

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

QUARTERLY MEETING MINUTES – TUESDAY, DECEMBER 11, 2018

Attendance: Aisha Bennett, Aleine Cohen (via phone), William Denny, Sara Beth Kohut, James Levine (Chair), Bruce McCullough

1. Old Business
 - A. Approval of Minutes from September 5, 2018, annual meeting
 - i. The Minutes were approved.
 - B. Report on CLE program planning ó Sara Beth Kohut
 - i. We had good attendance at the CLE on November 15, 2018. A õrecent developmentsö CLE focus seems to be well-received.
 - ii. Sarah Beth checked with DSBA for available dates for a Blockchain Basics CLE program for the spring (first or second week of April). James and Bill will discuss who will be speakers. It will be focused at an introductory level. Sara Beth will reserve a specific date with DSBA.
 - iii. We will look to doing a recent developments CLE in the fall.
 - C. Future section meetings
 - i. We will schedule them for February 26, 2019 (quarterly meeting) & April 30 (annual meeting), both at noon at Pepper Hamilton.
 - D. Report on Section web page
 - i. The Section web page is up to date.
2. New Business
 - A. Delaware Law Review
 - i. After a period of not being pressured about this, Sections again are being asked to supply an article. The request is for volunteers by December 15. James will speak with Alisa Moen about the fact that our Section is not well-suited for an in-depth article.

B. Discussion of recent e-discovery and technology law

- i. James initiated a discussion of the Marriott data breach and the remedy offered of notifying you if your data is on the dark web.
- ii. Bill reported on discussion of a new federal data breach notification law. The House Committee on Oversight and Government Reform issued separate reports (Republican Majority focused on private sector initiatives; Democratic Minority focused on federal enforcement). The Majority report covers the Equifax breach in detail.
- iii. Sara Beth reported on a Pa. Supreme Court ruling stating that businesses have a duty of reasonable care to protect employee data. The case is *Dittman v. UPMC*, 170 A.3d 1042 (11/21/2018). This decision reversed the lower courts and is at <http://www.pacourts.us/assets/opinions/Supreme/out/majority%20opinion%20%20vacatedremanded%20%2010378165044604409.pdf#search=%22dittman%20%27Supreme%2bCourt%27%22>.

C. Next meeting date

- i. February 26 at noon with lunch at Pepper Hamilton.

Respectfully submitted,

Bruce W. McCullough, Secretary