

**TRACK:** Legal A  
**SESSION #:** LA#7  
**DATE:** Tuesday April 20, 2010  
**TIME:** 11:25am-12:40pm  
**SESSION TITLE:** PANEL DISCUSSION: "What Does the Future Hold: Best Practices Collection"

**SPEAKER(S):** Canaan Himmelbaum, Esq. – Business Development Account Manager of Fios, Inc.  
Mira Edelman, Esq.–eDiscovery Counsel of Hughes Hubbard and Reed, LLP  
Hugh Huettnner–Technical Computer Forensic Examiner at FTC

**ABSTRACT:** "What Does the Future Hold: Best Practices Collection"

Collection of email and other documents in electronic formats (Electronically Stored Information or "ESI") in the course of an adversarial proceeding generally occurs under two vastly different scenarios. In most civil or criminal litigation or government investigations in house counsel along with their outside law firms will have the opportunity to negotiate the scope of preservation with the opposing side, identify key employees and data stores, and issue appropriate Legal Holds. The lawyers will then work with the Company's IT personnel to develop SOPs to ensure that ESI is preserved and to stage it for collection in-house or by third-party eDiscovery vendors. In some government investigations, however, these luxuries of time and methodology simply do not exist. A Company may learn it is under government investigation when armed agents secure headquarters and seize computers and other equipment. In that scenario, government forensic examiners will scope out the data environment suitable for collection, engaging the Company's IT personnel to assist as necessary. In either scenario, the methods selected for the collecting ESI are crucial to ensuring its use as evidence. ESI must be collected in a legally defensible manner, regardless of who undertakes the collection and under what circumstances. On this panel, eDiscovery experts from private practice, the federal government, and the consulting industry discuss the various collection tools and techniques available to perform a legally sound collection. They will review industry best practices for the collection of traditional forms of ESI, and highlight challenges associated with collecting new forms of media and technology recently adopted by Companies in their day-to-day operations. In addition, the panel will address Cloud Computing and the processes behind collecting data from third party resources, as well as the new FINRA 10-06 Guidance on Social Media Websites.

**SPEAKER BIO(S):**

**Canaan E. Himmelbaum, Esq.** – Canaan Himmelbaum is Fios' Director of Business Development in New York, Washington, DC, Atlanta and Boston. Prior to joining Fios, Canaan was the Managing Director at Peak Discovery, a document review company, wherein he established the Washington, DC Office. In 2008, Himmelbaum served as in-house counsel/eDiscovery counsel for a Fortune 500 company where he developed an EDRP Model and various in-house eDiscovery processes. He earned both his bachelor's and Juris Doctor degrees from the University of Florida. Himmelbaum is well published in the eDiscovery arena and has become a well-known panelist for his ideas on forensic collections and eDiscovery Best Practices. As an in-house litigator/eDiscovery specialist, he contracted with various eDiscovery vendors and set up large-scale eDiscovery forensic collections.

Himmelbaum is also an active participant in various eDiscovery networks and the national committee on the Federal Rules of Civil Procedure

**Mira Vayda Edelman, Esq.** – Mira is a litigator with Hughes Hubbard & Reed LLP and a founding member of the firm's eDiscovery Practice Group with more than eight years experience handling discovery matters in complex litigation. She has developed firm-wide "best practices" for handling eDiscovery, managed various aspects of document review and production in federal courts and multi-district litigation, and advised the firm's litigation teams with respect to negotiating the scope and terms of discovery. Mira is a founding member of the eDiscovery Committee of the Litigation Section of the DC Bar. She is a former journalist and editor and worked in NPR's legal department prior to entering private practice. She is a graduate of Johns Hopkins University and American University Washington College of Law, where she was editor-in-chief of the Law Review.

**Hugh Huettnner** – Hugh is a currently a Technical Computer Forensic Examiner for the Bureau of Consumer Protection, Federal Trade Commission, in Washington, DC and has worked in the computer forensics field for the past five years. Previously Hugh held positions of Security Specialist, Investigator, and Criminal Investigator. Hugh is certified in computer forensics through the SCERS CNIP Program at the Federal Law Enforcement Training Program (FLETC) and has obtained his ACE, A+, and Network+ certifications. Hugh completed his Bachelor's degree in Business Administration from the University of Maryland University College and an Associates degree in Administration of Justice. Hugh is a member of the International Association of Computer Investigative Specialists (IACIS), High Technology Crime Investigation Association (HTCIA) Mid-Atlantic Chapter, and the Regional Computer Forensics Group (RCFG).