

SEMINAR

Professional Responsibility & Ethics in Discovery & Pre-Discovery

Your responsibilities during discovery

Discovery and pre-discovery investigation are critical tools to prepare any matter for resolution—whether through settlement, dispositive motion, or trial. Social media and other forms of communication have greatly expanded the scope and breadth of discovery and have increased the responsibilities of counsel to effectively manage the discovery process. It is incumbent on litigation counsel to understand the ethical and professional responsibilities in conducting discovery.

Hear from a distinguished panel that includes an esteemed trial court judge, general counsel to the Board of Bar Overseers, and seasoned litigation counsel from several of the Commonwealth's most well-regarded firms. Learn the nuances of discovery obligations, including the duties to inquire about and preserve evidence under state and federal rules. Learn about ethical considerations when interviewing witnesses, conflict of interest considerations, and other related privilege and work product issues. Gain strategies for addressing discovery issues in motions to compel and for strategically utilizing pre-discovery to approach early resolution. Get up to date on recent decisions and rule changes impacting the discovery process so you are better prepared to successfully navigate your ethical and professional responsibilities.

Agenda

- Overview of Ethical Considerations
- Document and Electronic Production Issues—Including Social Media
- Ethical Considerations When Interviewing Witnesses, Conflict of Interest Considerations, and Related Privilege and Work Product Issues
- Motions to Compel (Including 9C Obligations), Sanctions, and Spoliation
- “Ask the Experts” Q&A Session

Faculty

Jennifer L. Markowski, Esq., *Freeman Mathis & Gary LLP, Boston, Chair*
Joseph S. Berman, Esq., *General Counsel, Office of General Counsel, Board of Bar Overseers, Boston*
Hon. Brian A. Davis, *Superior Court, Business Litigation Session, Commonwealth of Massachusetts*
Jessica G. Kelly, Esq., *Freeman Mathis & Gary, LLP, Boston*
Katherine Land Kenney, Esq., *Peabody & Arnold LLP, Boston*
Thomas F. Maffei, Esq., *Sherin and Lodgen LLP, Boston*
Richard J. Rosensweig, Esq., *Goulston & Storrs, PC, Boston*
Michael J. Rossi, Esq., *Conn Kavanaugh Rosenthal Peisch & Ford LLP, Boston*

Dates & Location

LIVE WEBCAST

Tuesday, October 12, 2021
1:00 pm–5:00 pm

Register at www.mcle.org
Program Number: 2220177WBC

REBROADCAST

Wednesday, October 27, 2021
9:30 am–1:30 pm

Register at www.mcle.org
Program Number: 2220177RBC

REBROADCAST

Thursday, November 4, 2021
1:00 pm–5:00 pm

Register at www.mcle.org
Program Number: 2220177RB1

ON DEMAND WEBCAST

View after Thursday, November 4, 2021

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Program Number: 2220177WBA

Tuition *(includes written materials)*

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CLE Credits

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 - 11-25... 500
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