

CONTAINS HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY INFORMATION
PURSUANT TO PROTECTIVE ORDER

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

50 California Street, 22nd Floor

3 San Francisco, California 94111

Telephone: (415) 875-6600

4 Facsimile: (415) 875-6700

5 Kevin P.B. Johnson (Bar No. 177129)

kevinjohnson@quinnemanuel.com

6 Victoria F. Maroulis (Bar No. 202603)

victoriamaroulis@quinnemanuel.com

7 555 Twin Dolphin Drive, 5th Floor

Redwood Shores, California 94065-2139

8 Telephone: (650) 801-5000

Facsimile: (650) 801-5100

9
10 Michael T. Zeller (Bar No. 196417)

michaelzeller@quinnemanuel.com

11 865 S. Figueroa St., 10th Floor

Los Angeles, California 90017

12 Telephone: (213) 443-3000

Facsimile: (213) 443-3100

13 Attorneys for SAMSUNG ELECTRONICS CO.,

14 LTD., SAMSUNG ELECTRONICS AMERICA,

INC. and SAMSUNG

15 TELECOMMUNICATIONS AMERICA, LLC

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

21 SAMSUNG ELECTRONICS CO., LTD., a

22 Korean business entity; SAMSUNG

ELECTRONICS AMERICA, INC., a New

23 York corporation; SAMSUNG

TELECOMMUNICATIONS AMERICA,

24 LLC, a Delaware limited liability company,

25 Defendant.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF M. JAMES DALEY
IN SUPPORT OF OPPOSITION TO
APPLE'S INC. MOTION FOR ADVERSE
INFERENCE JURY INSTRUCTIONS
DUE TO SAMSUNG'S SPOILIATION OF
EVIDENCE**

Date: June 26, 2012

Time: 10:00 a.m.

Place: Courtroom 5, 4th Floor

Judge: Hon. Paul S. Grewal

26 FILED UNDER SEAL

27 PUBLIC REDACTED VERSION

DECLARATION OF M. JAMES DALEY

I, M. James Daley, hereby declare as follows:

1. I am a practicing attorney-at-law and I submit this declaration in support of Samsung Electronics Co., Ltd's ("Samsung") Opposition to Apple Inc.'s Motion for Adverse Inference Jury Instructions Due to Samsung's Spoliation of Evidence. Except where otherwise noted, I have personal knowledge of the matters set forth herein, and could and would competently testify to them if called upon to do so.

2. I have been retained by the law firm of Quinn Emanuel Urquhart & Sullivan LLP, on behalf of its client, Samsung, to render an expert opinion whether, based upon the specific facts and circumstances of this matter, Samsung's efforts to comply with its legal hold obligations, including the continued operation of a routine process of deletion of email after 14 days, in conjunction with other measures, is reasonable and consistent with industry standards for compliance with legal hold obligations.

Qualifications

3. I am qualified by my education, experience and training to give such an opinion, as set forth below:

Education: B.A., Creighton University, 1977
J.D., University of Iowa, 1980
M.S., Information Systems, Friends University, 2000

Certifications: Certified Informix Programmer and Developer
Certified Information Privacy Professional (CIPP) of the
International Association of Privacy Professionals (IAPP)

Expertise: Corporate Records Management, Corporate Information Services
Management, Corporate Electronic Discovery, Corporate Data Protection
and Privacy, Corporate Cross-Border Discovery

Experience: I have over 32 years of experience representing corporations regarding preservation and discovery obligations in complex litigation, and have provided declarations, affidavits and deposition testimony to various state and federal courts. I am a charter member of The Sedona Conference® Working Group on Electronic Records Retention and Production, and have served as Contributing Author and Editor of The Sedona Conference® United States and International Principles and

1 Guidelines for Management of Electronic Records Retention and
2 Production. I have a programming background, and a Masters in
3 Management of Computer Information Systems, including legacy and
4 current email systems. I am a Certified Information Privacy Professional
5 and since 2005, I have led efforts as Chair of the Sedona International
6 Working Group to mitigate global cross-border discovery conflict and
7 risk. I actively litigated cases from 1980 to 1995. Since 1995, I have
8 worked full-time representing Fortune and Global 1000 companies to
9 help them manage legal risk and contain costs in the areas of e-discovery,
10 records management and data privacy compliance. My detailed
11 *Curriculum Vitae* is attached.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
10 BASIS FOR OPINION

