

**Electronic Discovery Issues CLE Seminar**  
**September 26, 2008, Daytona Beach, Florida**

**Agenda & Time Schedule**

- 7:30-8:30 Breakfast and Registration
- 8:30-8:40 Course Overview and Introduction of Speakers
- 8:40-9:10 ***E Discovery v. Traditional Discovery***
- A. Introduction: What is ESI?
  - B. Revisions to Federal Rule of Civil Procedure 37 (and 16 and 26)
  - C. Florida: No formal changes yet, but it's on the way
- 9:10-9:20 10 minute break
- 9:20 – 10:00 ***Overview of Ethical Issues; Relation to Other Rules and Doctrines***
- A. Rule 34 – Production of ESI
  - B. Cost-shifting provisions
  - C. Spoliation of evidence
  - D. Privilege Issues
    - a. Inadvertent Disclosure (incl. R.Reg.FI.Bar 4-4.4(b))
  - E. Sanctions and Safe Harbor Provisions
  - F. Florida Ethics Opinions
- 10:00-10:30 ***Recent Cases***
- 10:30-10:40 10 minute break
- 10:40-11:15 ***Best Practices***
- A. For Your Clients**
    - 1. Document Retention Policies
    - 2. Data Back-up Procedures
    - 3. ESI Search Engines
  - B. For You**
    - 1. Early Attention to ESI
    - 2. Consider Whether to Retain ESI Expert
    - 3. Litigation Hold Letters
    - 4. Requests for Production
    - 5. Interrogatories
    - 6. Clawback Agreements
    - 7. Spoliation
- 11:15 – 11:30 Q&A – Panel Discussion

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**THOMAS J. LEEK, Esquire**

The dominant portion of Mr. Leek's practice since 1997 has been labor and employment law. Mr. Leek represents employers in managing employee relations, from the negotiation and preparation of employment contracts to the litigation of federal and state anti-discrimination and retaliation claims, including Title VII, the Americans with Disabilities Act, and the Age Discrimination in Employment Act. Mr. Leek also regularly enforces and defends contracts in restraint of trade, i.e., non-compete agreements, and practices in the firm's commercial litigation section.

Mr. Leek received his Bachelor of Arts in 1992 from the University of Central Florida and his Juris Doctorate from Stetson University College of Law, graduating cum laude in 1997, where he was a recipient of the Victor O'Whele Trial Advocacy Award and a member of the Phi Delta Phi, Cardozo Inn, International Legal Fraternity. Mr. Leek joined the firm through the law clerk program in 1996, and he became a partner in 2003. Mr. Leek is a member of the American Bar Association, The Florida Bar and the Volusia County Bar Association. He is licensed to practice in all courts of the State of Florida and the United States District Courts of the Middle District of Florida, the Northern District of Florida, and the Southern District of Florida. Mr. Leek is also licensed to practice before the Supreme Court of the United States of America.

Prior to practicing law, Mr. Leek served two legislative sessions as the chief legislative aide to The Honorable William E. Sublette, Florida House of Representatives, District 40 (1992 - 2000). At present, Mr. Leek is active in the community serving as Chairman of Government Relations of the Halifax Area Chamber of Commerce, a member of the Chairman's Executive Committee, a member of the Board of Directors, and Chairman of the Local Government Action Committee. Mr. Leek is a past president of the Daytona Beach Partnership Association (an association of businesses and individuals interested in revitalizing downtown Daytona Beach), a former member of the board of Central Florida Legal Services, Inc. (an entity whose goal is to provide free legal services to the poor), and a former board member of the local chapter of the American Red Cross. Mr. Leek is also a graduate of Leadership Daytona Class XX and a regular speaker in the community on employment law issues.

**KELLY PARSONS, Esquire**

A native of Daytona Beach, Ms. Parsons graduated from Seabreeze High School in 1997 and from Syracuse University in 2001, with a Bachelor of Fine Arts in musical theatre. In 2004, she graduated from Florida State University's College of Law, where she was an active member of the Mock Trial team, winning Best Advocate at the Association of Trial Lawyers of America competition. At FSU, Ms. Parsons was also a member of the honor society, Phi Delta Phi, and the Tallahassee Inns of Court.

Ms. Parsons joined Cobb Cole as an associate in the litigation department in 2004 after participating in the firm's summer program in 2003. Ms. Parsons is active in the community, where she is a member of the Board of Directors of the Volusia County Bar Association, a member of the Dunn-Blount Inn of Court, on the Board of Directors of Easter Seals of Volusia and Flagler Counties, Chair-Elect for the Board of Directors of the Daytona Beach Young Professionals Group, and a member of St. James Episcopal Church. Ms. Parsons was recently selected as one of the 2007 Young Business Leaders of our community by the Volusia/Flagler Business Report.

**KATHRYN D. WESTON, Esquire**

Ms. Weston graduated cum laude from the University of Notre Dame Law School, where she served as the Business Manager for the Journal of Law, Ethics & Public Policy. She received a Bachelor of Business Administration Degree in Accounting from Stetson University. Ms. Weston practiced law for six years with a multinational law firm in Chicago before moving back to the area in 2004.

Ms. Weston is admitted to practice in Illinois and Florida, including the United States District Courts for the Northern and Middle Districts of Florida and the Northern District of Illinois, as well as being admitted to practice before the United States Tax Court and the United States Supreme Court. Ms. Weston is a member of the firm's commercial litigation practice. Ms. Weston currently serves as the Secretary of the Volusia County Bar Association and is a member of the Dunn-Blount Inn of Court. Ms. Weston is active in the community, where she serves as a member of the Advisory Committee of the Volunteer Center for the United Way of Volusia and Flagler Counties, volunteers at Tomoka Elementary through the Justice Teaching program of the Florida Bar, coaches youth sports, and is a member of Prince of Peace Catholic Church.