

Florida Electronic Discovery and Digital Evidence Committee
Agenda for BLS Winter Meeting
January 25, 2017 – 9:30 a.m.
Gaylord Palms Orlando

1. Opening remarks and introductions.

On Phone: David Hazouri, Ralph Artigliere, Robert Jimenez, Suzanne Clark, Steven Tepler

In Person: Andy Reisman, Jeff Hirsh, Rick Nielson, Jim Murphy, Gill Freeman, Corey Douglas, Larry Kunin, Daniel Whitehouse, Bart Valdez, Christian Dodd, Keith Kanouse, John McManus, Michelle Suarez, Jonathan Feldman

2. Adoption of minutes from Labor Day Retreat

Motion + Second = Minutes approved

3. Brief message from Lance Scriven (running for FL Bar President)

4. Current and Ongoing Initiatives

- a. PRI articles: 8-10 articles have been submitted this year
- b. Case law updates from Chris Dix
- c. CJE seminar for Broward County Judges (Bart Valdez and David Hazouri)
- d. CLE Presentation for 2017 State Bar Annual Meeting (Steven Tepler)
 - i. Will qualify for 3 hours of CLE, Ethics and Technology credit
- e. Report from Task Force on Revisions to Florida Rule 1.380(e) (Judge Artigliere)
 - i. Florida Rules Subcommittee started with Rule 1.380(e)
 1. Federal Judges don't like exclusivity of Federal Rule 37(e)
 - ii. Christian Dodd reported that the Business Litigation Committee may be interested in commenting on the proposed rule change too. If we have consensus, we could potentially offer comments from the entire Business Law Section, which would provide more weight to our input to the committee.
 - iii. Steven Tepler says to be careful with how quickly we change the rules.
 - iv. Chris Dix raised the issue of whether sophistication of the parties should be considered in determining sanctions. The Federal rule encourages a "sliding scale" for sanctions, depending on the sophistication of the parties. Steven Tepler agrees that all parties should be treated equally.

David Hazouri says the range of sanctions is broader under Florida law than under Federal law.

- v. The Task Force will further revise its comments and circulate to the entire Committee for input. Then, we will submit to the Business Litigation section for their comments.

5. New Business

- a. Consideration of combining EDDE and CLT Committees
 - i. Pros: No conflicting committees, greater resources
 - ii. Cons: No overlap between the committee members
 - b. Further discussion via email.
6. CLE Presentation by Elijah (Andy Reisman) regarding “Use of Digital Forensic Artifacts in Litigation: Unearthing Hidden Evidence” (10:55-12:05)

7. Concluding Remarks