

H5

CLE PROGRAM

2010 Course Catalog

For More
Information:
cle@h5.com
415 625 6772

H5 CLE Courses

H5 is pleased to offer intensive continuing legal education (CLE) courses to law firms and corporate legal departments. Our complimentary courses cover a range of cutting-edge issues, including best practices, trends, and court opinions related to effective electronic discovery and document review for litigation, investigations, and enterprise-wide legal information management. We can also customize courses to your organization's individual needs.

Our experienced faculty will provide valuable insights into the methods, processes, and technologies for cost-effective, reliable, and defensible electronic discovery.

Participation

The courses will be presented in your law firm or law department office. Each course is one hour in length, and participants will be eligible for one CLE credit per course. CLE accreditation is pending.

To schedule a course, please contact:

Carrie Tacla
H5 Senior Marketing Manager
cle@h5.com
415 625 6772

Keys to Effective and Defensible Document Review

For lawyers, two of the greatest and most costly challenges in document review are well known: failing to retrieve what you either want or are obligated to find, and retrieving what you neither want nor need to find. The first carries significant risks associated with effective case assessment and strategy, not to mention compliance and defensibility. The second can result in excessive cost and time to review non-relevant documents, and the inadvertent production of documents that you are not required to produce.

This one-hour course will confront these challenges head on. With guidance from recent court opinions, it will show how the systematic application of information retrieval science, combined with various other areas of expertise, can substantially increase the accuracy of document review while reducing risks and costs.

Specific topics will include:

- Major risks and costs of typical search methods and software tools
- Key steps in an effective document review process
- The use of expertise—such as linguistics, statistics, computer science, and process design—that can reduce your overall costs while increasing accuracy
- Measurement of document review performance
- Guidance from recent court opinions, including:
 - *Gross v. American Manufacturers Mutual Insurance Co.*, 256 F.R.D. 134 (S.D.N.Y. 2009)
 - *SEC v. Collins @ Aikman*, 256 F.R.D. 403 (S.D.N.Y. 2009)
 - *Victor Stanley, Inc. v. Creative Pipe, Inc.*, 250 F.R.D. 251 (D. Md. 2008)
 - *United States v. O’Keefe*, 537 F. Supp. 2d 14 (D.D.C. 2008)
 - *In re Seroquel Products Liability Litigation*, 244 F.R.D. 650 (M.D. Fl. 2007)

How to Measure the Effectiveness of Search and Review in E-Discovery

In any search and review task, lead litigators and their review teams should always be asking themselves these questions: How accurate are my relevance assessments? How much important information might I be missing? How do I know? This one-hour course will provide the answers to these questions, with an in-depth discussion of metrics and sampling methodologies used for measuring the effectiveness of search and review.

Participants can expect to learn best practices in conducting systematic analyses, the use of appropriate performance metrics, and the use of sampling to cost-effectively measure document review performance.

Specific topics will include:

- Introduction to measurement
- Performance metrics: key inputs and appropriate metrics
- Sampling to test review performance
- Sampling to estimate review performance

Defensible Search and Review: Guidance from Recent Court Opinions

This one-hour course will highlight recent court guidance on defensible search and review methods, focusing on the May 2008 opinion issued by U.S. Magistrate Judge Paul Grimm in *Victor Stanley, Inc. v. Creative Pipe, Inc.*, which builds on the opinion issued by U.S. Magistrate Judge John Facciola in *United States v. O'Keefe*.

These opinions provide useful guidance to litigants as to how discovery of electronically stored information (ESI) should be conducted to successfully withstand challenge. Approaches developed by the Text REtrieval Conference (TREC)—the standards body for measuring the effectiveness of search and review—and The Sedona Conference will be explained in the context of *Victor Stanley*. Additional guidance on practical approaches to defensible search and review will be provided.

Specific topics will include:

- Criteria to use in selecting and implementing a reasonable, cost-effective, and reliable search and review methodology
- Efficient use of technologies and process to reduce your overall review costs while increasing accuracy
- Specific guidance from The Sedona Conference and TREC for litigants on making reasonableness and defensibility determinations with respect to ESI search methodologies
- Specialized expertise that may be required in the search and review process

The Role of Linguistics, Statistics, and Computer Science in Effective Search and Review

“Whether search terms or ‘keywords’ will yield the information sought is a complicated question involving the interplay, at least, of the sciences of computer technology, statistics and linguistics ...”

—*United States v. O’Keefe*, 537 F. Supp. 2d 14 (D.D.C. 2008)

Judges are talking about the need for linguistics, statistics, and computer science in the e-discovery process. But how are these disciplines—not typically found together in law firms, corporate legal departments, and IT or discovery consultancies—critical to effective search and review?

This one-hour course will define in depth each discipline and others, such as process design, in the context of effective search and review, and will provide real-world examples of the practical application of these disciplines to achieve more defensible, cost-effective, and accurate results.

