certain the model remains current and relevant given the market environment and technological advancements

11:30 LUNCHEON FOR ALL ATTENDEES, SPEAKERS & SPONSORS

1:00 PANEL: CREATING HARMONY BETWEEN LEGAL, IT, OUTSIDE COUNSEL AND CONSULTANTS

The eDiscovery process involves professionals from within the financial organization, outside law firms, vendors and consultants. Regardless of whether the company has one eDiscovery specialist or a seasoned eDiscovery team, it is essential that all parties involved in the process are on the same page, particularly for financial firms who are not as involved in constant litigation. It is important that each member involved in the eDiscovery process has the same understanding of the expectations for litigation and the basic regulatory precepts.

- Improving lines of communication to decrease the chance of information being lost in translation
- Sharing expertise so each professional has a complete understanding of the other party's responsibilities
- Implementing project management techniques to improve large, complex eDiscovery efforts

Aaron Crews, eDiscovery Counsel

LITTLER MENDELSON, P.C.

Marla Bergman, Vice President, Legal and Internal Audit

GOLDMAN SACHS

Jeremy Berger, ECM Technologist, Corporate Legal and Compliance IT

LIBERTY MUTUAL GROUP

Tom Stein, Litigation Counsel

AMERICAN EXPRESS

1:45 MANAGING E-DISCOVERY VENDOR RELATIONSHIPS, CAPABILITIES AND OFFERINGS

With increased regulations, such as the Dodd-Frank, and SEC investigations creating more litigation, it is crucial for financial institutions to understand a true vendor vetting process to determine what company is the perfect fit for their eDiscovery needs. The cost of eDiscovery is increasing, but it is important to look at factors beyond the price offering; such as technical capabilities, capacities along the EDRM model, and the specifics of the current case. This discussion outlines exactly what financial service firms should be looking for in order to find the right fit with an eDiscovery vendor.

- Matching the needs of a specific case with the correct vendor offerings
- Examining capacities through the EDRM process- end-to-end versus onephase specialist
- Establishing a positive vendor-client relationship to form a long-term partnership

Marla Bergman, Vice President, Legal and Internal Audit

GOLDMAN SACHS

2:30 COFFEE & NETWORKING BREAK

3:00 CONSIDERING FUTURE TRENDS IN E-DISCOVERY FOR FINANCIAL SERVICES

The Dodd-Frank Act is just one example of the regulations facing financial institutions that are constantly evolving and developing. Add in the investigations into companies registered with the SEC, and it is easy to see that financial institutions must constantly explore the future effect of regulatory changes on their eDiscovery process. In today's world, technology changes at a rapid pace, allowing vendors to constantly present new and improved eDiscovery offerings for financial companies to consider. With this advanced technology improving lap tops and other mobile devices, the challenge of remotely accessing the data required for discovery is an issue that will only amplify if not evaluated today.

- Preparing for the future impact of regulatory changes and legal developments
- Keeping up-to-date with technological advances in eDiscovery software
- · Collecting data and materials for eDiscovery from remote devices

3:45 CREATING A CONFLUENCE BETWEEN E-DISCOVERY AND INFORMATION SECURITY

Ensuring harmony between information protection systems, electronic discovery systems and forensic groups is extremely important for computing, and is of particular importance for financial firms who are responsible for safety of their clients' data. Ensuring that data is secured throughout the entire corporation allows legal teams to confidently provide defense during litigation. This session will discuss methods to merge eDiscovery and information security to reduce problems from clientele, as well as the legal repercussion side.

- Successfully protecting client account data
- Best practices for integrating information security and eDiscovery throughout the entire organization
- · Security challenges with thumb drives and non-traditional data storage

Jennifer Shea, Team Lead - Electronic Discovery Services

BANK OF AMERICA

Ryan McCarthy, Senior Vice President, Incident Management

BANK OF AMERICA *Pending Final Confirmation

4:30 CLOSING REMARKS & CONFERENCE CONCLUDES

JUDICIAL PANEL HIGHLIGHT:

HONORABLE FRANK MAAS

Magistrate Judge UNITED STATES DISTRICT COURT, **SOUTHERN DISTRICT OF NEW YORK** Judge Maas is a United States Magistrate Judge for the Southern District of New York. He has a B.A. degree from Harpur College of the State University of New York at Binghamton and a J.D. degree from the N.Y.U. School of Law. Before his appointment, Judge Maas was a federal prosecutor in the Southern District of New York, a partner in the New York City office of a large upstate firm, and First Deputy Commissioner of the New York City Department of Investigation. As First Deputy Commissioner, he was

responsible for the day-to-day operations of an internal affairs agency with nearly 400 employees, including attorneys, police officers, and civilian investigators, and oversaw the City's internet security efforts. Judge Maas lectures frequently on topics related to eDiscovery.

Judge Maas is a member of the Federal Bar Council, the Federal Magistrate Judges Association, the Association of the Bar of the City of New York, and the New York State Bar Association. He has been a member of the Executive Committee of the New York State Bar Association Commercial and Federal Litigation Section since the founding of the Section.

