

7th Forum

e-Discovery D-A-CH

Enhancing data strategy, compliance, information security
and data protection!

24 – 25 February 2014 | Steigenberger Hotel Berlin, Germany

Don't miss presentations from the
following companies:

- United States District Court, U.S.A
- European Parliament, Belgium
- Bayer Intellectual Property GmbH, Germany
- Commission for Data Protection and Freedom of Information, Germany
- Bundeskartellamt, Germany
- German-American Lawyers Association, U.S.A- Germany
- Rovio Entertainment Ltd, Finland
- Klarna AB, Sweden
- Deutsche Bahn AG, Germany
- Allianz Asset Management AG, Germany
- Evonik Services GmbH, Germany
- Deutsche Post AG, Germany
- BASF SE, Germany
- Siemens AG, Germany
- Citigroup Ltd, UK

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By joining the conference you will get to:

- Learn how best to prepare for **U.S. e-Discovery demands** and help your company to **bridge the transatlantic gap** between **EU data protection** and **U.S. civil procedure**
- Optimize the **data management** in your company by integrating **IT, legal** and **data protection** requirements based on a **cross-border e-Discovery** strategy
- Implement **new EU guidelines** on **data protection** and explore their influence on **international companies** and **cooperation with U.S. legislation**
- Learn how the **Bayer Group** has dealt with **e-Discovery** and what **data policy** they have developed since
- Develop **strategies** to prepare for **dawn raids** by **foreseeing legal issues** with **antitrust proceedings**

Highlight Speakers:

Hon. Shira A. Scheindlin,
United States District Judge, USA

Dr. Stefan Sechting, Company lawyer/
US-Law, Central Legal Department,
BASF SE, Germany

Christopher Rother, Head of regulatory,
competition and antitrust law,
Deutsche Bahn AG, Germany

Dr. Stefan Hanloser, Attorney-at-Law,
CIPP/E,
Allianz Asset Management AG, Germany

Dr. Martin Wimmer, Manager IT Audit,
Siemens AG, Germany

Jan Philipp Albrecht, MdEP, Rapporteur on
the general data protection regulation,
European Parliament, Belgium

Georg Kirsch, Senior Patent Litigation &
e-Discovery Counsel,
Bayer Intellectual Property GmbH,
Germany

Join our interactive evening workshops:

- A e-Discovery basics for an e-Discovery strategy**
- B Data in the Cloud – legal challenges, issues and opportunities for Data storage and transfer**
- C Cross-border e-Discovery from the US legal perspective**

SAVE
up to € 1,350,- with our Early
Birds if you book and pay
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08:00 Registration & coffee



Who is Who?

Learn about your peers. Discover who else is participating in the conference and gain an understanding of the core challenges your peers are facing right now. The matchmaking wall will also help you identify the delegates you want to meet at the conference.

08:40 Chairman's welcome & opening address

Dr. Axel Spies, German lawyer in Washington D.C & co-editor of the **European Telecoms Journal MultiMedia und Recht (MMR)** and of the **German Journal of Data Protection (ZD)**, USA

08:45 **TrendTracking**



Place your questions for the interactive panel discussion later on Live-survey to the industry's recent trends – Please prepare your laptops, smartphones or tablets and take part!

Introduction: past, present and future trends in information governance and e-Discovery

09:00 **e-Discovery – how to bridge the transatlantic gap between EU data protection and U.S. civil procedure**

- The size of the gap
- Possible bridges
- Sedona conference and article 29 working party in dialogue
- New trends

Dr. Alexander Dix, Berlin **Commissioner for data Protection and Freedom of Information, Germany**

Highlight

US court rulings vs. German protection principals

09:35 **Cross Border Discovery: US court rulings & future outlook for European companies**

- Overview of the U.S. Rules Governing Discovery in Civil Cases
- A summary of U.S. Caselaw Discussing Cross-Border Discovery
- The tension between privacy concerns versus robust disclosure in aid of litigation
- How to address this tension when litigation is pending in the U.S.
- x-border discovery (Wultz v. Bank of China)
- e-Discovery sanctions (Pension Comm. of University of Montreal Pension Plan v. Banc of America)

Hon. Shira A. Scheindlin, **United States District Judge, USA**

10:10 Refreshment break & speed networking

10:40 **EU new guidelines on data protection and its influence on international companies**

- PRISM affaire from the European parliament perspective
- EU data protection framework – what is new?
- Developing optimal compliance processes
- Impact on the industry
- The effect on further cooperation with US legislation

