



**The Florida Bar CLE Committee and the Business Law Section
Electronic Discovery and Digital Evidence Committee present**

The Future of Digital Evidence is Here: Data Breach Discovery, Blockchain Admissibility and Fundamental eDiscovery Competence

Friday, June 28, 2019, 8:00 a.m. - 12:00 p.m.

COURSE CLASSIFICATION: INTERMEDIATE

Course 2897

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OVERVIEW

As more and more of daily life, both personal and commercial, continues to migrate to the Internet, the practice of law will necessarily follow. The passive practitioner will find it increasingly difficult to manage the challenges presented by digital evidence born entirely of an on-line, cybernetic world. The pro-active practitioner, on the other hand, will find opportunity. However, all practitioners must maintain competence. This half-day CLE will examine a few current, purely cyber-based challenges, and discuss the critical importance of adapting existing habits and adopting new approaches to ensure that competence in eDiscovery and digital evidence is the floor and not the ceiling.

AGENDA

8:00 a.m.- 8:50 a.m.

Data Breach Discovery: Regain Control and Save You Reputation

The number of data breaches is soaring every year. We hear the headlines involving the big corporations – like Google, Facebook and Quora – that are affected. But this concern impacts organizations of all sizes. In fact, the majority of data breaches hit smaller organizations. Even worse news: the average cost of a data breach is \$3.86 million. In this presentation, you'll learn how to use data breach discovery in an efficient, cost-effective and complete manner, so you can regain control of your data and notify those whose personally identifiable information (PII) may have been compromised.

8:50 a.m.- 8:55 a.m.

Break



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8:55 a.m.- 9 :45 a.m.

Panel Discussion -- Cryptocurrency and Blockchain Records: Correcting the Myth of Anonymity

The crypto-mania of 2018 has led to a rash of federal securities and fraud cases dealing with investments in cryptocurrencies and Initial Coin Offerings. Likewise, cryptocurrency holdings have started to creep into marriage dissolution and litigation concerning personal or business assets. Cryptocurrency assets are now an integral part of any comprehensive ESI plan. This panel addresses issues in discovery, authentication, and admissibility of cryptocurrency and blockchain evidence, with a focus on correcting technological misconceptions concerning common misconceptions of anonymity in cryptocurrency asset ownership and records stored on blockchain ledgers.

9:45 a.m.- 9:55 a.m.

Break

9:55 a.m.-11:00 a.m.

**Mock Hearing -- What are the fundamental characteristics of competence in eDiscovery and digital evidence?
Federal and State Judges Preside Over a Mock Hearing on the Discovery, Authentication and Admissibility of ESI**

The mock hearing format allows the presenters to provide the observer with an autopsy of the disputed issues. In this session, two practicing lawyers with extensive experience litigating eDiscovery and digital evidence issues will square off in a mock hearing aimed at highlighting certain eDiscovery pitfalls and how to competently anticipate and manage the same. The lawyers will be accompanied by a jointly-selected, neutral expert who will assist the court in understanding and deciding the issues, and the lawyers will also integrate the role of an eDiscovery co-counsel. One federal and one state judge will preside over the hearing. They will render their respective rulings and discuss the basis of their rulings under the applicable federal or state rules.

11:00 a.m.-11:10 a.m.

Break

11:10 a.m.-12:00 p.m.

A View from The Bench: Federal and State Court Judges Offer Their Observations, Insight and Advice On Proportionality in Matters of E-Discovery and Digital Evidence

During this session, a panel of esteemed state and federal judges will discuss the emerging and problematic issues they are encountering in their respective courtrooms regarding ESI, explain how they are dealing with these issues, and offer advice to attorneys on how best to address such issues with the Court. This year's panel will focus somewhat on the concept and requirement of proportionality.

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SPEAKERS

- Ryan Bilbrey, Managing Director at Reckoning Consulting
- R. Christopher Dix, Esq., CPA, CEDS, Shareholder at Smith Hulsey & Busey
- Zachary L. Catanzaro, Esq., Attorney, Law Offices of Zachary L. Catanzaro, PA and Adjunct Professor of Cryptocurrency and Blockchain Law at St. Thomas University, Member of the Florida Bar Digital Currency Task Force;
- Drew Hinkes, Esq., General Counsel at Athena Blockchain and Adjunct Professor of Cryptocurrency at NYU School of Law, Member of the Florida Bar Digital Currency Task Force;
- Daniel S. Maland, Esq., Attorney, Kozyak, Tropin, Throckmorton, Member of the Florida Bar Digital Currency Task Force;
- Joshua Schmidt, Forensic Accountant, Marcum LLP
- The Honorable Meenu Sasser, Florida Circuit Judge, Fifteenth Judicial Circuit
- The Honorable Anthony E. Porcelli, United States Magistrate Judge, M.D. Florida
- David R. Hazouri, Esq., Attorney, Rafool, LLC (Narrator)
- Darren Spielman, Esq., Attorney, Kain Spielman, Esq.
- Suzanne H. Clark, Esq., Attorney, eDiscovery CoCounsel
- Rich Albright, Esq., Partner, Contact Discovery Services
- William F. Hamilton, Esq., Professor/Executive Director, UF Law E-Discovery Project (Moderator)
- The Honorable Steven Scott Stephens, Florida Circuit Judge, Thirteenth Judicial Circuit
- The Honorable Anthony E. Porcelli, United States Magistrate Judge, M.D. Florida
- The Honorable Thomas B. Smith, United States Magistrate Judge, M.D. Florida
- The Honorable Meenu Sasser, Florida Circuit Judge, Fifteenth Judicial Circuit

CLE Credit

General: 4.0 hours
Technology: 4.0 hours