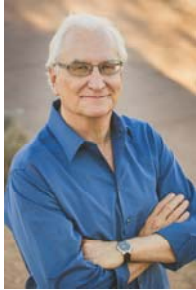


Michael R. Arkfeld, Esq.



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Michael R. Arkfeld is an author, speaker, litigator, and consultant.

Michael is a Faculty Fellow and the Director of the *eDiscovery, Digital Evidence & Data Analytics Program*, Center for Law, Science & Innovation, at the Sandra Day O'Connor College of Law, Arizona State University. This program hosts the annual *ASU-Arkfeld Legal Analytics Workshop* and *ASU-Arkfeld eDiscovery and Digital Evidence Conference* held in March of each year. In addition Michael is a Professor of Practice at the University of Arizona College of Law where he teaches a class on eDiscovery and Digital Evidence.

Author - Michael is the author of *Arkfeld on Electronic Discovery and Evidence* (4th ed.) treatise and numerous Best Practice Guides. The treatise is cross-referenced with the following eDiscovery Best Practices Guides: *Electronic Discovery and Evidence*; *ESI Pretrial Discovery Strategy and Tactics*; *Legal Hold*; and *IT Primer for Legal Professionals*. In addition, Michael authored *The Digital Practice of Law* (5th ed.): *A Practical Reference for Applying Technology Concepts to the Practice of Law* (2001 ed.). Michael has been the editor of the E-Discovery Supplement to the American Lawyer and Corporate Counsel magazines published by American Lawyer Media. He is a past columnist for the Arizona Attorney magazine and a contributing writer to the American Bar Association Journal and a variety of other legal publications.

Speaker - Since 1985, Michael has incorporated personal computers extensively in his litigation legal practice and provides keynote presentations throughout North America and internationally on the impact of technology on the practice of law and the discovery, admission and analytics of electronic evidence. Michael is the founder and Director of Education for the *eDiscovery Education Center* (www.edec.com), an online classroom focusing on instruction regarding electronic discovery and digital evidence. Michael was also one of the primary instructors and curriculum developers of the Georgetown eDiscovery Academy held annually in Washington DC.

Litigator - As a former assistant United States Attorney for the District of Arizona for approximately 20 years, Michael handled multimillion-dollar cases involving personal injury, medical malpractice, wrongful termination, and a host of other tort claims. He has appeared before both federal and state appellate courts and has extensive experience in jury (over 30 trials) and bench trials.

Consultant - Michael presently assist various clients with legal and technological issues involving electronic discovery and digital evidence.

Awards & Committees - Michael served as a committee member for the development and promulgation of rules and procedures for the recently enacted Arizona business court. See the Arizona Supreme Court Order #2015-15, *Authorizing a Commercial Court Pilot Program in the Superior*

Court of Maricopa County (2/18/15), <http://www.azcourts.gov/orders/Administrative-Orders-Index/2015-Administrative> (last visited on May 1, 2016).

Michael was recently awarded the Zapproved, Inc., *2017 Corporate E-Discovery Hero Awards Lifetime Achievement Award* in recognition of his role in the advancement of eDiscovery. Michael is also the Founder and Director of Education for the *eDiscovery Education Center* (www.edec.com).

Michael was the recipient of the national 2004 E-Evidence Thought Leading Scholar Award. He was presented the President's Award from the State Bar of Arizona in 1996 for his work as the chairman of the *Task Force on Integrating Technology into the Justice System* for the State Bar of Arizona.

Michael is a licensed attorney in the state of Arizona.

Michael received his J.D. from the University of Nebraska College of Law in 1975 and his undergraduate degree from the University of Nebraska – Omaha in 1973.

Experience:

Consultant

August 2005 - Present: Arkfeld and Associates, Principal – Michael is engaged in speaking, writing and consulting on a wide variety of issues regarding electronic discovery and evidence. Arkfeld and Associates is focused on guiding electronic discovery decisions for law firms, government agencies, service bureaus and others. In addition, the company provides eDiscovery educational courses, presentations and writing services.

Legal

August 2005 – Present: Michael provides legal services on select cases for a variety of clients, including law firms, government agencies, and companies. These services focus on issues involving electronic discovery, digital forensics and electronic evidence.

March 1987 – August, 2005: Employed as an assistant United States Attorney for the District of Arizona specializing in civil tort litigation. Michael's practice included multimillion-dollar cases involving personal injury, medical malpractice, wrongful termination and a host of other tort claims. He has appeared before both federal and state appellate courts and has extensive experience in jury (over 30 trials) and bench trials. His duties included comprehensive lead trial attorney, formulation of case management plans, investigation and deposing of expert and lay witnesses, pretrial preparation of witnesses and document organization, pretrial filing of documents, and appearances for motion hearings, pretrial conferences, trials, and appellate arguments.

During 1996-97, Michael was assigned to assist in Washington DC the information technology planning and implementation in the Department of Justice Winstar litigation. The Winstar litigation involved over 100 Department of Justice attorneys, 400 plaintiffs and over 60 of the major law firms in the country with potential liability of twenty billion dollars. (\$20,000,000,000). Also, Michael provided eDiscovery and litigation technology consultation on the A12 stealth fighter case involving a breach of contract action against the federal government involving over five billion dollars (\$5,000,000,000).

