

E-DISCOVERY AND TECHNOLOGY LAW SECTION  
MINUTES OF SECTION MEETING OF MARCH 21, 2016

Present: William Denny, Sara Beth Kohut, James Levine, Bruce McCullough, Darryl Parson

1. Substantive discussion of recent developments in e-discovery law.
  - a. On the issue of data security, Bill provided a handout and discussed FTC regulation of cybersecurity
  - b. James reported on non-responsiveness redactions in e-discovery In re Takata Airbag Products Liability Litigation, a recent MDL case decision in U.S.D.C., S.D. Fla.
  - c. Sara Beth reported on *Christopher Wheeler v. State* (Del. 2016), which struck down a search warrant for a computer and cited the limitations adopted *Riley v. California* (U.S. 2014).
  - d. Bruce raised the topic of the proliferation of ransomware.
  - e. Darryl raised the topic of use of police body cameras that will be expanding in Delaware
2. Section CLE topics and planning
  - a. The 2014 Section CLE focused on e-discovery, so we want to do something different this year. Cybersecurity is a topic we want to focus on. We need to develop a proposal for the CLE content. Sara Beth and Darryl initially will work on having a proposal by our next section meeting on May 3. James will see what materials are available from a seminar his firm presented. Bill also will be involved with the planning.
3. Planning for Section meetings and luncheon speakers
  - a. The next Section meeting is May 3, which also will be our annual meeting. We will schedule quarterly meetings and plan to have someone scheduled to speak about a recent development in technology law. With the annual meeting expected to be in April in future years, additional meetings would be in July, October, and January.
4. Possible legislative initiatives regarding cybersecurity and privacy
  - a. No discussion at this meeting.

5. Contributions to The Delaware Lawyer
  - a. The Delaware Law Review requests and annual submission from each Section. James is willing to be the Section liaison and recruit someone to write an article. Sara Beth may know people interested in writing.
6. Development of Section web page: <http://www.dsba.org/sections-committees/sections-of-the-bar/e-discovery-and-technology-law/>
  - a. The Section webpage has not been updated for a couple years. Meeting dates, meeting minutes, and a CLE announcement can be added. Links should be checked to see if they are live. Bruce will take the lead on this.
7. Election of officers for the ensuing year.
  - a. James is willing to be Chair or Co-Chair. Bill will check with current Co-Chair Jim Heisman to determine whether he is interested in continuing as Co-Chair. Bruce willing to continue to be Secretary.
8. Any other business that any member of the Section may raise.
  - a. James will contact Judge Jurden to see whether she is interested in being a judicial liaison to the Section or have the Section speak with Judges.
9. Next meeting
  - a. Our annual meeting will be May 3 at noon over lunch. Bruce will draft an agenda.

Respectfully submitted,

Bruce McCullough