

Thursday, February 22, 2018

8:00 — 9:00 **Sign-In and Breakfast**

9:00 — 9:30 **Welcome & Overview**
(Artigliere, Weinlein)

9:30 — 11:00 **Defense Attorney-Client Meeting Demonstration**
(Entire Faculty)

Defense counsel teams (Team D): Defendant Pure Markets is represented by the Phoenix office of Baker, Skadden & Latham, one of the ten largest firms in the U.S., headquartered in New York. BSL also represents Pure Markets' parent company, Pure Holdings & Investments (PHI), which was formed three years ago for the purpose of acquiring Pure Markets. BSL has all the resources you would expect from a top-tier firm, but PHI and Pure Markets are relatively small (and highly leveraged) clients.

Individual Plaintiff Team Meetings

After an initial orientation, participant teams will observe separate demonstrative client meetings (for plaintiff and defendant) performed by the faculty. The meetings will involve typical issues and methodology for conducting client meetings involving ESI. The information gleaned at these meetings will be used in the participant teams' conduct of subsequent mock meet-and-confers as well as the mock Rule 16(b) case management conference. For that reason, defense counsel teams observe only the defense counsel-client meeting demonstration and plaintiff's counsel teams observe only the plaintiff's counsel-client meeting demonstration.

11:00 — 11:15 **Morning Break**

11:15 — 12:45 **Plaintiff's Attorney-Client Meeting Demonstration**
(Entire Faculty)

Plaintiff's counsel teams (Team P): Plaintiff Maria Capriotti is represented by the Phoenix law firm of Davidson and Van Allen, a well-established 48-attorney firm located in uptown Phoenix, with satellite offices in Glendale and Mesa. They are a sophisticated and politically connected general practice law firm, concentrating in real estate, small business, estate planning, and related litigation. They rarely represent individual plaintiffs in employment actions, but the senior partner took this case as a favor to Monsignor Coughlin at St. Michael's Parish Church, attended by Ms. Capriotti, as the firm routinely represents the Diocese in real estate and land use matters, and Monsignor Coughlin sits on the Diocese's real estate management committee.

Thursday, February 22, 2018 (Cont.)

Individual Defense Team Meetings

After an initial orientation, participant teams will observe separate demonstrative client meetings (for plaintiff and defendant) performed by the faculty. The meetings will involve typical issues and methodology for conducting client meetings involving ESI. The information gleaned at these meetings will be used in the participant teams' conduct of subsequent mock meet-and-confers as well as the mock Rule 16(b) case management conference. For that reason, defense counsel teams observe only the defense counsel-client meeting demonstration and plaintiff's counsel teams observe only the plaintiff's counsel-client meeting demonstration.

12:45 — 2:00 Lunch (provided)

2:00 — 3:15 Scope, Form and Preservation: Breakout Session
(Entire Faculty)

Breakout groups will be comprised of a P team, D team, and two to four faculty members. In the breakout sessions, all teams will engage in a mock exercise, with the exception of one set of two teams who will observe a mock exercise (or prepare for their next exercise); those two teams will engage in their mock exercise in front of the full group in the subsequent plenary session. Following the mock exercise, the faculty members in each breakout group will offer personalized critique and feedback to the teams.

3:15 — 3:30 Afternoon Break

3:30 — 5:00 Scope, Form, and Preservation: Plenary Session
(Blaustein, Cohen, Gronborg, Keeling, Schultz)*

In all plenary sessions, one set of two teams only (chosen randomly, and who will not have participated in the preceding breakout session¹) will engage in their mock exercise in front of the full participant group, followed by critique and feedback from the faculty members on the panel, and questions from and dialogue with the full group of participants.

5:00 — 7:00 Reception

Friday, February 23, 2018

7:30 — 8:30 **Sign-In and Breakfast**

8:30 — 9:45 **Privilege: Breakout Session**

(Entire Faculty)

Breakout groups will be comprised of a P team, D team, and two to four faculty members. In the breakout sessions, all teams will engage in a mock exercise, with the exception of one set of two teams who will observe a mock exercise (or prepare for their next exercise); those two teams will engage in their mock exercise in front of the full group in the subsequent plenary session. Following the mock exercise, the faculty members in each breakout group will offer personalized critique and feedback to the teams.

9:45 — 10:00 **Morning Break**

10:00 — 11:30 **Privilege: Plenary Session**

([Hoffman](#), [Hughes](#), [Jacobs](#), [McVoy](#), [Shortnacy](#))*

In all plenary sessions, one set of two teams only (chosen randomly, and who will not have participated in the preceding breakout session1) will engage in their mock exercise in front of the full participant group, followed by critique and feedback from the faculty members on the panel, and questions from and dialogue with the full group of participants.

11:30 — 12:30 **Lunch (provided)**

12:30 — 1:45 **Social Media: Breakout Session**

(Entire Faculty)

Breakout groups will be comprised of a P team, D team, and two to four faculty members. In the breakout sessions, all teams will engage in a mock exercise, with the exception of one set of two teams who will observe a mock exercise (or prepare for their next exercise); those two teams will engage in their mock exercise in front of the full group in the subsequent plenary session. Following the mock exercise, the faculty members in each breakout group will offer personalized critique and feedback to the teams.

1:45 — 3:15 **Social Media: Plenary Session**

([Backhouse](#), [Gabriel](#), [Gensler](#), [Gottelhrer](#), [Kenney](#))*

In all plenary sessions, one set of two teams only (chosen randomly, and who will not have participated in the preceding breakout session1) will engage in their mock exercise in front of the full participant group, followed by critique and feedback from the faculty members on the panel, and questions from and dialogue with the full group of participants.

3:15 — 3:30 **Afternoon Break**

3:30 — 5:00 Rule 16(b) Case Management Conference: Plenary Session

([Baylson, J.](#), [Nolan](#), [Schwabedissen, J.](#), [Smith, J.](#), [Tomlinson, J.](#))*

Assume the full Rule 26(f) conference was completed in a timely fashion. The parties will appear before the judge to present the results of their Rule 26(f) conference, particularly their discovery plan as it relates to ESI, focusing on the matters set forth in Rule 26(f)(3). The hearing should address ESI issues as they relate to matters delineated in Rule 16(b)(3) and (4). The hearing will be conducted by the judge in the same manner that they conduct actual pretrial conferences in civil cases. (Note: the parties may choose specific issues of focus that may take up the allotted time. Do not worry about conducting a full case management conference in the time allotted.)