STATEMENT OF OPINION

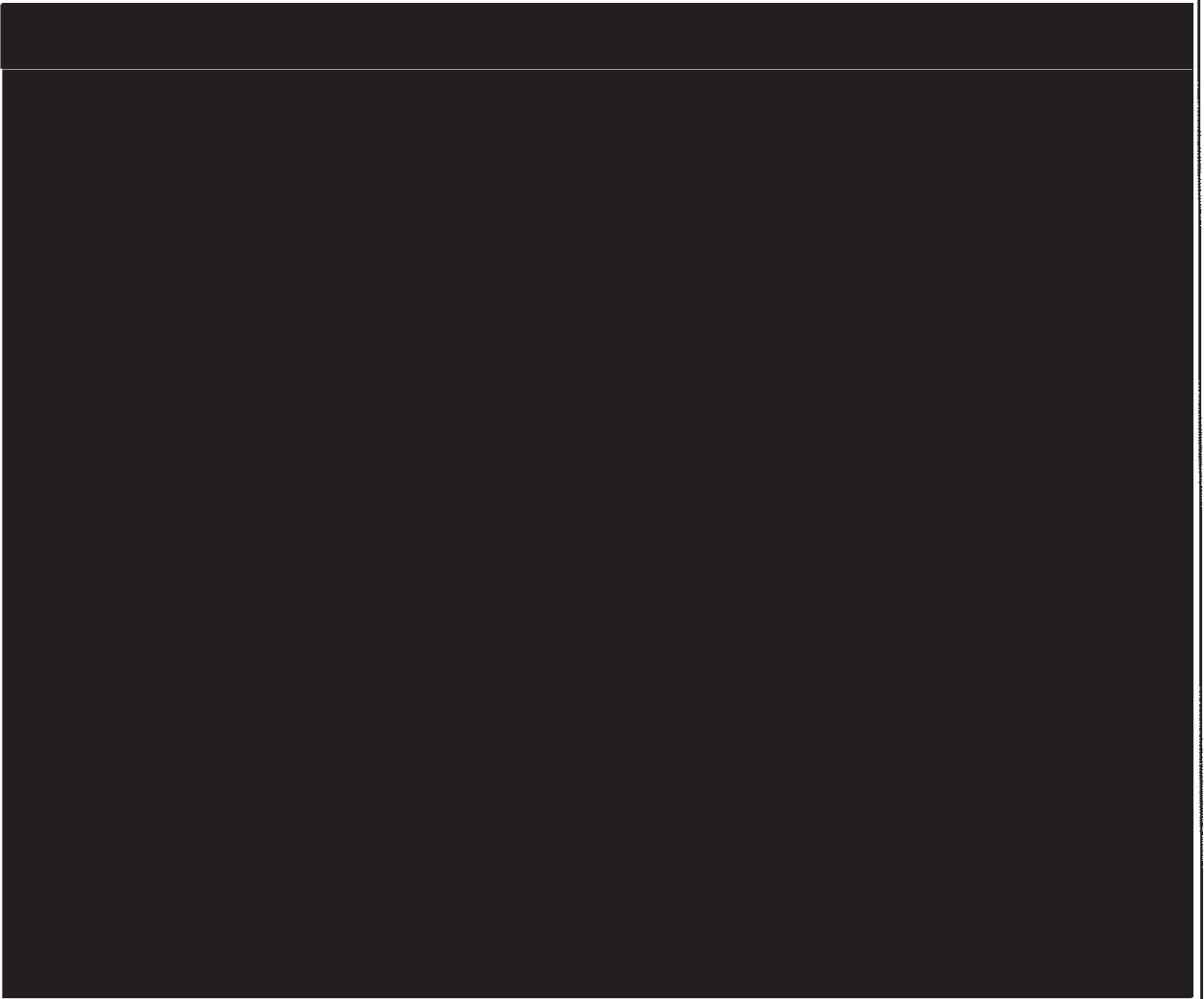
Records Management and Legal Hold Considerations

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

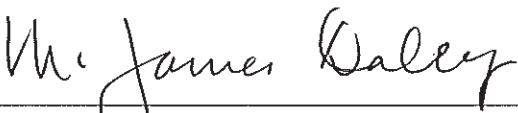
[REDACTED]

[REDACTED]

[REDACTED]



I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the 29th of May, 2012, in Overland Park, Kansas.


