

E-Discovery Forum

What every Agency Business and IT Leader Needs to Know

**Sponsors: *The Department of Justice (DOJ) in collaboration with
The Department of Administrative Services (DAS)
Enterprise Information Strategy and Policy Division (EISPD)***

Date: *September 30th, 2008*

Time: *9:00 am – noon*

Sign-in: *8:15 – 8:45 am - coffee and tea provided*

Location: *Employment Building Auditorium*

Central Administrative Office
875 Union Street, N.E.
Salem, Oregon 97311

| Time | <u>E- Discovery Agenda</u> | Presenter(s) |
|--|---|---|
| 9:00 – 9:05 | Welcome and Introductions | Mr. Dugan Petty <i>Oregon State, CIO</i> |
| <u>I. Introduction to E-Discovery</u> | | |
| 9:05 – 9:55 | <p><u>Discussion: DOJ Memo from 2/28/08</u> <i>Discovery of Electronically Stored Information – Information for Agencies</i></p> <p>What is E-Discovery? What is ESI? (electronically stored information) What are the <u>current drivers of E-Discovery</u>?</p> <p>Why is E-Discovery important to me and my agency? How can it <u>affect me personally</u> from a legal perspective?</p> <p>Does E-Discovery apply to hard copy and ESI? Does it apply to all ESI? (documents, records, email, websites, blogs, IM – instant messaging, VOIP – voice over IP, images, graphs, charts, photos, databases, audio files, audio/video files, etc.)</p> <p>What actions must/should agencies take legally? Are there compliance requirements related to E-Discovery? What additional tips and guidelines should I follow?</p> | Ms. Liani Reeves & Mr. Dave Howard <i>E-Discovery Workgroup Oregon Dept. of Justice</i> |
| <u>II. Overview - The IT and Business Side of E-Discovery</u> | | |
| 10:00 – 10:30 | <p><u>NASCIO and activities by other states nationally</u></p> <p>The NASCIO (National Association of State Chief Information Officers) during the winter of 2008, formed a workgroup on E-Records Management and Digital Preservation. This national workgroup created a brief highlighting state practices on e-records management and digital preservation. Mr. Gary Robinson, Washington State, CIO was the chairperson for this workgroup.</p> <p>The brief was entitled “<i>Ready for the Challenge? State CIOs and Electronic Records – Issues, Opportunities and Best Practice.</i>” Link: http://www.nascio.org/committees/erecords/</p> | Mr. Gary Robinson <i>Washington State, CIO</i> |

| Time | <u>E- Discovery Agenda</u> | Presenter(s) |
|--|--|--|
| <u>III. Preparation & Best Practices/Technology Solutions</u> | | |
| 10:35 – 10:55 | <p><u>Discussion:</u> Preparation, Resources, and Tools – all Agencies</p> <p>Preparation and Best Practices Retention Schedules and Requirements Websites and Resources <i>Experience with RFP Procurement Process</i></p> | <p>Mary Beth Herkert Oregon - State Archivist</p> |
| 11:00 – 11:20 | <p><u>Discussion:</u> DOJ Examples and Experience with:</p> <p>Preparation and Best Practices Retention Schedules and Requirements Websites and Resources <i>The GSA Procurement Process</i></p> | <p>Mr. Marc Williams CIO & Assistant Director for Administrative Services Oregon Dept. of Justice</p> |
| 11:25 – 11:30 | <p><u>Status of the 2008 ERMS RFP</u> <i>statewide price agreement</i></p> | <p>Ms. Paula Newsome DAS – EISPD</p> |
| 11:30 - noon | <u>IV. Q/A Panel Discussion</u> | |
| | <p><u>Panel Moderator:</u> Mr. Dugan Petty, Oregon State, CIO</p> <p><u>Panel Members:</u></p> <p>Mr. Gary Robinson - Washington State, CIO Ms. Mary Beth Herkert - Oregon - State Archivist Mr. Jerry Korson – DAS Human Resources Manager – Consultation Unit Marc Williams – CIO & Assistant Director for Admin. Services - DOJ Ms. Liani J. Reeves - DOJ – E-Discovery Workgroup Representative Mr. Dave Howard – DOJ – E-Discovery Workgroup Representative Ms. Paula Newsome – DAS – E-Discovery Representative</p> | <p><i>Biography's attached</i></p> |
| Noon | <p><u>V. Closing</u></p> <p><i>Thank you for your attendance and participation in this event.</i></p> | |