Jan Philipp Albrecht, MdEP, Rapporteur on the general data protection regulation, **European Parliament, Belgium**

11:15 **The New Fining Guidelines of the Bundeskartellamt**

- Case law, esp. the "Grauzementbeschluss" of the Federal Court of Justice
- Principles and calculation of fines in cartel cases
- Effects of the BKartA's new guidelines on small undertakings vs. multinationals.
- Overview of recent decisions of the Bundeskartellamt

Dr. Michael Saller, Case Handler (Beisitzer) at the 11th decision division of the Bundeskartellamt responsible for prosecuting hardcore cartels, **Bundeskartellamt, Germany**

11:50 **How to bridge between the European principal of data protection and the US court rulings for data transfer**

- The difference of US vs. EU legislation
- What can US authorities actually mandate?
- How to prepare for US court cases even before they take place
- International arbitration possibilities

Dr. Axel Spies, German lawyer in Washington D.C & co-editor of the **European Telecoms Journal MultiMedia und Recht (MMR)** and of the **German Journal of Data Protection (ZD)**, USA

12:25 Networking lunch

13:55 **How the Bayer group is dealing with e-Discovery**



- The e-Discovery event we had
- How we dealt with this event
- How we prepare ourselves and what company policy we have now

- Practical suggestions for other European companies
- Georg Kirsch, Senior Patent Litigation & e-Discovery Counsel, **Bayer Intellectual Property GmbH, Germany**

14:30



Panel discussion: Staged e-Discovery mini-trial based on true case studies

What is the most promising way to overcome a US demand for data transfer in light of the EU principal of data protection? Do we always need to learn it the hard way by using trial and error? Or is there a best of breed solution that colleagues can recommend? Witness your peers discuss some of the most talked-about approaches and how they might support the right way finding:

- Identification, preservation, collection and processing
- Data processing time management
- Compliance and risk mitigation – How to tailor your German-law-based-defences to make them appealing for a US judge
- Preparation and anticipation – Do you really need to always fight document production requests?
- Cooperation between IT and legal

United States District Judge: Hon. Shira A. Scheindlin

Bayer group representative: Georg Kirsch, Senior Patent Litigation & e-Discovery Counsel

German-American Lawyers Association: Dr. Stephan Wilske, Attorney-at-Law

German Bundeskartellamt: Dr. Michael Saller, Case Handler (Beisitzer)

Highlight

Data strategies for European companies

15:00 **e-Discovery ... what now? - How BASF SE handles the challenge**

CASE STUDY

- Some basics
- BASF Internal Framework
- Actual In-house Discovery Procedure
- Successful approach for companies with lesser exposure to US litigation?

Dr. Stefan Sechting, Company lawyer/US-Law, Central Legal Department, **BASF SE, Germany**

15:35 Refreshment break & speed networking

16:05 **Data Strategies for European Companies**

CASE STUDY

- Internal reviews – lessons learned
- Server placement strategy options
- Authorities are not the enemy
- Data management lifecycle

Leena Kuusniemi, Senior Legal counsel, **Rovio Entertainment Ltd, Finland**

16:40 **Educating your colleagues and effective e-Discovery controlling within your company**

CASE STUDY

- Teaching basic e-Discovery processes: What should each department process and what dangers are there ahead
- Coordination between the legal department to all other departments
- Conducting seasonal audits, updating software and technology
- Benchmarking and constant learning

Caroline Olstedt Carlström, Chief Counsel Global Data, **Klama AB, Sweden (TBC.)**

17:15 Closing remarks from the chairman to end conference day one & Evening reception with networking opportunities

17:30-19:30 **Workshop A:**

e-Discovery basics for an e-Discovery strategy

- e-Discovery terminology
- Common procedures
- Data protection in the EU
- Focus: eDiscovery in Germany
- Practical implementation of conflicting regulations

Dr. Axel Spies, German lawyer in Washington D.C & co-editor of the **European Telecoms Journal MultiMedia und Recht (MMR)** and of the **German Journal of Data Protection (ZD)**, USA

OR

17:30-19:30 **Workshop B:**

Data in the Cloud – legal challenges, issues and opportunities for Data storage and transfer

- Exploring and evaluating legal framework
- Challenges for agreement making
- How to inform the end-user - challenges for privacy policy and consents