M. James Daley

Appendix A to Declaration of M. James Daley

1. Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
2. Declaration of Esther Kim in Support of Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence, including Exhibits 1 to 35
3. Samsung’s Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of (redacted for information Apple Inc. designated confidential)
4. Samsung’s Appendix in Support of the Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
5. Excerpts from the February 10, 2012 Deposition of Kyu Hyuk Lee as Samsung Electronics Co., Ltd.’s 30(b)(6) deponent in *Certain Electronic Digital Media Devices and Components Thereof*, Investigation No. 337-TA-796
6. March 8, 2012 Deposition of Kyu Hyuk Lee as Samsung Electronics Co., Ltd.’s 30(b)(6) designee in *Apple, Inc. v. Samsung Electronics Co., Ltd. et al.*, Case No. 11-CV-01846-LHK, Northern District of California
7. Order No. 19, *Certain Electronic Digital Media Devices and Components Thereof*, Investigation No. 337-TA-796
8. Samsung’s Third Supplemental and Amended Identification of Custodians, Litigation Hold Notices and Search Terms, including Exhibits A to AA.
9. Declaration of Hankil Kang in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
10. Declaration of Byungil Kim in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
11. Declaration of Young-jo Lim in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
12. Declaration of Giho Ro in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
13. Declaration of Han-Yeol Ryu in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
14. Declaration of Heontae Son in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence

CONTAINS HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY INFORMATION
PURSUANT TO PROTECTIVE ORDER

15. Declaration of Se-Hyun Cho in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
16. Declaration of Nara Cho in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
17. Declaration of Michael Finnegan in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
18. Declaration of Woo-up Kwon in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
19. Declaration of Ioi Lam in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions
20. Declaration of Don Joo Lee in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
21. Declaration of Kang Hyun Lee in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
22. Declaration of Kyu Hyuk Lee in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
23. Declaration of Minhyouk Lee in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
24. Declaration of Sungsik Lee in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
25. Declaration of Min Cheol Schin in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
26. Declaration of YoungSoon Lee in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
27. Declaration of Jong-Dae Park in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
28. Declaration of Alex Binder in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions, including only Exhibit 1 (declaration redacted for information Apple Inc. designated confidential)
29. Declaration of Sara Jenkins in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions Due to Samsung’s Spoliation of Evidence
30. Declaration of Raymond Warren in Support of Opposition to Apple Inc.’s Motion for Adverse Inference Jury Instructions

CONTAINS HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY INFORMATION
PURSUANT TO PROTECTIVE ORDER

31. *MOSAID Technologies, Inc. v. Samsung Electronics Co., Ltd.*, 348 F. Supp. 2d 332 (D.N.J. 2004)
32. *FTC v. Lights of America*, 2012 WL 695008 (C.D. Cal. 2012)
33. *Fractus v. Samsung Electornics Co., Ltd.*, 6:09-cv-203-LED, Hearing Tr. 5/20/11 p.m., pp. 98-100
34. Other Legal Authorities

CURRICULUM VITAE

M. JAMES DALEY

Daley & Fey LLP

5750 W. 95th St. Suite 310
Overland Park, KS 66207
(913) 948-6302
jdaley@daleylegal.com
www.daleylegal.com

M. James “Jim” Daley, Esq., CIPP/US is co-founder of Daley & Fey LLP, a boutique law firm devoted to helping clients reduce legal risk, contain costs, and ensure compliance with records management, electronic discovery and data privacy obligations. Jim combines his over thirty years of complex litigation experience, his Masters Degree in Information Systems and his CIPP privacy certification to help global clients develop practical solutions to records management, electronic discovery and data privacy compliance challenges.



Jim serves as a trusted advisor for a wide variety of Fortune 500 clients, as was profiled in 2010 by ***The American Lawyer*** as “Who You Gonna Call” for national coordinating e-discovery counsel. Jim is also frequently selected as an Independent Expert by courts, clients and other counsel to evaluate corporate e-discovery, records management and data privacy conduct. Jim was also selected as a Missouri & Kansas Super Lawyer® in 2011. Super Lawyers® identifies the top five percent of lawyers, as chosen by their peers.

Jim and his team help clients develop and implement process and technology solutions including: data privacy and security controls; disposition of legacy electronic media and print information; e-mail archiving and electronic records management solutions; legal hold management and compliance monitoring solutions; RIM policy and procedure; RIM and legal hold training; U.S. and global records retention schedules; selection of preferred vendor panels; and litigation and regulatory compliance readiness programs, among others. Jim also helps global companies successfully navigate the risk and costs of cross-border transfers of data in business, legal and regulatory contexts, as well as cloud computing, social networking and other emerging technologies.