Specific topics will include:

- Linguistics, statistics, and computer science in the context of e-discovery
- The importance of these competencies in addressing risks and costs in the review process, specifically in relation to:
 - Capturing and transferring knowledge
 - Maintaining consistency throughout a review
 - Measuring review performance
 - Increasing review accuracy
- Types of matters in which these specialized areas of expertise may be required

H5 Faculty

Our faculty members are thought leaders in the e-discovery industry. They have decades of experience in their respective areas of expertise, including law, information technology, e-discovery, linguistics, research, and statistics. A detailed list of faculty members' speaking engagements and publications is available at www.h5.com/about/speakers.html.

Robert S. Bauer, Ph.D. – Chief Technology Officer

Bob Bauer has over 30 years of leadership in turning innovative technologies into strategic advantages. Dr. Bauer is the former vice president and founding CTO of Xerox Global Services. As a senior staff member at Xerox's Palo Alto Research Center (PARC), he led the Systems Science Laboratory and helped create the Advanced Systems Development Lab. He is a fellow of the American Physical Society, and has been an advisor for the National Academy of Sciences, the National Science Foundation, UNESCO, and the federal Departments of Commerce, Defense, and Homeland Security. Dr. Bauer earned an M.S. and Ph.D. in electrical engineering from Stanford University.

Julia Brickell – Executive Managing Director and General Counsel

Julia Brickell is executive managing director and general counsel of H5. In addition to overseeing the legal affairs of the company, including corporate governance and legal compliance issues, Ms. Brickell advises on corporate strategy. Prior to joining H5, Ms. Brickell was associate general counsel of Altria Client Services from 2000 to 2008. She focused on product liability litigation, risk assessment, and electronic data management. From 1998 to 2000, Ms. Brickell served as vice president and deputy general counsel of Philip Morris USA. Prior to joining Philip Morris, Ms. Brickell practiced at Davis, Polk & Wardwell in New York, where she handled antitrust, securities, professional malpractice, and commercial litigation. Ms. Brickell is a frequent lecturer on methods of evaluating and addressing the strategic challenges and risks posed to companies by the explosion of electronically stored information. She is on the board of Lawyers for Civil Justice and serves on the faculty of Columbia University's Executive Master of Science in Technology Management program. Ms. Brickell obtained her B.A. from Smith College and her J.D. from Columbia University School of Law.

Jim Donahue, Esq. – Manager, Research & Implementation

Jim Donahue works with both H5 clients and internal personnel to ensure that all the subject matter requirements of a given engagement are met. Prior to joining H5, Mr. Donahue worked as an associate for Sedgwick, Detert, Moran & Arnold and Sheppard, Mullin, Richter & Hampton. He has also conducted a variety of civil litigation contract work and has taught courses for non-

attorneys in a diverse range of legal topics. Mr. Donahue is a graduate of the University of California, Santa Barbara, and the University of California, Hastings College of the Law.

Marc Fink, Esq. – Practice Director

Marc Fink manages new business development with leading national corporations and law firms. Before joining H5, Mr. Fink was a vice president and divisional compliance advisor with Merrill Lynch, serving as the primary compliance resource for over 90 branch offices. Prior to that he worked at Schwartz Nardello, LLP, where he served as a senior investigative counsel of the Citigroup monitorship team in conjunction with the Global Research Settlement Agreement. Mr. Fink co-authored the official monitorship report, which was submitted to the SEC, NYSE, and the NASD. Previously, Mr. Fink served as an associate director in the Legal Department of Bear, Stearns & Co. Inc. Before that, he was a trial counsel with the New York Stock Exchange Division of Enforcement after working as a senior associate at Bower & Gardner, a product liability and medical malpractice defense firm. Mr. Fink began his legal career as an assistant district attorney in New York County. He earned his B.S. from the State University of New York at Albany and his J.D. from Syracuse University College of Law.

Bruce Hedin, Ph.D. – Principal Scientist, Professional Services

Bruce Hedin is H5's principal scientist. At H5, Dr. Hedin's areas of focus have been process design, sampling, and metrics. Previously, Dr. Hedin worked at YY Technologies, a firm developing natural language processing software. His publications include "Domain Analysis and Representation" in *The Handbook for Language Engineers* (2003), and "Searching in all the Wrong Places: The Effectiveness of Search Tools in E-Discovery," *Digital Discovery @ e-Evidence* (January 2007). Dr. Hedin is a member of Sedona WG1 and is a coordinator for the TREC Legal Track. Dr. Hedin received a B.A. from Cornell University and a Ph.D. in classics from Stanford University.

Christopher Hogan – Head of Advanced Research and Development

As head of Advanced Research and Development at H5, Christopher Hogan's research focuses on creating innovative linguistic technologies to support and extend H5's unique approach to document review and preservation services. Mr. Hogan has been involved in the field of computational linguistics for fifteen years and has worked in the areas of information retrieval, speech recognition, and machine translation. He has published papers on a number of topics, including information retrieval and acquisition of lexical resources. Mr. Hogan received his B.A. in mathematics and computer science from Pomona College and his M.S. in computational linguistics from Carnegie Mellon University.

