
From the SelectedWorks of Allyson W. Haynes

February 27, 2009

Ethics in the E-Discovery Age

Allyson W Haynes



SELECTEDWORKS™

Available at: http://works.bepress.com/allyson_haynes/10/

ETHICS IN THE E-DISCOVERY AGE

FRIDAY, FEBRUARY 27, 2009

Name: _____

Law firm: _____

Address: _____

City _____ Zip _____

Telephone: _____

E-mail: _____

SC Bar#: _____

Credit Card #: _____

Exp. Date: _____ Security Code: _____

Registration Fee: \$50.00

All registrations must be prepaid.

Three easy ways to Register:

Fill out form and mail to:

Federal Courts Law Review
Attention: Allyson Haynes
Charleston School of Law
P.O. Box 535
Charleston, SC 29402

OR

Call: (843) 276-9776

OR

E-mail: fcrlsymposium@charlestonlaw.org

Check and Credit Card accepted.

Please make checks payable to:
Charleston School of Law LLC—FCLR

If you have any questions, please call:
Johanna Serrano: (843) 276-9776
or e-mail: JSerrano@Charlestonlaw.edu

SEMINAR CREDIT
LEGAL ETHICS AND
PROFESSIONAL RESPONSIBILITY
(LEPR) CREDIT
QUALIFIES FOR 2.75 CREDIT HOURS



THE FEDERAL COURTS LAW REVIEW
CHARLESTON SCHOOL OF LAW
81 MARY STREET
CHARLESTON, SC 29403

ETHICS IN THE
E-DISCOVERY AGE
FRIDAY, FEBRUARY 27, 2009

ETHICS IN THE E-DISCOVERY AGE

A SEMINAR

PRESENTED BY

THE FEDERAL COURTS LAW REVIEW
AT THE
CHARLESTON SCHOOL OF LAW

THE FEDERAL MAGISTRATE
JUDGES ASSOCIATION

IN CONJUNCTION WITH

THE CHARLESTON SCHOOL OF LAW

FRIDAY, FEBRUARY 27, 2009

LIVE ONLY AT
CHARLESTON SCHOOL OF LAW
414 KING STREET
CHARLESTON, SOUTH CAROLINA

SEMINAR AGENDA

8:30 a.m. **Registration & Continental Breakfast**

9:00 a.m. **Welcome**
Professor Allyson W. Haynes

9:15 a.m. **Introduction and “Vocabulary”**
The Honorable John M. Facciola

9:30 a.m. First Panel Discussion
Ethical and Legal Obligations to the Client

What are the obligations of attorneys to become versed in technology? What effect do the federal rules have on this obligation?

The Hon. John M. Facciola, Moderator
The Hon. Robert S. Carr
Professor Nathan M. Crystal
Steven M. Abrams, Esquire
D. Michael Henthorne, Esquire

10:45 a.m. Mid-Morning Break

11:00 a.m. Second Panel Discussion
Ethical and Legal Obligations to the Court

When does the obligation to the system conflict with that to the client in the context of e-discovery? How does the court manage that conflict?

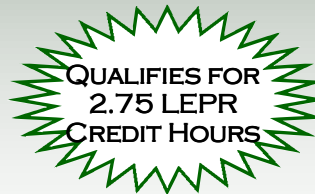
The Hon. John M. Facciola, Moderator
The Hon. Robert S. Carr
Professor Nathan M. Crystal
Steven M. Abrams, Esquire
D. Michael Henthorne, Esquire

12:15 p.m. Adjourn

ABOUT THE SEMINAR

The nature of electronic discovery can lead to disparities between the parties and their respective attorneys in terms of knowledge and competence regarding technology. When that disparity can be used to a party's advantage, ethical issues are raised and attorneys' obligations to the system may outweigh their obligation to their client. This seminar looks at the growing area of electronic discovery, specifically under the federal rules as recently amended. Panelists will discuss the ethical and tactical pitfalls for attorneys who may not be technically savvy, and the constraints upon more knowledgeable attorneys in using their ability and resources to advantage their clients. Questions include the following:

- What are attorneys' obligations under the Rules to become familiar with technology?
- What are the implications of imbalance between the parties?
- What are the practical risks to the technological neophyte?
- How do judges deal with that divide, including via sanctions and/or cost considerations?
- What are the ethical obligations under the Rules to the client? To the system?
- How does the issue of privilege affect these considerations?



PLANNERS AND MODERATORS

The Honorable John M. Facciola
Magistrate Judge
*U.S. District Court
District of Columbia
Washington, D.C.*

Allyson W. Haynes
*Associate Professor, Charleston School of Law
Faculty Advisor, Federal Courts Law Review
Charleston, South Carolina*

FACULTY

The Honorable Robert S. Carr
Magistrate Judge
*U.S. District Court
District of South Carolina
Charleston, South Carolina*

Professor Nathan M. Crystal
*Distinguished Visiting Professor of Law
Charleston Law School
Charleston, South Carolina*

Steven M. Abrams, Esquire
*Abrams Computer Forensics
Sullivan's Island, South Carolina*

D. Michael Henthorne, Esquire
*Little Mendelson, P.C.
Columbia, South Carolina*