Jim is a frequent author and speaker on records management, e-discovery and data privacy issues. His service and publications include: Co-Chair of The Sedona Conference® Working Group Six on International Electronic Information Management, Discovery and Disclosure (2005-2012); Senior Editor of “***The Sedona Conference® International Principles on Discovery, Disclosure and Data***”

Protection" (2012); Author of *"Information Age Catch 22: The Challenge of Technology to Cross-Border Disclosure and Data Privacy,"* 11 Sedona Conf. J. 121 (Fall 2011); Contributing Author of the first German-language treatise on e-discovery: *"E-Discovery im internationalen Rechtstriet und Datenschutz,"* Erich Schmidt Verlag, Berlin (2011); Editor-in-Chief of *"The Sedona Conference® Framework for Analysis of Cross-Border Discovery Conflicts: A Practical Guide to Navigating the Competing Currents of International Data Privacy and E-Discovery"* (2008); Senior Editor of *"The Sedona Conference® Best Practices Commentary on the Use of Search and Information Retrieval Methods in E-Discovery"* (2007); and Co-Editor of *"The Sedona Conference® Best Practice Guidelines and Commentary for Managing Information in the Electronic Age"* (2005), among others.

Education

J.D., University of Iowa

M.M.I.S. (Masters of Management Information Systems), Friends University

B.A., Creighton University

Professional and Technical Certifications

Certified Information Privacy Professional (CIPP-US) — International Association of Privacy Professionals (IAPP)

Microsoft NTFS Server Administration

Novell Network Administration

Informix Enterprise Database Programming

Professional Associations

- Co-Chair, The Sedona Conference® Working Group on International Electronic Information Management, Discovery and Disclosure (2005-2012)
- Charter Member, The Sedona Conference® Working Group on Electronic Document Retention and Production (WG1) (2002-2012)
- Georgetown University Law Center Advanced e-Discovery Institute (2003-2012)
- International Association of Privacy Professionals (IAPP)
- ARMA International Member, The Sedona Conference® Working Group on Electronic Document Retention and Production (2002-2012)
- Co-Chair, The Sedona Conference® Search and Retrieval Sciences Group

Bar Admissions

State of Kansas

State of Missouri

State of Iowa

State of Nebraska (inactive)

United States District Court, District of Kansas

United States Eighth Circuit Court of Appeals

Languages

German

Selected Publications

- 1) Senior Editor, *"The Sedona Conference® International Principles on Discovery, Disclosure & Data Protection,"* December 2011.
- 2) Author, *"Information Age Catch 22: The Challenge of Technology to Cross-Border Disclosure & Data Privacy,"* The Sedona Conference Journal®, Volume 12, Fall 2011.
- 3) Co-Author, *"Managing an HSR 'Second Request:' Millions of Documents in Little More than a Month,"* Scott Woodworth, Digital Discovery & E-Evidence, Vol. 11, No. 14, July 7, 2011.
- 4) Contributing Author, *"E-Discovery in International Litigation and Privacy (E-Discovery im internationalen Rechtsstreit und Datenschutz),"* Erich Schmidt Verlag, Berlin, February 2011.
- 5) Co-Author, *"The Practical Management of Electronic Evidence (United States of America),"* Chapter 7, Electronic Evidence, Lexis Nexis, (2nd Ed. 2010).
- 6) Author, *"Catch 22 Revisited: Recent Developments in Cross-Border Discovery & Data Privacy,"* The Sedona Conference International Programme on Cross-Border eDiscovery & Data Privacy, Washington, D.C., September 15, 2010.
- 7) Author, *"Exploring Data Loss Prevention Systems for Legal Holds and E-Discovery,"* ARMA International, Information Management, September/October 2010.
- 8) Author, *"European privacy regulators investigate "tagging" features of Facebook and Google,"* Georgetown Law E-Discovery Web Archive, March 24, 2010.

- 9) Quoted, *"Anonymisation, the Hague Convention and US judicial notice of EU privacy protection,"* The e-Disclosure Information Project, March 2, 2010.
- 10) Author, *"Privacy Convictions for Google Executives highlights need for Ongoing EU-US Dialogue on Data Privacy & Protection,"* Georgetown Law E-Discovery Web Archive, March 1, 2010.
- 11) Quoted, *"Sedona Conference® WG6 presentation to Article 29 Working Party in Brussels,"* The e-Disclosure Information Project, February 16, 2010.
- 12) Co-Editor, *"The Sedona Conference® International Overview of Discovery, Data Privacy & Disclosure Requirements,"* (2009 to present).
- 13) Author, *"2009 U.S. and EU Conference on Cross Border Data Flows, Data Protection & Privacy,"* Georgetown Law E-Discovery Web Archive, December 11, 2009.
- 14) Author, *"International Clash of Cultures and Law: Cross-Border E-Discovery,"* Georgetown Law E-Discovery Web Archive, December 4, 2009.
- 15) Author, *"A Call to Dialogue: EU Article 29 Data Protection Working Party Document 158 on Discovery for Cross-Border Civil Litigation,"* Georgetown Law E-Discovery Web Archive, November 10, 2009.
- 16) Co-Author, *"Seventh Circuit Puts Legs on the Sedona Conference® Corporation Proclamation,"* Georgetown Law E-Discovery Blog, posted November 6, 2009. <http://mirror.law.georgetown.edu/cleblog>
- 17) Co-Author, *"International Restrictions on Releasing Personal Information - What Steps Your Company Needs to Consider,"* The Corporate Counselor, Volume 24, No. 6, October 2009.
- 18) Co-Editor-in-Chief, *"The Sedona Conference® Framework for Analysis of Cross-Border Discovery Conflicts: A Practical Guide To Navigating The Competing Currents Of International Data Privacy And E-Discovery,"* August 2008.
- 19) Co-Editor, *"The Sedona Conference® Guidelines: Best Practice Guidelines & Commentary for Managing Information & Records in the Electronic Age,"* (Pike & Fischer) 2005.
- 20) Contributing Author, *"The Sedona Conference® Principles: Best Practices Recommendations & Principles for Addressing Electronic Document Production."* January 2004.

