Twin Cities ARMA Chapter

Tuesday, February 9, 2021

12:00-1:00 (CST)

WEBINAR

Ephemeral Messaging: Can It Be Governed?

Guest Speakers: Kenneth J. Withers and Eric P. Mandel

Ephemeral messaging is the latest trend in business communications, with employees using third-party apps, with or without their organizations' knowledge and some organizations deploying "official" ephemeral messaging systems. But if the messages and data associated with them are truly ephemeral – disappearing after they are read – how can they be integrated into a comprehensive Information Governance program, and what are the dangers if they are not?

In this one-hour virtual presentation, Eric Mandel of Driven, Inc. and Ken Withers of The Sedona Conference will:

- Define terms and provide examples of ephemeral messaging systems currently on the market
- Present the legitimate business case for the use of ephemeral messaging (and conversely, the illegitimate uses)
- Report on how courts and regulators have viewed ephemeral messaging
- Discuss some proposed Information Governance "best practices" for addressing ephemeral messaging
- Open the floor up for a benchmarking session: What are some of you doing now, and what might work for your organization?

 Kenneth J. Withers, The Sedona Conference, Phoenix, AZ

Ken is the Deputy Executive Director of The Sedona Conference. Since 1989, he has published several widely-distributed papers on electronic discovery, hosted a popular website on electronic discovery and electronic records management issues, and given presentations at more than 300 conferences and workshops for legal, records management, and industry audiences. His most recent publications are *Ephemeral Data and the Duty*

to Preserve Discoverable Electronically Stored Information in the University of Baltimore Law Review (2008); *Living Daily with Weekley Homes* in the Texas State Bar Advocate (Summer 2010); and *Risk Aversion, Risk Management, and the Overpreservation Problem in Electronic Discovery* in the South Carolina Law Review (2013). From 1999 through 2005, he was a Senior Education Attorney at the Federal Judicial Center in Washington D.C., where he developed Internet-based distance learning programs for the federal judiciary concentrating on issues of technology and the administration of justice. Ken also contributed to several well-known FJC publications, including the *Manual for Complex Litigation, Fourth Edition* (2004), *Effective Use of Courtroom Technology* (2001), and the *Civil Litigation Management Manual* (2001).

 Eric P. Mandel, Driven, Inc., Minneapolis, MN

Eric is an attorney, legal technologist, and privacy professional who has spent the past 13 years focused on solving complex problems at the intersection of law and technology. He has served in senior leadership roles in several U.S.-based trade associations, including The Sedona Conference, the EDRM Institute, the Legal Technology Professionals Institute, and the Association of Certified E-Discovery Specialists, and is a frequent speaker on a broad range of topics relating to electronic discovery, information governance, data regulatory compliance, and data privacy and data protection. Additionally, Eric has worked on numerous leading publications, including *The Sedona Principles, Third Edition*