

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

MEETING MINUTES – TUESDAY, NOVEMBER 29, 2016

Attendance: Bill Denny, Sara Beth Kohut, James Levine & Bruce McCullough

1. Old Business
 - A. Approval of Minutes from May 2016 Annual Meeting
 - i. Approved as presented.
 - B. Report on CLE program held November 9, 2016, and planning future programs
 - i. Thanks to all who participated in the November CLE and particularly Sara Beth, who kept us organized. The future CLE is scheduled for March 21, 2017, for 2.0 hours, tentatively titled "Personal Privacy Protection 101: Data Security Tips for Individuals." Sara Beth will take the lead in organizing the CLE.
 - C. Legislative initiatives
 - i. Bill noted that other states have laws that Delaware does not have. We did not see the need to propose new legislation.
 - D. Contributions to Delaware Law Review
 - i. James spoke with the editor, Alisa Moen. They always are looking for scholarly submissions with a Delaware slant, approximately 15-20 pages. More realistic would be an article for the *DSBA Journal*.
 - E. Report on development of Section web page
 - i. Bruce reported that the Section web page has current officers listed and links to two years of minutes and annual reports. Bruce will prepare and circulate an updated draft list of links for the website to the Section listserv for additions. Bruce will check with DSBA to see if we can publish the November CLE materials on the Section web page.
 - F. Pro bono activities
 - i. We discussed preparing a summary of the Delaware Online Protection Act, Children's Online Protection Act, and E-Reader Protection Act. Bill will take the lead on this project; Sara Beth will assist with this.

2. New Business

- A. Discussion of recent developments in e-discovery and technology law.
- i. Bill reported that, on November 17, 2016, the FTC issued a Staff Report exploring competition and consumer protection issues associated with what is often called the “shared economy.” The shared economy is a set of business models known as peer-to-peer platforms for commercial transactions that allow small buyers and sellers to interact, such as Uber and Airbnb.
 - ii. Bill reported that in November the Department of Homeland Security and the National Institute of Standards and Technology released a set of guidelines intended to secure the Internet of Things.
 - iii. Bill reported that in November, LinkedIn was kicked out of Russia for violation of Russia’s data localization law. This development will prove an obstacle to expansion of many multinational companies.
 - iv. James reported on *St. Francis Assisi v. Kuwait Finance House, et al.*, C.A. No. 3:16-cv-3240-LB (N.D. Cal., Sept. 30, 2016), which dealt with service of process in case in which a nonprofit sued, among others, a foreign terrorist in Kuwait. The terrorist had an active Twitter account and the Judge approved service through Twitter.
 - v. Sara Beth reported that emails from a Yahoo account were not obtainable under the Stored Communications Act in a bankruptcy case, *In Re Irish Bank Resolution Corporation Limited* (Bankr. D. Del., Nov. 7, 2016) (<http://www.deb.uscourts.gov/sites/default/files/opinions/judge-christopher-s.sontchi/11.7.16-opinion.pdf>).
- B. Planning for future Section meetings February 15 and April 12, 2017
- i. We will circulate a propose agenda well in advance of the meetings to encourage attendance.
- C. Any other new business
- i. Sara Beth will prepare a Section profile for publication in the DSBA Journal.

Respectfully submitted,

Bruce McCullough