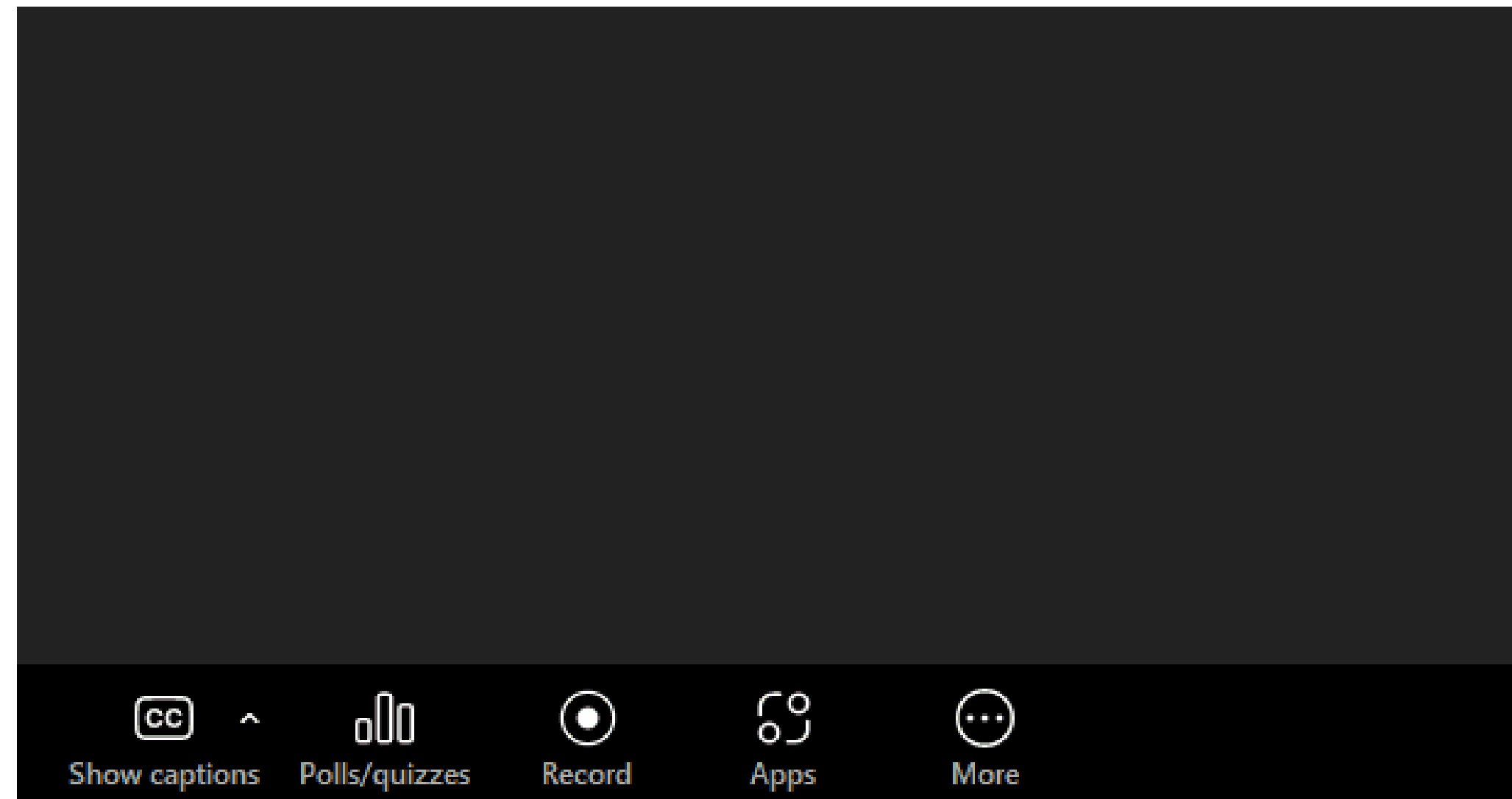


eDiscovery Day, Canada!

A two-day online program focused on electronic discovery and legal technology in the Canadian context.