Selected Presentations

- 1) Speaker, "eDiscovery Passports and International eDiscovery in US Courts," ESIBytes Podcast, April 19, 2012.
- 2) Speaker, "Recent Legal Developments Impacting Records Management" and "Records Management Strategies to Contain Litigation Risk and Cost," ARMA Nebraska Spring Seminar, April 18, 2012, Omaha, Nebraska.
- 3) Speaker, "Vie Privée, Privacidad, Privatsphäre, Privacy: EU Privacy Updates and Other Developments" Exterro Webcast, March 15, 2012.
- 4) Speaker, "An International View of E-Discovery," ACEDS Webinar, March 09, 2012.
- 5) Moderator, "eDiscovery Across Many Jurisdictions," Georgetown Corporate Counsel International Institute, March 8-9, 2012, Arlington, Virginia.
- 6) Speaker, "Top 5 Ethical Concerns for Lawyers in eDiscovery," Legal Tech 2012, January 30-February 1, 2012, New York, New York.
- 7) Panelist, "European Data Protection: Coming of Age – E-Discovery Track," Computers, Privacy & Data Protection 5th International Conference, January 25-27, 2012, Brussels, Belgium.
- 8) Panelist, "Cross Border Discovery & Data Privacy", 7th Annual Meeting of the American College of Business Court Judges, Fairfax, Virginia, 4-6 December, 2011.
- 9) Moderator, "Pragmatic Practices for Resolving e-Discovery Cross-Border Conundrums", 8th Annual Advanced E-Discovery Institute; Making the Case: Developing Legally Defensible e-Discovery Best Practices, Georgetown CLE, 17-18 November, 2011, Arlington, Virginia.
- 10) Co-Chair, "*Digital Evidence and E-Forensics Track*," Second Annual World Congress on Forensics, Chongqing, China, 15-18 October, 2011.
- 11) Moderator, "*Dealing with Challenges of Legal Holds: Pension Committee, Rimkus & Progeny*," Executive Counsel Institute's E-Discovery for the Corporate Market, Houston, Texas, 22-23 September, 2011.
- 12) Speaker, "*Privacy, Confidentiality and Privilege Issues in e-Discovery*," The Ontario e-Discovery Institute: e-Discovery for All Cases and All Lawyers, Toronto, Canada, 19 September, 2011.

- 13) *"Recent Developments in Privacy Regulation," "Preservation & Transfers of Data in Dispute Resolution Cross-Border & Onward," "Practical Application of The Sedona Conference® International Principles for Cross-Border Discovery & Data Privacy,"* Third Annual Sedona Conference International Program on Cross-Border eDiscovery & Data Privacy, Lisbon, Portugal, 22-23 June, 2011.
- 14) *"Managing Personal Data in International Records Management, Discovery & Transfer."* MER Conference. Chicago, IL. 24 May, 2011.
- 15) *"E-Discovery and Ethics."* CEIC Conference. Orlando, FL. 18 May, 2011. Conference Presentation.
- 16) *"Reducing Legal Cost and Risk Through Legacy Data Management,"* D4 Webinar. 12 May 2011. Seminar Presentation. *Privacy Alert: Taking Action to Ensure Data Security. "Data Privacy Meets Records Management," "Technology Issues for Today's Records Management," "Technology Solutions for Today's Records Management," "Information Governance in the Digital Age."* GKC ARMA Spring Seminar. Kansas City, MO. 11 May, 2011. Seminar Presentation.
- 17) *"Social Media – Discovery Friend or Foe?"* National Webcast and Podcast. 16 February 2011. Seminar Presentation.
- 18) *"E-Discovery and Privacy Trends in Social Media and Cloud Computing."* Legal Tech 2011, New York, NY. 31 January 2011. 2 February 2011. Conference Presentation.
- 19) *"U.S. Data Privacy and E-Discovery and Effective Use of ESI – Depos, Hearings and Trials,"* Thomson Reuters 14th Annual Electronic Discovery and Records Retention Conference. San Francisco, CA. 1-2 December 2010. Chicago, IL. 4-5 November 2010. New York, NY. 13-14 October 2010. Conference Presentation.
- 20) *"Recent Developments in Cross-Border Discovery & Data Privacy." "Challenges & Opportunities Presented by Advances in Technology." "The Sedona Conference® Guidelines & Best Practices for Cross-Border Discovery, Data Processing & Transfer." Second Annual Sedona Conference® International Programme on Cross-Border eDiscovery & Data Privacy.* Washington D.C. 15-16 September 2010. Conference Co-Chair and Panelist.
- 21) *"Deal with Challenges of Litigation Holds: Pension Committee & Progeny." "Recognize and Reconcile the Tensions between Inside and Outside Counsel." Executive Counsel Institute's E-Discovery for the Corporate Market.* Chicago, IL. 2-3 August 2010.