HONORABLE CRAIG SHAFFER

Magistrate Judge UNITED STATES DISTRICT COURT. **DISTRICT OF COLORADO**

Judge Shaffer is a United States Magistrate Judge for the District of Colorado. He has a J.D., magna cum laude from the Tulane University School of Law and a B.A from the College of William and Mary. Judge Shaffer was previously a partner at Moye, Giles, O'Keefe, Vermeire & Gorrell, LLP, and a director/shareholder at Dufford & Brown, P.C, where he focused on litigation, both civil and criminal, with particular emphasis in the areas of environmental law, criminal law and complex commercial litigation. He has also worked as part of both the Civil Rights Division and the Environment and Natural Resources Division of the United States Department of Justice.

As a United States Magistrate Judge for the District of Colorado, Judge Shaffer is responsible for case management and the resolution of pretrial matters in civil cases, and conducts hearings and issues recommendations or final decisions on contested dispositive motions. He may exercise the full range of author-

ity as trial judge where the parties consent pursuant to 28 U.S.C. § 636. In criminal cases, Judge Shaffer has the authority to conduct initial proceedings in felony cases, and may conduct all proceedings in misdemeanor criminal trials. He also conducts settlement conferences and performs alternative dispute resolution services in cases pending before the District Court.

HONORABLE ROBERT COLLINGS

Magistrate Judge UNITED STATES DISTRICT COURT, DISTRICT OF MASSACHUSETTS

Robert B. Collings was first appointed to the bench of the United States District Court for the District of Massachusetts in March, 1982 and was re-appointed for three additional eight-year terms by the twelve U.S. district judges in Massachusetts in 1990, 1998 and 2006. He began his fourth term on March 15, 2006. He was Chief Magistrate Judge for the District of Massachusetts from 1999 until his term expired at the end of 2001.

Judge Collings has been an instructor at seminars given by the Federal Judicial Center as well as Massachusetts Continuing Legal Education, the Massachusetts Bar Association and the Boston Bar Association. He was a Lecturer at Law at Harvard Law School from 1988 to 1992 and a Lecturer at Law at Northeastern Law School during the winter term 1989-90. He is also a Visiting Lecturer at Law at Stanford Law School in Palo Alto, California. In March, 2001, the Judicial Conference of the United States elected him to a four-year term on the Federal Judicial Center Board; that term expired in March, 2005. In September, 2007, Chief Justice Roberts appointed Judge Collings to a two-year term as the Magistrate Judge representative to the Judicial Conference of the United States, the governing body of the federal courts.

He currently serves a Legislative Chairman of the Federal Magistrate Judges Association. On August 7, 2005, he became the Chair of the National Conference of Federal Trial Judges, Judicial Division, American Bar Association, and served as Chair until August, 2006. In August, 2008, he was elected as the Conference's delegate to the ABA's House of Delegates. In August, 2008, he was appointed to the ABA's Standing Committee on Gun Violence, and in August, 2009, he was appointed to a two-year term of that Committee.

Judge Collings is a 1964 graduate of Hamilton College where he was elected to Phi Beta Kappa. He is a 1967 cum laude graduate of the Harvard Law School. After law school, he served as an officer in the U.S. Navy's Judge Advocate General's Corps. In 1971, he joined the United States Attorney's Office. His tenure there lasted until 1982. In 1976, he became Chief of the Criminal Division and in 1978 became First Assistant U.S. Attorney.

WHO SHOULD ATTEND:

Participants in the Q1 eDiscovery for Financial Services Conference will include a wide variety of company sizes, representing top financial institutions, as well as the most innovative banks, financial service firms and insurance companies in the US. With speakers that have dozens of years of combined eDiscovery and Litigation expertise, this conference will be a must attend for the forward-thinking eDiscovery, Legal and IT executive.

JOB TITLES AND FUNCTIONS OF PRESENTERS / ATTENDEES INCLUDE:

Senior Directors, Directors and Managers of:

- eDiscovery/Electronic Discovery
- Litigation
- Litigation Support
- Information Management/IT
- Legal Technology

General Counsel

Assistant General Counsel

IT Liaison to the Legal Department

Compliance Officers

Directors and Heads of Records Management Directors and Heads of Information Security

Legal Affairs Executives

SPONSORSHIP OPPORTUNITIES:

A number of sponsorship opportunities currently exist for organizations wishing to further enhance their participation and exposure during the Q1 eDiscovery for Financial Services Conference. From keynote presentations and case study sponsors to documentation and cocktail sponsors, Q1 will works with all sponsor companies to ensure an appropriate sponsorship level that will best highlight companies' products, services and executives. Organizations providing the following products and services have been of the greatest interest to this conference audience:

- eDiscovery
- Litigation Support
- Document & Records Management
- Compliance
- Computer Forensics
- Legal Technologies