Activer les sous-titres en français

Pour visionner ce contenu avec des sous-titres en français, veuillez suivre les étapes de cet enregistrement :



The Sedona Conference®



Gretel Best
Gowling WLG
Steering Committee Chair,
Sedona Working Group 7
("Sedona Canada")



Kenneth J. Withers
Executive Director
The Sedona Conference

Land Acknowledgement

The Sedona Conference®

- Nonprofit, non-partisan research and educational institute dedicated to the advanced study of law and policy in the areas of antitrust, intellectual property, and complex litigation
- Transcending traditional continuing legal education to combine experience with dialogue, outside of the adversarial system, to contribute to the reasoned and just development of law and policy
- Supporting Working Groups to develop principles, guidelines, and best practices in targeted areas “ripe” for development

The Sedona Conference dialogue model



Debate: Assuming that there is a right answer and that you have it

Dialogue: Assuming that many people have pieces of the answer and that together they can craft a solution

Debate: Listening to find faults and make counter arguments

Dialogue: Listening to understand, find meaning, and agreement

Debate: Defend one's own views against those of others

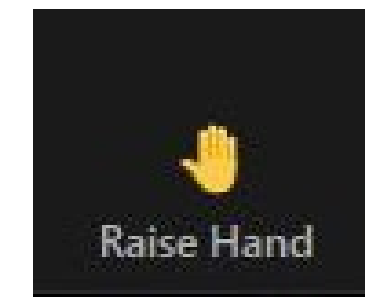
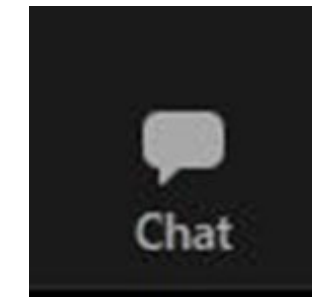
Dialogue: Admitting that others' thinking can improve on your own

Debate: Seeking a conclusion or vote that ratifies your position

Dialogue: Discovering new options, not seeking closure

“Virtual” dialogue

- This webinar is being recorded
- Keep the “Chat” window open and join the dialog by text
- Raise your hand (virtually, using the icon) if you would like to ask a question or make a comment verbally
- Keep your mic on mute unless called on



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- CEDS recertification credit is also available

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Modern Challenges in ESI Collection

Moderator:

- Michael Quartararo, President, Association of Certified E-Discovery Specialists

Dialogue leaders:

- Lisa Alleyne, Sr. Legal Counsel, Scotiabank
- Kevin Lo, Sr. Director of Digital Forensics, MT>3
- Cezar Serhal, Sr. Manager-Digital Forensics, Deloitte Canada
- Tiana Van Dyk, Managing Director, Epiq Canada