- 22) *"International E-Discovery: Data Protection, Privacy & Cross-Border Issues."* CEIC Conference. Summerlin, NV. 26 May 2010.
- 23) *"Document Management & Litigation Risk in the Age of E-Discovery: Cautionary Tales & the Road Ahead."* ARMA, Omaha, NE. 12 May 2010.
- 24) *"Cross-Border eDiscovery and Data Privacy," European Union Article 29 Working Party, Plenary Session.* Brussels, Belgium, 16 February 2010.
- 25) *"Form of Production and Forensic Inspection" "Preservation," The Sedona Conference® eDiscovery Dispute Resolution Program for Special Masters & Mediators.* Phoenix, AZ. 28-29 January 2010.
- 26) *"Electronic Discovery in Civil Litigation and Cross Border Data Flows – Is it Time for a Framework of Cooperation?" Across the Divide: Successfully Navigating Safe Harbor – The 2009 Conference on Cross Border Data Flows & Privacy.* Washington D.C. 18 November 2009.
- 27) *"Clash of Laws and Cultures: Cross Border E-Discovery and International Data Management."* 6th Annual Advanced E-Discovery Institute: Identifying Today's Problems & Tomorrow's Solutions. Washington D.C. 12 November 2009.
- 28) *"Process and Project Management: Are You Ready?" 13th Annual Electronic Discovery and Records Retention Conference.* Chicago, IL. 5 November 2009.
- 29) *"Process and Project Management: Are You Ready?" 13th Annual Electronic Discovery and Records Retention Conference.* New York, NY. 7 October 2009.
- 30) *"International E-Discovery: Stranger in a Strange Land." 13th Annual Electronic Discovery and Records Retention Conference.* New York, NY. 8 October 2009.
- 31) *"Key Legal & Cultural Challenges to Cross-Border eDiscovery, eDisclosure & Data Transfers." The Sedona Conference®.* Barcelona, Spain. 10-11 June 2009.
- 32) *"The Sedona Framework for Analysis of Cross-Border Discovery Conflicts: A Practical Guide to Navigating the Competing Currents of International Data Privacy and Discovery." The Sedona Conference®.* Barcelona, Spain. 10 June 2009.
- 33) *"Butter and Jam on that Toast? Turning your Records Management Adversity into Opportunity." National Conference on Managing Electronic Records.* Chicago, IL. 18 May 2009.

