

MEETING MINUTES

**ELECTRONIC DISCOVERY AND DIGITAL EVIDENCE COMMITTEE
BUSINESS LAW SECTION
FLORIDA BAR**

September 3, 2016 – 10:30 a.m. (BLS Annual Labor Day Retreat)
Ritz-Carlton, Naples, Florida

Chair:	Christian Dodd	(904) 374-4238	cdodd@hickeysmith.com
Vice-Chair:	Bart Valdes	(813) 251-5825	brv11@dbksmn.com
Secretary:	Christopher Dix	(904) 359-7730	cdix@smithhulsey.com

1. Call to Order – 10:30 a.m.
2. Introduction of Attendees (with a special welcome to Elijah as a new sponsor for the Business Law Section). List of attendees is attached.
3. Special recognition of immediate past Chair, Steven Teppler, and his accomplishments with, and leadership of, the Committee.
4. Adoption of Policies and Procedures of Committee (Motion by Daniel Whitehouse with second by David Hazouri) (Unanimous vote to approve).
5. Adoption of Minutes from Meeting at Florida Bar Annual Convention (Motion by Daniel Whitehouse with second by David Hazouri) (Unanimous vote to approve).
6. Old/Ongoing Business
 - a. Updates to Website: The Committee, working with our Florida Bar technical liaison Tracey Eller, has updated content on the website and will establish a member only content area. If any member has content for the website, please forward it to Bart Valdes. Doug Cherry commented that the ESI Protocol on the website should be highlighted and promoted. David Hazouri and Steven Teppler will review and update the ESI Protocol as required.
 - b. Monthly articles for Practice Resource Institute: Suzanne Clark drafted the most recent one. We need volunteers for some future articles. Christian Dodd will circulate a list of additional suggested topics. Committee members are invited to suggest topics as well.
 - c. Monthly case law updates for Florida state and federal courts: Chris Dix has done an excellent job of preparing and circulating the case law updates. Not all meaningful orders are published on Westlaw, Lexis, etc. It is requested that Committee members forward any trial court orders concerning e-Discovery issues to Christian Dodd, Bart Valdes or Chris Dix.

- d. CJE Seminar scheduled for September 14, 2016: The Committee will put on a special CJE in Broward County specifically directed to e-discovery and technical issues that trial court judges may encounter in their courtrooms. This is in response to request by Judge Jack Tuter. David Hazouri and Bart Valdes, with assistance from Michelle Suarez (Committee fellow), are putting the materials together and will handle the presentation. We may offer to provide a similar CJE in Miami-Dade with Judge Bailey. Judge Freeman suggests that the Committee offer to do a program at the Advanced Judicial Studies Program. We will contact Judge Terry Lewis in Tallahassee.

7. New Business

- a. Consideration of forming a sub-committee/task force to examine effects of Amended Federal Rules of Civil Procedure and recommendation regarding further amendments to Florida Rules of Civil Procedure: Doug Cherry commented that we need to work with the Civil Rules Committee of the Florida Bar. Steven Tepler stated that the Florida Rules should be amended to include a mandatory meet and confer but Doug Cherry commented that there was pushback when the ESI portion of the Florida Rules of Civil Procedure were updated several years ago. Christian Dodd or Bart Valdes will reach out to the Civil Rules Committee of the Florida Bar about the possibility of proposing amendments to the Florida Rules of Civil Procedure specifically relating to e-discovery and modeled after the recently amended Federal Rules of Civil Procedure. John McManus, David Hazouri, Judge Freeman, and Chris Dix volunteered to assist.
- b. Consideration of forming a sub-committee/task force to plan and prepare for CLE at 2017 State Bar Annual Meeting: Steven Tepler has previously expressed his interest in assisting in the organization and planning and several members of the Committee (Christian Dodd, Bart Valdes, David Hazouri and Suzanne Clark) volunteered to help. We are planning a half-day CLE and will again ask for the Friday morning time slot.
- c. Steven Tepler and Judge Artigliere prepared the update to the section of the Florida Bar Business Litigation Practice and Procedure Manual dealing with e-discovery.
- d. Doug Cherry mentioned that the name of the Committee (Electronic Discovery and Digital Evidence) no longer references information governance but there is a component of the Committee dealing with information governance (as well as information/data security). Larry Kunin commented that there are other committees of the Florida Bar or the Computer Law Committee of the Business Law Section that deal with data breach and information technology. Doug Cherry commented that we should consider including a cyber security component in the CLE presentation in June. Steven Tepler suggested that we discuss this issue with the Computer Law Committee of the Business Law Section. U.S. Legal has a privacy officer (Heather Hughes) who does a CLE on HIPPA and other data breach issues and they are willing to volunteer to help put on a CLE. Daniel Whitehouse

concluded that we should create a bullet point list so we work together with Computer Law Committee. Larry Kunin will be the liaison between the Computer Law Committee and this Committee as well as the Technology Committee of the Florida Bar.

- e. Andrew Hinkes noted that the Business Law Section has established a task force working on the Bitcoin and virtual currency. Woody Pollack is the Chair of the Task Force and any member of the Committee who is interested in participating on this task force should follow-up with Woody Pollack.
 - f. Reminder that Elijah will present a one hour CLE on e-Discovery topics later in the day at the convention.
8. Adjourn – 11:55 a.m.