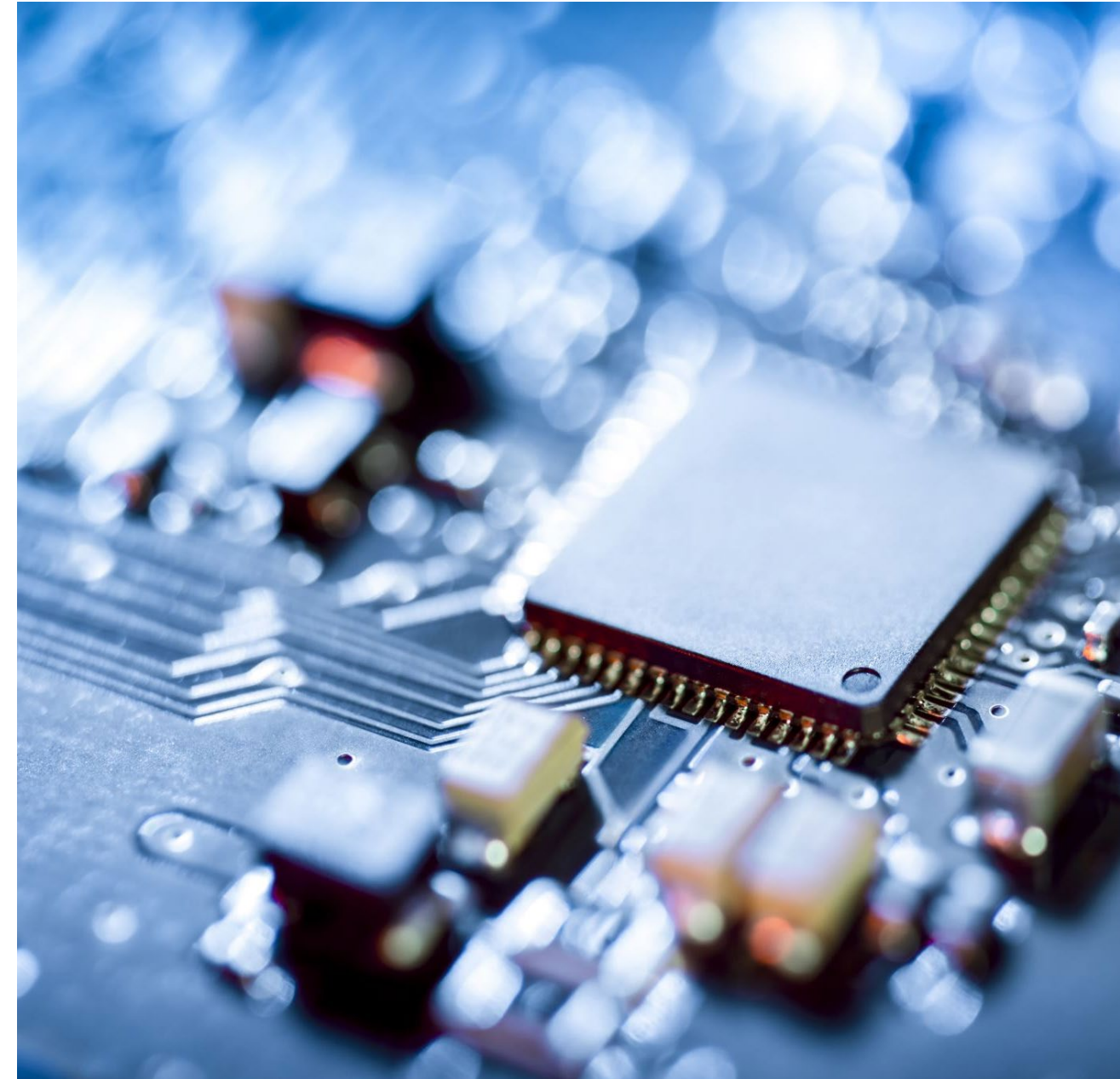
Today's Agenda

- Welcome
- Introductions
- Collecting from the cloud
- BYOD policies
- Security protocols
- Ephemeral Messaging
- Questions & Discussion



Collecting from the Cloud

- **Cloud-based platforms are here to stay**
 - Microsoft 365, Google Suite
 - Document management systems
 - Collaboration platforms (e.g., Slack, Jira, Teams)
- **The hyperlinked file dilemma**
 - Microsoft Purview
 - Exports from cloud platforms
 - Still need to connect email and attachments
- **Other collection tools**