April 1977 to March 1987: Michael was employed as a prosecutor for the City of Phoenix Attorney's Office. Michael held several positions including trial bureau, complaint and motions and appeals bureau chief at different times.

April 1976 - February 1977: Christakis & Associates - Michael was an associate attorney with a private law firm engaged in the general practice of law.

Conference Organizer, Instructor, and Presenter

Michael is Director of the *Arkfeld eDiscovery and Digital Program* at the Sandra Day O'Connor College of Law at Arizona State University which is part of the Center for Law, Science and Innovation. This program just completed hosting the *Seventh Annual ASU-Arkfeld eDiscovery and Digital Evidence Conference* which is held in March of each year.

Michael was also one of the primary instructors and curriculum developers for the *Georgetown eDiscovery Academy* which is held annually in Washington DC.

Michael has presented as a keynote speaker, conference presenter and educator at over 300 conferences throughout North America and internationally on the impact of technology to the practice of law, and on discovery and admission of electronic evidence.

Author and Editor

Michael is the author of the following publications:

- ***Arkfeld on Electronic Discovery and Evidence (4th ed.)*** treatise (updated biannually) and ***Best Practice Guides*** published by LexisNexis. Available at <http://www.lexisnexis.com/shop/arkfeld/default.page>).

The Best Practice Guides include:

- IT Primer for Legal Professionals
- Electronic Discovery and Evidence
- ESI Pretrial Discovery - Strategies & Tactics
- Legal Hold

For a description of these publications see Attachment A, *Publications*.

For reviews of these publications visit LexisNexis at <http://www.lexisnexis.com/shop/arkfeld/default.page>.

- ***The Digital Practice of Law: A Practical Reference for Applying Technology Concepts to the Practice of Law***, (5th Edition) 1992-01. Published by Law Partner Publishing, LLC

Report

- ***Strategic Report: Charting the Next 10 Years: Convergence of Networked Intelligence***, Co-authored for the State Bar of Arizona, March 1996.

Articles

- ***Digital Discovery: Here to Stay*** – Arizona Attorney, June, 2002
- ***Processing Litigation Information Using Technology*** – Law Office Computing, June 2002.
- ***Software Purchase Guidelines*** – Arizona Attorney – November, 2001
- ***Collaborating on the Web Using Listservs, Newsgroups and IRC's*** – October, 2001

- **Show Me Your Web Site** – Arizona Attorney – September, 2001

For a selected list of articles visit the Arkfeld and Associates web site (www.arkfeldandassociates.com).

In addition, Michael has been the editor of the *E-Discovery Supplement* to the *American Lawyer* and *Corporate Counsel* magazines published by American Lawyer Media from 2004 through 2007. Duties included soliciting articles, editing and assisting in layout of articles including drafting bylines.

Education:

J.D. – University of Nebraska – Lincoln – June 1976

G.S. – University of Nebraska – Omaha – May 1973

Law License:

State of Arizona: 1976 – Present.

Professional Memberships & Activities

American Bar Association:

Litigation Section - Committee: Admissibility of High Tech Evidence in the Courtroom. Representative to the Judicial Administration Division, Lawyers Conference, 1997-1998.

Law Practice Management Section

- Board Member: TechShow '96, '97, '98. Assisted in the overall planning for the TechShow Conference which attracts 500+ legal professionals. The conference is divided into separate tracks for the attendees. These tracks included general, Advanced/MIS, Corporate legal departments, cutting edge showcase, litigation and a judicial track. Besides overall input I was responsible for coordinating the litigation and judicial conference tracks which included 16 programs over a two-day time period. This included the substantive program content and recommended speakers.
- Assistant Editor, Litigation Applications Newsletter. 1995-98.
- Advisory Planning Board, Litigation Track, for ABA TechShow, March, 2003, Chicago, Ill

Judicial Division, Lawyer's Conference – Past Member 1998 – 2000. The ABA's Judicial Division representative to the Standing Committee on Technology and Information Systems Planning Council. Appointed Chair of the Judicial Technology Committee for 1997-98 to plan technology programs for the Judicial Division. The primary program was held at the annual bar conference in Toronto in August 1998.

Standing Committee on Technology and Information Systems. Appointed liaison to represent the Judicial Division for the 1999-2000 term. The technology committee was created to provide a forum to discuss legal technology related developments and activities within the Association and the legal profession.

Arizona State Bar:

Chairman - (1995- 2001). Task Force on Integrating Technology into the Justice System.

This task force facilitated the integration of technology in the justice system in the State of Arizona. Committee members included representatives from the courts, legislative, executive, state bar and law schools. The mission was to implement a “virtual” justice system through the use of technology. Subject areas covered include electronic filing, electronic data on-line services, virtual conferencing, training for bar members, conferences and seminars, communications and other areas which impact the implementation of technology in the justice system such as the Internet.