Contact Information

Department of Administrative Services (DAS)

EISPD/ITIP

Paula Newsome

paula.newsome@state.or.us

(503) 378-4138

E-Discovery Forum Participants

Gary Robinson – *Director, Washington State Department of Information Services (DIS)*

Gary began his career with Washington State as a member of the Committee staff of the House of Representatives and then the Senate. He then joined the administrative staff of the Parks and Recreation Commission and moved to the Office of Financial Management (OFM). While at OFM Gary served as an Assistant Director, Deputy Director, and Acting Director. In addition, Gary has been a member of the Washington State Economic and Revenue Forecast Council, the Information Services Board, the Public Employees Benefits Board, and the Sentencing Guidelines Commission. He also serves on the Board of the University of Washington Information School. Gary was raised in Washington State. He received his Bachelor's Degree from Pitzer College in Claremont, California and his Master's Degree from The Evergreen State College. He has also completed the Program for State and Local Executives at the Kennedy School of Government.

Liani J. Reeves – *an Assistant Attorney General with the Oregon Department of Justice Trial Division*

Ms. Reeves specializes in employment defense and has litigated cases in state and federal courts. As an AAG, she defends the State, state agencies and employees against employment and civil rights claims brought in state and federal courts. She previously served as a Staff Attorney for the National Crime Victim Law Institute (NCVLI), a national nonprofit organization dedicated to promoting, advancing and enforcing crime victims' rights. She promotes awareness of civil and human rights issues, currently serves as the President of the Korean American Citizens League, Chair of the Commission on Asian Affairs, member of the Oregon Judicial Department's Access to Justice for All Committee, and has served as the Co-Chair of the Oregon Minority Lawyers Association since 2002.

She co-taught at the Lewis & Clark Law School's Crime Victim Litigation Clinic, and has spoken on a variety of topics ranging from affirmative action, human trafficking, crime victim and violence against women, to Asian Pacific American issues. She has also written columns in *Asian Link*, an Asian newspaper based in Portland. She received her J.D. and B.A. degrees from Willamette University. In 2004, she received the Reverend Martin Luther King, Jr. Award from the Willamette University College of Law Multicultural Law Students Association honoring work and dedication toward the ideals of equal civil and human rights. Currently, she chairs a DOJ work group that is charged with developing best practices and protocols to deal with the evolving legal, ethical and practical implications of electronic discovery.

Dave Howard - *Service Delivery Manager with the Oregon Department of Justice*

Dave has over twenty years of experience working in the Information Technology industry. He has been in state government for seven years in leadership positions with the Departments of Transportation, Administrative Services and Justice. He holds a Bachelor's degree in Computer Science from Oregon State University and currently manages the Information Services section for the Oregon Department of Justice (DOJ). Before joining the DOJ, he led the teams responsible for multiple enterprise functions at the State Data Center, including mainframes, midrange systems, and the UNIX server environments. Prior to that, he managed the data center and technology services for the Department of Transportation.

Prior to joining state government, Dave was the Director of Information for Chrome Systems in Portland, Oregon. Chrome Systems provides services in the automotive e-commerce market and delivers services for companies such as GM, Cars.com, Ford, Daimler-Chrysler as well as thousands of automobile dealers, financial institutions and manufacturers around the world. He was also the Information Systems Manager for McPherson Oil in Birmingham, Alabama, one of the largest fuel and lubricant distributors in the Southeastern US, and the Product Development Manager for Software Support Services in Corvallis, Oregon – a software development company providing a full line vertical market accounting and product management systems, to petroleum distributors and convenience store operators.

Mary Beth Herkert - *Oregon – State Archivist*

Mary Beth Herkert has worked at the Oregon State Archives since 1985, working as a processing archivist, records manager, and manager of the Information and Records Management Unit. She is a Certified Records Manager (CRM) and serves as immediate Past President for the National Association of Government Archives and Records Administrators (NAGARA). She was appointed State Archivist in December 2005.