Bring Your Own Device



Privacy vs Expectation of Privacy

Cloud & Multi-Device Synchronization

Hybrid model of BYOD

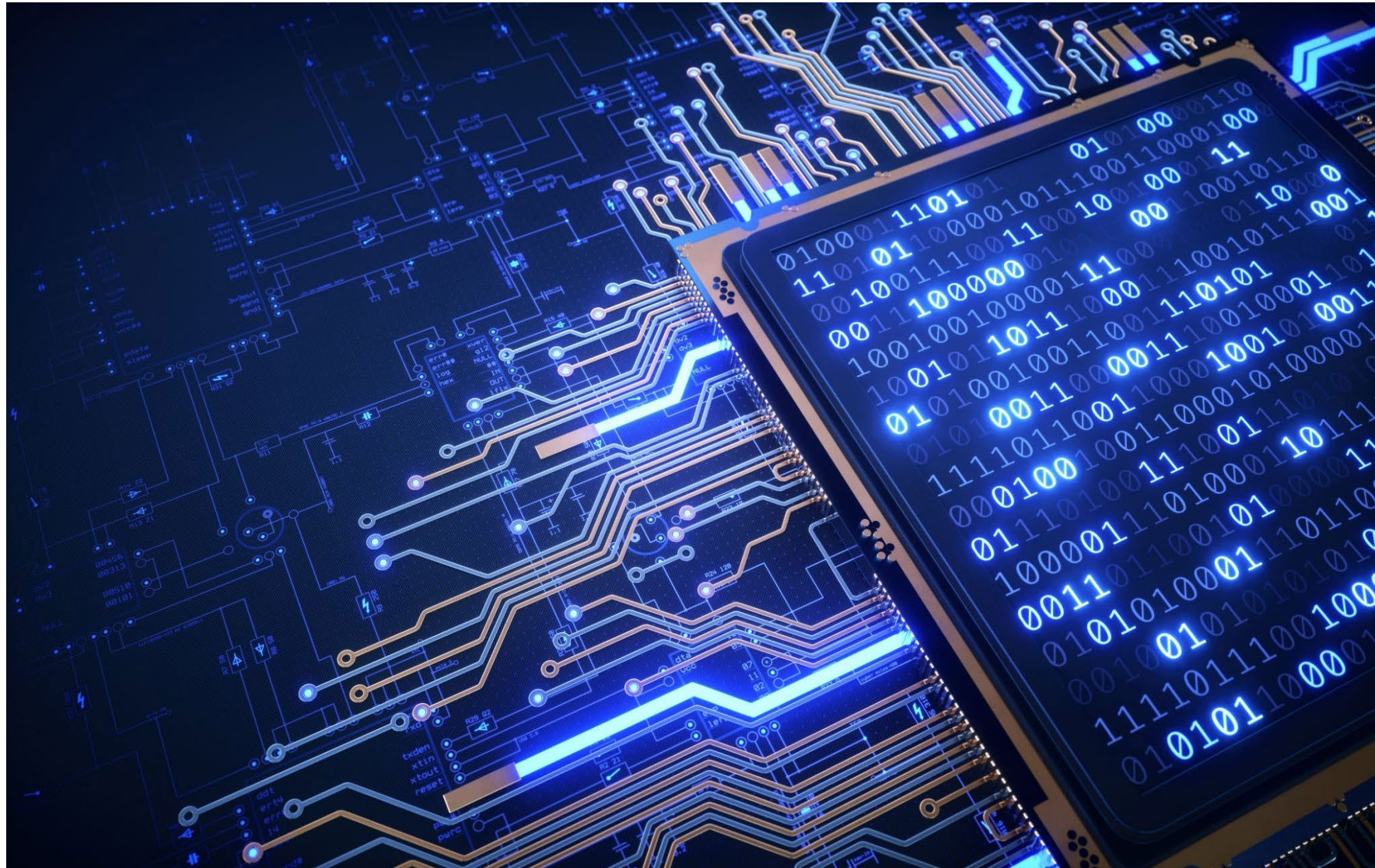
Control & Security

Those Pesky Security Protocols

- **Evolving security features for mobile devices**
 - Stolen device protection on iOS
 - Remote lock and wiping
- **Advanced encryption techniques**
 - Used by default on most data sources
 - End-to-end encryption for communication and backups
- **Evolving account sign-in challenges**
 - Risk-based authentication and behavioral anomaly detection
 - Multi-factor authentication
- **Frequent updates to apps and operating systems**
 - In some cases, updates outpace capabilities of current collection tools



Ephemeral Data: Now you see it . . .



- What is Ephemeral Messaging
- Why does it matter?
- Legal and forensic risks
- How to respond proactively
- Emerging thoughts on ephemeral messaging

“Ephemeral messages are designed to disappear — your duty to preserve doesn’t.”

Key Takeaways



1. Be prepared to collect more data from the cloud
2. Stay tuned for more on hyperlinked files
3. Understand BYOD expectations relating to mobile devices
4. Security protocols are evolving—stay informed
5. Don't expect ephemeral data to be where you left it

Questions and Discussion

Thank you for attending!



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Agenda, Dialogue Leader Bios and Sponsors

- 📄 eDiscovery Day Canada Agenda - Annotated
- 📄 eDiscovery Day Canada - Dialogue Leader Bios
- 📄 eDiscovery Day Canada - Sponsors

Materials

- 📄 1.1 Sedona Canada Principles (English)
- 📄 1.1 Sedona Canada Principles (French)
- 📄 1.2 Sedona Canada Education Report (English)
- 📄 1.2 Sedona Canada Education Report (French)
- 📄 2.1 AI Primer
- 📄 3.1 Mobile Device Data
- 📄 3.2 Collaboration Platforms
- 📄 3.3 Ephemeral Messaging
- 📄 3.4 Social Media
- 📄 4.1 Bibliography
- 📄 5.1 Small Cases

- The Sedona Conference, *Commentary on Discovery of Mobile Device Data*, Public Comment Version
- The Sedona Conference, *Commentary on Discovery of Collaboration Platforms Data*, Public Comment Version
- The Sedona Conference, *The Sedona Conference Commentary on Ephemeral Messaging*
- The Sedona Conference, *The Sedona Canada Commentary on Discovery of Social Media*

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