

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

MEETING MINUTES – WEDNESDAY, FEBRUARY 15, 2017

Attendance: Bill Denny & Bruce McCullough

Excused: Sara Beth Kohut & James Levine

1. Old Business
 - A. Approval of Minutes from November 29, 2016 Meeting
 - i. Approved as presented.
 - B. Update on 3/21/17 CLE on Personal Privacy Protection
 - i. Sarah Beth has organized a Section-sponsored CLE is scheduled for March 21, 2017 (2:00 ó 4:00 p.m.), titled "Personal Privacy Protection 101: Data Security Tips for Individuals in the Professional World." It will offer 2.0 hours CLE credit including 2.0 hours Enhanced Ethics credit. This program is targeted toward attorneys and law firm staff.
 - C. Section profile for the DSBA Journal
 - i. Sarah Beth is working on this.
 - D. Legislative initiatives
 - i. No action on this issue. There have been no legislative issues from other Sections that elicited a response from ours.
 - E. Contributions to Delaware Law Review
 - i. No activity.
 - F. Report on development of Section web page
 - i. Bruce will have updates posted this month.
 - G. Pro bono activities
 - i. No activity.
2. New Business
 - A. Discussion of recent developments in e-discovery and technology law. Everyone attending should be prepared to spend a few minutes updating others on an item of interest.

- i. Bill reported on issues involving insurance coverage for cyber events. There is no standard for coverage terms. Current focus of coverage is on cyber breaches, not broader cyber incidents. A cyber security policy reviewed by competent counsel can result in as much as a 50% premium savings.
 - ii. Bill reported on data breach cases. The 4th Circuit dismissed one on the grounds that the plaintiff did not have standing. The 3rd Circuit, however, allowed a claim and found an allegation of violation of the Fair Credit Reporting Act provided a basis for standing.
 - iii. Bruce reported on a lawyer filing a federal lawsuit in Chicago in January over police use of a StingRay to obtain data from his phone during a Black Lives Matter protest. Although the lawyer was not charged with any crime, he alleged that use of the StingRay violated his First and Fourth Amendment rights.
- B. Planning for Annual Section meeting April 12, 2017
- i. We discussed adding a substantive program to the meeting. Bruce will organize a conference call among the officers for the week of March 27 to plan the agenda.
- C. Any other new business
- i. None.

Respectfully submitted,

Bruce McCullough