

**DELAWARE STATE BAR ASSOCIATION
E-DISCOVERY AND TECHNOLOGY LAW SECTION**

MINUTES OF ANNUAL MEETING HELD TUESDAY, APRIL 24, 2018

Attendance: William Denny, Sara Beth Kohut, James Levine

1. Old Business
 - A. Approval of Minutes from January 17, 2018 meeting
 - The Minutes were approved as circulated
 - B. Report on CLE program planning
 - Sara Beth reported on the Section's recent and upcoming CLE programs
 - Blockchain Technology for Lawyers 2018 (April 17, 2018) is the Section sponsored this program, but was not involved in planning it.
 - International E-Discovery Update: The Impact of New International Privacy Laws on Your Discovery Practice (scheduled for April 25, 2018) is this program is anticipated to be well attended, and several excellent panelists have agreed to participate
 - Fall CLE planning. The Section will sponsor and organize a CLE in the fall of 2018 on Recent Developments in Data Security and E-Discovery. Sara Beth will coordinate with DSBA to arrange a date in October or November 2018.
 - Future CLE planning. The Section members present discussed plans for future CLE programs. Possible topics included GDPR, the Clarifying Lawful Overseas Use of Data Act (CLOUD) Act, and potential privacy or data breach legislation. Section members also expressed an interest in securing ethics credit for CLE programs, and programs with a possible application to law firm technology.
 - C. Report on Section webpage
 - Section members discussed whether we get analytics on who views the Section webpage, including the number of monthly views and unique views, and whether DSBA uses any SEO technology. James agreed to follow up with the DSBA staff.

2. New Business

- A. Election of Officers for 2018-2019. The following were elected officers for the coming year:

Chair: James H.S. Levine

Vice-Chair: Sara Beth A.R. Kohut

Secretary/Treasurer: Bruce W. McCullough

- B. Discussion of recent developments in e-discovery and technology law

- Bill discussed the recent news that a SunTrust employee may have improperly accessed information from approximately 1.5 million bank customers. The members discussed the timing of any notification that may be made, particularly in the event information is improperly accessed but never actually leaves the company's control.
- Bill also discussed a recent Financial Times article reporting that only 1 out of 10 companies monitor their vendors' subcontractors' use of data. The members discussed the possible legal ramifications of insufficient monitoring.
- James reported on *Klipsch Group v. ePRO E-Commerce*, Nos. 16-3637, 16-3726 (2d. Cir. Jan. 25, 2018), where the Second Circuit upheld sanctions of up to \$5 million for spoliation of evidence in a case where the expected damages amounted to only about \$20,000.

Respectfully submitted,

James H. S. Levine, Chair