



## From LegalTech NY 2010: The Baron/Losey premiere of “E-discovery: Did You Know”

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*This post is one of several summarizing our coverage of LegalTech New York 2010. For our other posts [click here](#).*



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Jason R. Baron and Ralph Losey finally made their Broadway premiere with “E-discovery: Did You Know”, a multimedia presentation we have seen several times in beta. To get a feel for the futuristic presentation Baron choose Darude’s *Sandstorm* for the soundtrack. For background on how the presentation came about [click here](#).

In a nutshell, ediscovery is expanding exponentially. How much. Well, just look at the presentation [by clicking here](#).

The presentation was played before a mock debate between Baron and Losey, the Hon. Paul W. Grimm (Chief Magistrate Judge, U.S. District Court for the District of Maryland) and Jeane A. Thomas (partner, Chair of E-Discovery Information Management Group, Crowell & Moring) acting as in-house corporate counsel.

What they did was to recreate a scenario by which you went inside the boardroom to hear e-discovery search experts Baron & Losey participate in an “in-house” debate with their hypothetical client, taking opposing points of view on the subject of how the client should go about conducting a reasonable search for ESI in response to a massive discovery demand. Some of the hot topics included: How best to conduct keyword searching against a huge data set, and what possible alternatives exist for the client to contemplate paying for? How much information

should lawyers and clients really share in conducting search negotiations during “meet and confers” with opposing parties. What does The Sedona Conference Cooperation Proclamation call for in this area? And what about the “bad” document that may or may not come up while conducting your keyword search? The session was a lively interplay on possible strategies and tactics, and included a perspective from the bench on how the issues might play out in court.

It is difficult to capture the debate because it was fast and furious. And, quite frankly, Judge Grimm was the star. He is a rare combination of legal scholar and instinctual litigator. He has taken the bar to task for not understanding or following either the letter or spirit of the disclosure rules. He has taken a very aggressive/active role in judicial control and supervision of e-discovery and disclosure.

Ralph provided us the Powerpoint used for the debate and you’ll get a flavor of the issues/topics covered. You can access it [\*by clicking here\*](#).

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