- 34) *"T4-Email Management: Successes, Failures and Compromises."* National Conference on Managing Electronic Records. Chicago, IL. 17 May 2009.
- 35) *"E-Discovery in the United States. What are the current rules for E-Discovery in the United States: The Sedona Conference and recent decisional law."* DRI Seminar – Culture Clash!: Data Protection, Freedom of Information and Discovery, How to Protect Your Business in Transnational Disputes." Munich, Germany. 13 May 2009.
- 36) *"Privacy and Data Security in the US", Electronic Discovery Seminar.* Presented by DRI's Electronic Discovery Committee. New York, NY. 7 May 2009.
- 37) *"Getting Ahead of the eDiscovery Curve: Strategies to Reduce Costs & Meet Judicial Expectations."* The Sedona Conference® Institute. Philadelphia, PA. 26-27 March 2009.
- 38) *"International, Part I: The Perils and Pitfalls of Transnational Electronic Discovery."* *"Reacting to the Changing American Workforce and Workplace, Part II: Reconciling the Generational Divide, Cultural Diversity & Religious Issues."* Georgetown's 13th Annual Corporate Counsel Institute. Washington D.C. 12-13 March 2009.
- 39) *"Navigating the Rapids of International E-Discovery."* BNA. 9 March 2009. National Podcast.
- 40) *"International Issues in E-Discovery."* Georgetown E-Discovery Training Academy. Washington D.C. 12 February 2009.
- 41) *"Containing E-Discovery Costs: Corporate Legal Department vs. Law Firm Perspectives."* *"Differing Perspectives on Emerging E-Discovery & Technology Issues."* Legal Tech 2009 by ALM Events. New York, NY. 3 February 2009.
- 42) *"E-Discovery Strategies: Current Issues in Records Management, Litigation, Government Inquiries, and Ethics."* ALI-ABA Video Webcast Conference. Washington D.C. 26-27 January 2009.
- 43) *"International Issues Affecting E-Discovery."* Georgetown CLE Advanced E-Discovery Institute. Arlington, VA. 18 November 2008.
- 44) *"Privacy et. al.- eDiscovery for Transnational Organizations."* CA World. Las Vegas, NV. 18 November 2008.
- 45) *"Electronic Document Retention and Production."* The Sedona Conference® Annual Working Group 1 Conference. Rancho Mirage, CA. 12 November 2008.

- 46) *"E-Discovery and Data Protection Workshop."* Center for Applied Cybersecurity Research at Indiana University and the Centre for Information Policy Leadership. Brussels, Belgium. 22 October 2008.
- 47) *"Annual Safe Harbor Conference between the European Union Article 29 Working Party on Data Protection and the U.S. Department of Commerce."* Brussels, Belgium. 21 October 2008.
- 48) *"Electronic Information Security and Privacy."* International Legal Technology Association (ILTA) Conference. Dallas, TX. 25 August 25 2008.
- 49) *"The Sedona Conference® Guidelines Commentary on Cross-Border Discovery Conflicts."* August 2008. National Webcast.
- 50) *"Sedona Update: Understanding Defensible Search & Retrieval Methods."* Fios, Inc. 17 July 2008. National Webcast.
- 51) *"Catch 22: Cross-Border E-Discovery Conflicts,"* New South Wales Society for Computers and the Law. Sydney, Australia. 7 July 2008.
- 52) *"Cross-Border E-Discovery Issues: Australia and the U.S.,"* Association of Legal Support Managers for the State of Victoria. Melbourne, Australia. 1 July 2008.
- 53) *" "Catch 22: Navigating Cross Border Conflicts Between Electronic Discovery and Data Privacy."* The Australasian Institute of Judicial Administration. Sydney, Australia. 26 June 2008.
- 54) *"Ethical Considerations in Electronic Discovery," "Electronic Discovery and Document Storage: Management and Litigation Issues in Missouri and Kansas."* Lorman Education Services. Kansas City, MO. June 2008.
- 55) *"Why Digital Information is Different."* E-Discovery: An A-Z Workshop. West Legalworks. St. Louis, MO. June 2008.
- 56) *"Binding Corporate Rules (BCRs) and Standard Contractual Clauses for Managing Data Movement Between Countries,"* Corporate Governance and Compliance Conference. New York, NY. June 2008.
- 57) *"Cross-Border Conflicts Relating to Mass Discovery, Including Foreign Data, Privacy, and Protection Regulations,"* ALI-ABA Course of Study in Mass Litigation. Charleston, S.C. 29-31 May 2008.
- 58) *"Case Study: Data Mapping and the FRCP – 18 months into the New Rules."* 2008 MER Conference. Chicago, IL. 19-21 May 2008.

