

Florida Electronic Discovery and Digital Evidence Committee  
Agenda for Florida Bar Annual Convention Meeting  
June 22, 2017 – 8:00 a.m.  
Boca Grande Resort, Boca Raton, Florida

1. Opening remarks and introductions.  
**On Phone:** See attached attendance list.  
**In Person:** See attached attendance list.
2. Adoption of minutes from BLS mid-year meeting
3. Motion + Second = Minutes approved
4. Brief remarks from Jon Polenberg and other members of Business Law Section Leadership.
5. Current and Ongoing Initiatives
  - a. Monthly case law updates will be handled by Steven Teppler this coming year.
  - b. CJE seminars – David Hazouri updated the committee on the successful CJE seminars offered to members of the judiciary in Hillsborough and Palm Beach counties. David said the Florida Supreme Court has asked the Circuit Courts to prepare a 4-year plan for addressing use of social media, so judges are especially interested in learning about social media issues.
  - c. CLE Presentation for 2017 State Bar Annual Meeting – Christian provided an overview of the speakers and topics to be covered at the CLE event to be held on the following day (June 23<sup>rd</sup>).
    - i. Will qualify for 4 hours of CLE, Ethics and Technology credit.
  - d. Report from Christian Dodd regarding Task Force on Revisions to Florida Rule 1.380(e)
    - Task Force began last year after the Federal Rules were amended (Dec. 2015)
    - Task Force learned that the Procedural Rules Committee of the Florida Bar has a subcommittee (chaired by Rachel Loukanen) responsible for watching the changes to the Federal Rules and then reporting back on potential changes for the Florida Rules.
    - Our Task Force (Judge Ralph Artigliere (ret.)) connected with the subcommittee (Rachel) to offer our input.
    - Ralph learned that the Procedural Rules Committee had decided to proceed with a revision to Florida Rule 1.380 (based on amended Federal Rule 37) before taking up possible revisions to other Florida Rules concerning discovery.
    - Our Task Force determined that the initial draft of the proposed amendment to Rule 1.380 varied significantly from the Federal rule with inadequate discussion in the the committee notes, which also varied from the committee notes for the Federal Rule.

- Rather than offer a redline revision, our Task Force instead offered broader comments and observations, including a suggestion that the Committee consider some of the other Federal rule revisions in addition to—or instead of—Rule 1.380.
- Based in part on our recommendation, the Procedural Rules Committee is giving further consideration to the previous draft of the proposed amendment to Florida Rule 1.380 and has invited further input from the EDDE Committee.
- Steven Tepler suggested establishing a formal liaison between the EDDE Committee and the Procedural Rules Committee. Christian confirmed that Ralph is acting in this role.
- Chris Dix proposed that the task force proceed with its analysis for proposed changes to the Florida Rules by beginning with the existing Federal Rules and modifying them to include changes that the Task Force believes reflect the nature of Florida state court practice. After the Task Force reaches a consensus on the proposed Florida rule changes, a redline will be prepared which demonstrates the differences between the current Florida rules and the proposed new Florida rules. Commentary will also be prepared which explains any deviations from the existing Federal rules. After seeking support of the entire Business Law Section for the proposed new Florida rules, the Task Force will submit the proposed new Florida rules to the Procedural Rules Committee.
- Steven suggested that this proposal be formalized into a motion.
  - Chris Dix made a formal motion for the task force to proceed as described above.
  - The motion was seconded and unanimously approved.
- Christian confirmed that we will seek the support of the entire Business Law Section prior to going back to the Procedural Rules Committee with revisions.

## 6. New Business

- a. Sponsors for the Business Law Section – Elijah is renewing their sponsorship of the Section and their affiliation with the EDDE Committee. Other sponsorships are available as long as they do not conflict with Elijah’s services.
- b. New CLE opportunities – David proposed a “deeper dive” guide that can be used as a reference by attorneys and members of the judiciary.

## 7. CLE Presentation by Steven Tepler regarding “Discovery Issues with Connected Devices”

## 8. Concluding Remarks