Leena Kuusniemi, Senior Legal counsel, **Rovio Entertainment Ltd, Finland**

08:30 Registration & coffee
08:55 Chairman's welcome & opening address

Optimizing judicial aspects of e-Discovery

- 09:00 CASE STUDY** **Foreseeing legal issues in antitrust proceedings and preparing for them in advance**
- What regulators look for during dawn raids
 - Managing data protection issues during dawn raids
 - Possible aspects and strategies to prepare for dawn raids
 - Most important issues to verify when conducting internal investigations related to antitrust proceedings
- Christopher Rother, Head of regulatory, competition and antitrust law, **Deutsche Bahn AG, Germany**
- 09:35** **The traps and pitfalls of non-compliance with e-discovery requests – practical experiences from international arbitration**
- Immediate sanctions and other procedural consequences
 - How to locate your opponent's allegedly non-existing documents
 - Using your opponent's alleged non-access to responsive documents to your advantage
 - Forcing your opponent to produce requested documents
- Dr. Stephan Wilske, Attorney-at-Law & Partner, Gleiss Lutz, member of the board, **German-American Lawyers Association, Germany**
- 10:10** Refreshment break & networking
- 10:40 CASE STUDY** **Data in the Cloud & BYOD – How to avoid technical and legal pitfalls when transferring data**
- e-discovery and the Cloud – What are the interfaces? What are the issues?
 - The Cloud – different types and different challenges
 - Where to place your servers, register your site and application
 - Practical advice
- Dr. Stefan Hanloser, Attorney-at-Law, CIPP/E, **Allianz Asset Management AG, Germany**

International arbitration procedures

- 11:15 CASE STUDY** **Arbitration of M&A Disputes**
- Key types of disputes
 - e-Discovery & the IBA Rules on the Taking of Evidence in International Arbitration
 - Expectation & experience of the parties
- Ludger Kollender, LL.M., Senior Legal Counsel, **Evonik Services GmbH, Germany**

Managing IT issues in respect to international eDiscovery demands

- 11:50 CASE STUDY** **Siemens: World-wide e-Discovery support in practice**
- Legal requirements meet IT: how to collect and where to host data
 - Supporting electronic review by sophisticated internal review applications
 - Technical requirements and hurdles when preparing data for review
 - Keeping the end in mind: how to proceed when cases reach their end
- Dr. Martin Wimmer, Manager IT Audit, **Siemens AG, Germany**
- 12:25** Networking lunch
- 13:55 CASE STUDY** **Data protection and cross-border eDiscovery – a case study from the Deutsche Post AG**
- Which data protection legal aspects are most important for companies
 - Organizational and technical preparation
 - Impact on the competitive capacity: costs vs. efficiency
- Gabriela Krader, Datenschutzbeauftragte der **Deutsche Post AG, Germany**

e-Discovery meets German Privacy Protection – data privacy case studies for e-Discovery

- 14:30 CASE STUDY** **Data Protection Challenges when addressing US e-Discovery and Regulatory and Governmental Requests for Information**
- Sharing data in the context of US e-discovery
 - Restrictions on sharing data in the context of non-European Regulatory & Governmental investigations
 - Practical ways to address the challenges of the conflicting obligations in relation to disclosing data outside of the EU
- Vivienne Artz, Managing Director & General Counsel, IP and O&T Law Group, **Citi Group, UK**
- 15:05** Closing remarks from the chairman to end the conference & reception with networking opportunities

- 15:30- Workshop C:**
17:30 Cross-border e-Discovery from the US legal perspective
- Latest developments and relevance for German companies
 - Preparation and implementation
 - Coordination with local and EU legislation
 - Possible course of action: Sedona conference and harmonization possibility
 - Case studies: analysis and lessons-learned
 - Discussion
- Hon. Shira A. Scheindlin, **United States District Judge, USA**

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Alvarez&Marsal Global Forensic and Dispute Services GmbH
Bürkleinstraße 10
80538 München, Germany
Tel.: +49 (0)89 71 04 0600
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Please indicate your choice of evening workshop

Workshop A ☐ | Workshop B ☐ | Workshop C ☐

Monday, 24 February 2014:

A: e-Discovery basics for an e-Discovery strategy

B: Data in the Cloud – legal challenges, issues and opportunities for Data storage and transfer

Tuesday, 25 February 2014

C: Cross-border e-Discovery from the US legal perspective

Only one discount applicable per person.

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Documentation will be sent 6 weeks after the event

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