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# Examining the Ethical Ebb & Flow of E-Discovery

Total: **64 Minutes**

Speakers:
Kirby Drake

## Description/Table of Contents

With the rise of email, social media, and other electronic records and communications, the discovery phase of litigation is now overwhelmingly focused on electronic information. With e-discovery, the risk of destruction of evidence leading to spoliation and possible sanctions are exceptionally high.

Electronic discovery can be an ethical landmine for the attorneys involved in litigation. In this program, attorney Kirby Drake will give attorneys the tips and tools they need to engage in effective e-discovery while avoiding the ethical landmines that could sink their case and lead to court-imposed disciplinary actions. Topics include:

- E-discovery: Overview and challenges (10 min.)
- Federal rules, remedial measures, and sanctions (8 min.)
- E-discovery & privilege (10 min.)
- Case examples (20 min.)
- Tips and lessons: how to avoid ethical violations and disciplinary actions (10 min.)
- Social media issues (6 min.)
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**Total: 64 minutes**

## Meet the Lecturer(s)

Kirby B. Drake

Kirby Drake, partner, is experienced in all areas of intellectual property law, including trade secret, patent, trademark, copyright and confidential information matters. She focuses primarily on intellectual property litigation and patent prosecution, addressing a broad range of technologies, including chemical, pharmaceutical, telecommunications, aerospace, and computer-related matters. Kirby has a wide range of litigation experience, largely focused on patent litigation, having been an integral part of trial teams working on matters from the initial filing phase through trial, both on the plaintiff as well as on the defense side. She also has significant experience in electronic discovery in various types of litigation matters, including managing various e-discovery platforms; she also regularly writes and speaks on the subject and recently taught a law school course on Principles of E-


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Discovery. Kirby has experience handling inter partes reviews and other post-grant proceedings in the Patent Office. She also has experience evaluating patents in patent due diligence for freedom to operate prior to launching a new product or technology, as well as in the context of corporate transactions, such as mergers and acquisitions where patents are involved. Kirby earned a J.D. from Wake Forest University School of Law, and a Bachelor of Science degree cum laude in chemistry from Duke University.


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