

Government Investigations 2013: The Role of Electronic Information in Investigation and Response

New York City, April 4, 2013, 1:30 p.m. – 5:00 p.m. ET

Live Webcast, April 4, 2013 — www.pli.edu, 1:30 p.m. – 5:00 p.m. ET

Why You Should Attend

Organizations create and store a growing volume of information on a daily basis. That information is used in all facets of an organization's business. When government regulators seek access to that information, many questions can arise. Exactly what information might the government seek? What limits, if any, are there on the government's request for electronically stored information? How might electronic information be reviewed prior to production and, when the review is completed, how might that information be produced? How are privileges and confidential information protected during an investigation? How can an organization negotiate effectively with the government over the production of electronic information?

Our faculty, which includes judges, regulators, and counsel experienced in government investigations, will answer these questions as they address the cutting-edge issues involved in how the government may seek, produce, and use electronic information in investigations.

Who Should Attend

This program should be of interest to inside and outside counsel, as well as corporate compliance officers, who find – or have found – themselves involved in an investigation by a federal or state regulatory agency.

What You Will Learn

- What triggers a government investigation
- What information the government may demand
- What limitations, if any, exist on the scope of government investigations
- What matters related to electronic information (including the "cloud" and social media) interest regulators
- What forms of electronic information federal agencies may seek
- What standards, if any, exist for production
- Cooperation or conflict? Which response might be most – and least – effective in responding to government requests for electronic information
- How an organization should negotiate with the government over the production of ESI

Faculty



Ronald J. Hedges

Former United States Magistrate Judge
Ronald J. Hedges, LLC
Hackensack, New Jersey

Hon. John M. Facciola

Magistrate Judge
U.S. District Court for the District of Columbia
Washington, D.C.

Manfred J. Gabriel

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New York City

Kathleen T. Toomey

Deputy Director
Professional Development Office
Civil Rights Division
U.S. Department of Justice
Washington, D.C.

Program Attorney: Laurie Gilbertson

Program Schedule

Please plan to arrive with enough time to register before the conference begins.
A networking breakfast will be available upon your arrival.

1:30

The Scope of Government Investigations and Limits on Government Investigations

- Opening Remarks by Program Chair Ronald J. Hedges
- What makes the government decide to investigate?
- How and why agencies coordinate investigations
- How broad can an investigation be?
- When is a respondent's duty to preserve triggered and what is the scope of that preservation?
- How can the respondent challenge scope?
- What judicial remedies are available?

Moderator: David C. Shonka

Speakers: Sarah D. Himmelhoch, Allison C. Stanton, Valerie Szczepanik, Kathleen T. Toomey

2:45 Break

3:00

Responding to Government Requests for ESI: Providing Information, Handling the Investigation, and Ending the Case

- Preservation: When is the duty to preserve triggered?
- Negotiation: How to approach the government and see if there is room for negotiation
- Cooperation: Should you "cooperate" with the government?
- Meeting: Should you request a "meet-and-confer" if agency regulations or guidelines do not provide for one? How transparent should you be?
- Production: What goes into a production to the government? What are the "form or forms" of production?
- Protection: How to protect privilege and/or work product and avoid a waiver. What is the role of Federal Rule of Evidence 502?
- Ending the investigation:
 - Knowing when it is over
 - The end of the duty to preserve
 - How and when parties can get their documents back
- Ensuring that your settlement will hold up

Moderator: Maura R. Grossman

Speakers: Hon. John M. Facciola, Manfred J. Gabriel, Peter C. Harvey, Justin P. Murphy, David C. Shonka

5:00 Adjourn

Reserve your place today, call (800) 260-4PLI
or visit www.pli.edu.

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