Member - (2003 – Present). Electronic Discovery Committee.

Speaking and Planning Engagements

- Annual ASU – Arkfeld eDiscovery and Digital Evidence Conference (2011 - present)
- Arkfeld Online eDiscovery and Digital Evidence Course (2010 - present)
- Georgetown eDiscovery Academy, Instructor - Washington D.C. (2011-2014)
- Oklahoma State Bar Association, presenter, five-hour presentation on electronic discovery – Oklahoma City, Oklahoma
- State Bar of Arizona Annual Conference, Presenter, Electronic Discovery
- MER conference – Presenter on corporate retention of electronic documents– Chicago, Ill.
- E-Discovery Spring Congress – Conference organizer for American Lawyer Media - San Francisco, CA
- Antitrust Division (DOJ) and Pension Benefit Guaranty Corporation – presentations on electronic discovery and evidence, Washington, D.C.
- Littler Mendelsen Conference on Unemployment Law – Electronic Discovery and Evidence Presentation, Phoenix, Arizona
- Electronic Discovery and Evidence Super Session – Primary presenter – LegalTech, New York, NY.
- E-filing and the Courts, Keynote Address, National Center for the State Courts – Las Vegas, Nevada
- Summation Users Conference, Keynote Address, San Francisco, CA.
- Electronic Discovery and Evidence, 3-hour presentation, Hawaii State Bar Association

Publications:

Michael is the author of the *Arkfeld on Electronic Discovery and Evidence* (4th ed.) treatise and Best Practice Guides published by LexisNexis (available at <http://www.lexisnexis.com/shop/arkfeld/default.page>). The Best Practice Guides include:

- IT Primer for Legal Professionals
- Electronic Discovery and Evidence
- ESI Pretrial Discovery - Strategies & Tactics
- Legal Hold

Arkfeld on Electronic Discovery and Evidence, Fourth Edition

Arkfeld on Electronic Discovery and Evidence treatise, updated biannually, provides comprehensive guidance, with clear explanation of the technical concepts, as well as discussion of the latest legal developments in this area.

Ch. 1 Electronic Information in Litigation
Ch. 2 Creation and Storage of Electronic Information
Ch. 3 Structure and Type of Electronic Information
Ch. 4 Computer Forensics, Experts and Service Bureaus
Ch. 5 Search, Technology and Cost Issues in Managing ESI
Ch. 6 Discovery and Production Process
Ch. 7 Court Procedural Rules and Case Law
Ch. 7 Appendix: State Cases and Rules Summary
Ch. 8 Admissibility of Electronic Evidence
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Glossary
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Arkfeld's Best Practices Guide: Information Technology Primer for Legal Professionals

This publication provides a primer for understanding the “information technology infrastructure” of organizations. This primer includes discussion of ESI types (including metadata), file systems, forms as well as locations where ESI can be found.

Contents include: Overview of IT in Organizations and the Electronic Discovery Process; IT Infrastructure of a Company's IT People, Hardware, Software and Networks; ESI Types, File Systems and Structure of Data; Sources, Storage, Locations, Metadata and Concealment of ESI; Computer Technology Available to Search, Identify, Review and Produce ESI

Arkfeld's Best Practices Guide for ESI Pretrial Discovery-Strategy and Tactics

This publication contains strategy and tactics for handling specific ESI issues throughout pretrial discovery. These include scope of discovery, preservation obligation, controlling costs, search methodology, form of production, accessibility of ESI and cost allocation, and more.

Contents include: The Basics of Electronic Discovery; Preparing an Overall Plan and Strategy; ESI Issues and Strategy - Sixteen Critical Issues; Litigation Stages and Procedural Discovery Rules

Arkfeld's Best Practices Guide for Electronic Discovery and Evidence

This guide offers an overview and workbook for the myriad legal and technological issues that need to be addressed whether you are requesting or producing “electronically stored information” (ESI). This workbook provides a plan and pretrial steps in discovering and disclosing ESI. Also included is a 15-page “meet and confer” planning guide which outlines the key topics and questions for a pretrial conference.

Contents include: The Basics of Electronic Discovery; Electronic Discovery Plan; Requesting Electronic Information; Responding to an Electronic Discovery Request; Admission of Electronic Evidence; Amendments to the Federal Rules of Civil Procedure; “Meet and Confer” Planning Guide

Arkfeld's Best Practices Guide for Legal Hold

This completely revised publication provides strategic guidance, recommendations and practice forms necessary in preparing for and implementing a “legal hold.” It covers the components of a legal hold readiness plan to identify, preserve, collect, process and review electronic data for disclosure in a timely manner. Practical tips include sample legal hold procedures and forms manual for an organization, preservation notice letters for clients and opposing counsel, and a new section on information technology discovery questions.

Contents include: Overview of Legal Hold and Electronic Discovery; Overview of Information Technology; Legal Hold Readiness Plan; Legal Hold (Court Directives, Duties and Tasks); Organization Legal Hold Procedures and Forms Manual; Law Firm Legal Hold Procedures and Practice Forms