Prior to coming to the State Archives, Mary Beth worked on a one-year grant project at the University of Oregon - Special Collections processing the papers in their Conservative and Libertarian Collection. She grew up in Buffalo, New York and in 1982 received a Bachelor's degree in Anthropology and History at Ball State University in Muncie. She received her

Master's degree in History in 1984 at the State University of New York at Albany (SUNYA). In addition, while at SUNYA, she worked as an intern at the New York State Archives.

Marc Williams - *CIO & Assistant Director for Administrative Services Oregon Department of Justice*

Appointed the first Chief Information Officer for the Oregon Department of Justice (DOJ) in 2004, Marc is responsible for leading, overseeing and coordinating all administrative, legal and child support technology, including telecommunications, wide and local area networking, desktop support, systems security, disaster recovery planning, applications development and support, and records management. He provides senior leadership for the strategic use of information technology (IT) resources in support of the mission and goals of the Department and works closely with Department business leaders in formulating policy, facilitating decision-making processes, determining projects, and managing and setting IT priorities. In 2008, Marc's role was expanded to include responsibility for DOJ's Budget and Accounting functions.

Marc's twenty-eight years of professional experience include technology positions with SuperShops, Inc., the United States Air Force, the Oregon Dept. of Transportation, the Oregon Dept. of Administrative Services, and the Oregon Dept. of Justice. He holds degrees in Information Management and Business Administration, and is a recent graduate of the Willamette University Certificate in Public Management program. Marc lives with his wife and youngest son in Dallas, Oregon. He has one older son, currently serving in the U.S. Air Force and deployed to Iraq. He spends his free time with his family, playing drums with his church worship team, and experimenting.

Jerry F. Korson - *Manager of the DAS Human Resources Management and Consultation Unit*

Jerry has worked in a Human Resources role for the State since 1985. For the past twenty years, he has primarily worked as the Personnel Manager for DAS, and for the last three years as the Manager of the Human Resources Management and Consultation Unit.

Dugan Petty – *Oregon State, CIO*

Dugan became the Chief Information Officer for Oregon in March of 2007. During his tenure as CIO he has overseen the reorganization of Oregon's information resource management into a new division and led the development the State's Information Resource Management Strategy. He also chairs the NASCIO Greening of IT Committee. Before becoming the State CIO his duties in the Department of Administrative Services included; overseeing enterprise level procurement, risk management, and serving as the Deputy Administrator for the State Services Division. He has led a number of enterprise level initiatives in Oregon including:

- 2000 - The Sustainable Supplier Council
- 2002 - Co chaired a work group resulting in reforming Oregon's contracting laws
- 2004 - Oregon's Strategic Sourcing Initiative

Before coming to Oregon in 1998, he was the Alaska Director of General Service and the State's Chief Procurement Officer, and lead an initiative that streamlined procurement practices. In addition, he has served as the chairperson for the Western States Contracting Alliance from 1994 through 1995, and the President of the National Association of State Procurement Officials in 1998. Dugan received the Association's 2004 Guilio Mazzone Distinguished Service Award for his continued service to public purchasing.

Paula Newsome - *IT Planning and Policy Analyst / IT Investment and Planning*

Paula is currently an IT Planning and Policy Analyst in the IT Investment and Planning Section of the Enterprise Information Security and Policy Division, within the Department of Administrative Services (DAS). She has worked for the State for nine years and has been with DAS for approximately two years. Previously, she worked for the Oregon Judicial Department (OJD) in a variety of divisions including Information Technology, Financial, Court Programs and Services, and the Office of the State Court Administrator (OSCA).

Her professional experience spans twenty plus years in a variety of arenas such as Aerospace, Municipal Waste Water Management, Insurance, Higher Education, State Courts, and State Government. Her experience includes but is not limited to; Information Technology, Quality Assurance, Strategic Planning, Business and Process Analysis, Teaching and Training, Records Retention, Facilitation, and Collaboration. Paula's degrees include Chemistry and Computer Science, and a Masters in Business Administration, M.B.A. She is currently managing/facilitating the 2008 ERMS RFP project team towards the creation of a statewide price agreement, and is the DAS – E-Discovery Representative. In addition, she is currently a participant in Leadership Oregon 2008.