Judicial Records Forum (#JRF)

Co-Sponsored by The Archivists Round Table of Metropolitan New York, Inc. (A.R.T.), The Sedona Conference®, The Electronic Discovery Institute (EDI) and The Philip D. Reed Chair, Fordham Law School

Wednesday, June 4, 2014 – 8:30 a.m.–4:00 p.m.
James McNally Amphitheatre at Fordham Law School, 140 West 62nd Street, New York, NY 10023

Program Schedule

8:30 a.m. – 9:15 a.m. **Breakfast and Registration**

9:15 a.m. – 9:30 a.m. **Opening Remarks & Comments**
Daniel J. Capra, Reed Professor of Law, Fordham Law School
Pamela Cruz, President, Archivists Round Table of Metropolitan New York, Inc. (A.R.T.)
Ron Hedges, Ronald. J. Hedges, LLC
Kenneth J. Withers, Deputy Executive Director, The Sedona Conference®

9:30 a.m. – 11:00 a.m. **Panel One: Creation & Acquisition of Electronic Records**

Records have existed since the dawn of civilization. Records have been carved in stone, written on papyrus and, of course, written on paper. Today, however, we see existing paper records being scanned and kept electronically and original records being created in electronic images and entries. This panel will explore the transition from paper to electronic. Specifically, what laws or rules govern the creation of records today? What concerns arise from the translation of paper records into electronic formats or the creation of electronic records? How should archivists and records managers prepare for the future, both with regard to existing technologies and technologies on (or beyond) the horizon?

Moderator: Kenneth J. Withers, Deputy Executive Director, The Sedona Conference®
Panelists: Anita Castora, CRM. IGP, CBCP American Eagle Federal Credit Union
Rick Hogan, Chief Records Manager for the Office of Court Administration, State of New York
James J. Waldron, Clerk, United States Bankruptcy Court for the District of New Jersey

11:00 a.m. – 11:15 a.m. **Break**

11:15 a.m. – 12:45 p.m. **Panel Two: Records Integrity & Accessibility of Electronic Records Over the Long Term**

Government records, particularly court documents, are some of the richest primary sources available to historians, legal scholars, sociologists, and others who study the past. These sources cut across race, gender, class, culture, and the social, economic, and political geography of a population. The common law court records of Georgian England, meticulously transcribed on parchment and vellum in clear handwriting, are easily read by today's scholars and historians. But few among us have the resources to read the equivalent computer data generated by the courts of England and Wales in the 1960's or 1970's. What choices can the courts and other government agencies make so that digital records will be accessible and easily read by future researchers? How can archivists plan for the new media of today and the future? What can government archivists learn from the arts academia? Where are the resources coming from for long-term preservation?

Moderator: Kenneth J. Withers, Deputy Executive Director, The Sedona Conference®
Panelists: Jason R. Baron, Of Counsel, Drinker Biddle, Washington DC
Doug Reside, Digital Curator, New York Public Library for the Performing Arts
Professor Greg Hunter**,** Archives and Records Management Program, Palmer School of Library and Information Science

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Program Schedule (continued)

12:45 p.m. – 2:00 p.m. **Lunch** (on your own – please visit http://lincolnsquarebid.org/documents/LSBID_WhereToEat_2013.pdf)

2:00 p.m. – 3:30 p.m. **Panel Three: Confidentiality, Access & Use of Electronic Records**

Government records "belong" to the constituencies that those records serve. Records, whether in electronic or "traditional" paper format, are often sought by members of these constituencies for various reasons, including simple curiosity. What principles guide access to records? What restrictions are there on access to records? Should the rules be the same for digital records as they have been for paper records, or should there be heightened concern for privacy, data aggregation, and advanced analytical capabilities? What conditions may be imposed on access, and should they be the same for physical or digital access?

Moderator: Ron Hedges, Ronald. J. Hedges, LLC
Panelists: Robert D. Owen, Partner-in-Charge, NY Office at Sutherland Asbill & Brennan LLP
Kenneth J. Withers, Deputy Executive Director, The Sedona Conference®
David E. McCraw, Vice President & Assistant General Counsel, The New York Times Company

3:30 p.m. – 4:00 p.m. **Concluding Thoughts**
Daniel J. Capra, Reed Professor of Law, Fordham Law School
Ron Hedges, Ronald. J. Hedges, LLC
Kenneth J. Withers, Deputy Executive Director, The Sedona Conference®

The Archivists Round Table of Metropolitan New York, Inc. (A.R.T.) and The Sedona Conference® thanks the Electronic Discovery Institute (EDI) and The Philip D. Reed Chair, Fordham Law School for their generous support. We would also like to thank Fordham Law School for hosting this event.

About The Archivists Round Table of Metropolitan New York, Inc. (A.R.T.)
Founded in 1979, The Archivists Round Table of Metropolitan New York, Inc. (A.R.T.) is a volunteer-led not-for-profit organization representing a diverse group of more than 700 archivists, librarians, records managers and those who support archival efforts in the New York metropolitan area. It is one of the largest local organizations of its kind in the United States with members representing approximately 375 repositories.
http://www.nycarchivists.org

About The Sedona Conference® (TSC)
TSC is a nonprofit, tax-exempt research and educational institute dedicated to the advanced study of law and policy in the areas of antitrust law, complex litigation, and intellectual property rights. The mission of TSC is to drive the reasoned and just advancement of law and policy by stimulating ongoing dialogue amongst leaders of the bench and bar to achieve consensus on critical issues. TSC brings together the brightest minds in a dialogue-based, think-tank setting with the goal of creating practical solutions and recommendations of immediate benefit to the bench and bar.
https://thesedonaconference.org

About The Electronic Discovery Institute (EDI)
The Electronic Discovery Institute is a 501(c)(3) non-profit organization dedicated to resolving electronic discovery challenges by conducting studies of litigation processes that incorporate modern technologies. The explosion in volume of electronically stored information and the complexity of its discovery overwhelms the litigation process and the justice system. Technology and efficient processes can ease the impact of electronic discovery. The Institute operates under the guidance of an independent Board of Diplomats comprised of judges, lawyers and technical experts. The Institute's studies will measure the relative merits of new discovery technologies and methods.
www.ediscoveryinstitute.org

About The Philip D. Reed Chair
Philip D. Reed received his law degree from Fordham in 1924. The Philip D. Reed Chair, presently held by Professor Daniel Capra, is named in his honor. Each year, the Philip D. Reed Chair invites distinguished judges, lawyers, and scholars to participate in panel discussions and symposia on current issues affecting Federal Judges and Federal Courts.
http://fordhamlawreview.org/information/lecture-series/reed-lecture