- 59) *"What the MER Headlights See: Insights on Four Future ERM Issues."* 2008 MER Conference. Chicago, IL. 19-21 May 2008.
- 60) *"New Roles & New Teams to Meet ESI Production Obligations/Expectations."* The Sedona Conference® Institute's Second Annual Program on Getting Ahead of the eDiscovery Curve: Strategies to Reduce Costs & Meet Judicial Expectations. San Diego, CA. 13-14 March 2008.
- 61) *"Search & Information Retrieval Methods/Best Practices."* The Sedona Conference® Institute's Second Annual Program on Getting Ahead of the eDiscovery Curve: Strategies to Reduce Costs & Meet Judicial Expectations. San Diego, CA. 13-14 March 2008.
- 62) *"Envisioning Discovery Circa 2010."* 4th Annual CGOC E-Discovery Summit. Palm Springs, CA. 27 January 2008.
- 63) *"Electronic Discovery and Records Management: New Litigation Challenges."* American Law Institute of the American Bar Association (ALI-ABA). Fordham Law School. New York, NY. 17-18 January 2008.
- 64) *"Electronic Document Review: Why Best Practices for Traditional Paper View Do Not Translate to ESI."* Advanced E-Discovery Technology Workshop. Georgetown University Law Center. Washington D.C. 15-16 November 2007.
- 65) *"E-Landscape in the FRCP Fallout."* Masters Conference for Legal Professionals. Washington D.C. 25-26 October 2007.
- 66) *"Lost in Translation - Navigating the Minefield of International E-Discovery."* National Webinar. Lumen Legal. 17 October 17 2007.
- 67) *"Digital Evidence: New Rules and Recent Developments from the Courts."* Professional Educations Broadcast Network. 11-12 September 2007. National Audiocast.
- 68) *"eDiscovery & Beyond: Harnessing the Power of Collaboration."* ARMA Conference. Kansas City, MO. 25 June 2007.
- 69) *"eDiscovery Day."* CA World. Las Vegas, NV. 24 April 2007.
- 70) *"Getting ahead of the eDiscovery Curve: Strategies for Companies and Their Counsel to Reduce Cost and Meet Judicial Expectations."* The Sedona Conference Institute and ARMA International. Memphis, TN. March 2007.
- 71) *"Electronic Records Management and Digital Discovery."* and *"Ethical Considerations in Electronic Discovery."* American Law Institute of the American Bar Association (ALI-ABA). Boston, MA. 25-27 October 2006.

- 72) *Sedona Conference International Working Group on E-Disclosure and E-Records Management*. Madrid, Spain, 27-29 September 2006.
- 73) *"Electronic Records Management and Digital Discovery Practical Considerations for Legal, Technical, and Operational Success."* American Law Institute of the American Bar Association (ALI-ABA), Chicago, IL. 17-19 May 2006.
- 74) *"E-Discovery Real World Solutions and Practical Strategies in a Complex and Challenging Environment."* IQPC Seminar. Miami, FL. 28 February – 1 March 2006.
- 75) *"Managing the Risks and Discovery Costs of Web Content."* FIOS Webcast. 31 January 2006.
- 76) *"Advanced E-Discovery Institute: Practical Concerns, Pragmatic Advice, Emerging Trends."* Georgetown University Law Center's E-Discovery Institute. Washington D.C. 17-18 November 2005.
- 77) *"E-Mail Archiving and Information Search and Retrieval in the Context of Litigation."* before representatives of the Executive Office of the President, National Science Foundation and National Archives and Records Administration. Washington D.C. 8 November 2005.
- 78) *"Sedona Search & Retrieval Special Project."* Sedona Conference Annual Meeting. Vancouver, BC, Canada. 14-16 September 2005.
- 79) *"Sedona International Working Group on Electronic Records Disclosure."* Inaugural Meeting. Clare College. Cambridge University. Cambridge, England. 13-17 July 2005.
- 80) *"Electronic Discovery: 30(b)(6) Deposition and Motion Hearing Demonstrations."* Defense Research Institute Annual E-Discovery Seminar, Washington D.C. 19-20 May 2005.
- 81) *"Records Retention, E-Discovery and Search & Retrieval Sciences."* Sedona Conference Mid-Year Seminar. Cambridge, MD. 21-23 April 2005.
- 82) *"E-Discovery: Current Developments."* Pharmaceutical Industry In-House Counsel Meeting. New York, NY. 24 January 2005.
- 83) *"Recent Developments in E-Discovery."* Corporate Counsel Roundtable. St. Louis, MO. 1 December 2004.
- 84) *"International E-Discovery Issues."* Third Annual Sedona Conference on E-Discovery. Phoenix, AZ. 15-16 October 2004.

- 85) *"Records Retention Issues."* Third Annual Sedona Conference on E-Discovery. Phoenix, AZ. 15-16 October 2004.
- 86) *"Recent E-Discovery Issues."* Telecommunications Industry Counsel Summit. 12 August 2004.
- 87) *"Ethics and E-Discovery."* Lawyers Association of Kansas City. Kansas City, MO. 10 June 2004.
- 88) *"Data without Borders: International Dimensions to Electronic Discovery."* The Sedona Conference on Complex Litigation VI: Electronic Discovery. Sedona, AZ. 26 March 2004.
- 89) *"Cost-Shifting after Zubulake v. UBS Warburg."* Iowa State Bar Association E-Commerce Section. Des Moines, IA. 16 December 2003.
- 90) *"International Dimensions to the Electronic Discovery Dilemma."* Second Annual Meeting of the Sedona Conference Working Group on Best Practices for Electronic Document Retention & Production. Santa Fe, NM. 16-17 October 2003.