Michael D. Morneault, Esq. – Practice Director

Michael Morneault manages new business development with leading national corporations and law firms. Prior to joining H5, Mr. Morneault was vice president and chief investment officer of Innovation Works, a seed-stage venture capital fund. Previously, he was at McKesson Corporation, where he first served as general counsel and then as vice president of strategy and business development for the Fortune 20 company's healthcare automation businesses. Before joining McKesson, he practiced law in the Business and Finance Group of Morgan, Lewis & Bockius LLP. Mr. Morneault also served with distinction in the Army's 3rd U.S. Infantry (the "Old Guard") in Washington, D.C. Mr. Morneault is a distinguished graduate of Southern Vermont College and the University of Wisconsin–Madison Law School, where he graduated *cum laude*.

Thomas N. Murray, Jr., Esq. – Corporate Counsel

As corporate counsel and secretary, Thomas Murray is responsible for administering all legal matters for H5. Prior to joining H5, Mr. Murray practiced corporate law with two Bay Area Am Law 100 firms, advising a wide variety of clients, including technology companies, on all aspects of their business and financial activities and helping them manage complex transactions such as mergers, acquisitions, financings, and initial public offerings. He has been a speaker and panelist in forums regarding the challenges faced by in-house counsel, including data security and managing outside counsel. Mr. Murray earned his B.A. in government and Russian & Soviet studies from Cornell University and his J.D., *cum laude*, from Tulane Law School.

Vivien Naim, Esq. – Practice Director and Counsel

Vivien Naim manages new business development with leading national corporations and law firms, and counsels H5 on compliance and regulatory matters. Ms. Naim has over 15 years of experience with leading financial institutions. Before joining H5, Ms. Naim was director and senior counsel at Merrill Lynch, where she provided legal, regulatory, and compliance counsel to the Global Bank Group on strategic growth initiatives, development and distribution of commercial and consumer banking products, and the enhancement of business processes. Prior to that, Ms. Naim served as vice president and assistant general counsel in JPMorgan Chase's Litigation Department, where she conducted and managed domestic and international litigations, including securities law, fraud, contract, antitrust, lender liability, retail banking, and bankruptcy-related matters. Before going in-house, Ms. Naim was a litigation associate at Debevoise & Plimpton, where she handled all phases of complex commercial litigation. She earned her B.A. and B.S. degrees from the University of Rochester and her J.D. from the Benjamin N. Cardozo School of Law.

Michael Rubenstein, Esq. – Managing Director

Michael Rubenstein is a managing director of H5's Global Practice, leading the company's On-Demand Litigation Solutions line of business. Over the past four years, he has managed engagements involving the review and analysis of over 100 million pages of text for clients in the financial services, healthcare, energy, and technology sectors. He has also led the development of H5's most significant business alliances, including the company's strategic relationship with O'Melveny & Myers LLP. Prior to joining H5, Mr. Rubenstein served as managing partner of Document Technologies, Inc., a national litigation services firm, where he oversaw regional operations including multiple outsourced document and data production facilities. A former practicing attorney at Kilpatrick Stockton LLP, he has also held a variety of client development and marketing positions in emerging legal technology firms, including CaseCentral, Inc., a provider of legal data repository and software application services. Mr. Rubenstein is a graduate of Stanford University and Harvard Law School.

Gina Taranto, Ph.D. – Senior Manager, Strategic Initiatives

Gina Taranto is H5's senior manager of strategic initiatives and a key technical advisor on client engagements. Prior to joining H5, Dr. Taranto worked as a research linguist at A-Life Medical, Inc., and Northrop Grumman Information Systems. Dr. Taranto's areas of specialization are discourse analysis, semantics, pragmatics, and natural language processing; her publications include the book *Discourse Adjectives*. She received her B.A. from Kresge College at the University of California, Santa Cruz, with honors and her M.A. and Ph.D. from the University of California, San Diego.

Stephen P. Van Liere, Esq. – Practice Director

Steve Van Liere manages new business development with leading national corporations and law firms. Mr. Van Liere has worked as a lawyer, recruiter, and provider of services to the legal industry for 25 years. He joined H5 from the executive search firm Korn Ferry International, where he conducted national searches for general counsels, law firm partners, and executives. Prior to working at Korn Ferry, Mr. Van Liere was a legal executive search consultant for Highland Partners (now part of Heidrick & Struggles), and prior to that he founded his own legal recruiting and contract lawyer business in San Francisco called The Tiro Company. Mr. Van Liere was a business litigator with the former San Francisco law firm Landels Ripley & Diamond, and worked for many years as regional vice president for the American Arbitration Association, the world's largest provider of alternative dispute resolution (ADR) services. Mr. Van Liere earned his undergraduate degree from the University of Michigan and his J.D. from the University of California, Hastings College of the Law, where he graduated as a Tony Patino Fellow.

