

# M. JAMES DALEY

PARTNER

(913) 522-8901

[jdaley@daleylegal.com](mailto:jdaley@daleylegal.com)

M. James (“Jim”) Daley combines his 30 years of complex litigation experience with his Masters Degree in Management of Information Services to help clients develop practical, legally compliant, and cost-effective solutions to e-discovery, data privacy and e-records compliance challenges.

These legal and consulting services include e-records compliance risk assessments, e-discovery, data privacy and litigation readiness programs, targeted IT data maps, legal-hold processes, computer-based records retention training, reducing volumes of legacy backup tapes and consulting as to electronic records management and collection systems.

Jim is a frequent author and speaker on e-discovery and e-records compliance issues. His service and publications include: Co-Chair of The Sedona Conference® Working Group on International Electronic Information Management, Discovery and Disclosure (WG6); Co-Editor-in-Chief of *The Sedona Conference® Framework for Analysis of Cross-Border Discovery Conflicts: A Practical Guide to Navigating the Competing Currents of International Data Privacy and e-Discovery* (2008); Senior Editor of The Sedona Conference® *Best Practices Commentary on the Use of Search and Information Retrieval Methods in E-Discovery* (2007); Co-Editor of The Sedona Conference® *Best Practice Guidelines and Commentary for Managing Information and Records in the Electronic Age* (2005); and Contributing Author of *The Sedona Conference® Principles: Best Practices, Recommendations and Principles for Addressing Electronic Document Production* (2004).

Jim serves as national coordinating e-discovery counsel for several Fortune 500 clients, helping them contain cost, ensure compliance, and improve quality in e-discovery, data privacy and e-records compliance. This includes helping clients design, develop, and implement proactive solutions that provide substantial risk reduction and return on investment.

Jim also assists multinational clients with “Safe Harbor” certification and other strategies to successfully navigate a wide range of global privacy and data-protection issues in the U.S., European Union, South America, Canada, Australia, Asia, Canada, and other countries.



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## Industry Experience

- Financial Services
- Technology
- Pharmaceutical and Medical Devices
- Electronics
- News and Entertainment
- Food and Beverages
- Tobacco

## Education

J.D., University of Iowa

M.M.I.S. (Masters of Management Information Systems), Friends University

B.A., Creighton University

## Professional and Technical Certifications

Certified Information Privacy Professional (CIPP) by the International Association of Privacy Professionals

Microsoft NTFS Server Administration

Novell Network Administration

Informix Enterprise Database Programming

Microsoft SQL Server Programming and Administration

HTML Programming and Design

## Professional Associations

- Co-Chair of The Sedona Conference® Working Group on International Electronic Information Management, Discovery and Disclosure (2005-2009)
- Board Member, Georgetown University Law Center Advanced e-Discovery Institute (2003-2009)
- Co-Chair of The Sedona Conference® Search and Retrieval Sciences Group
- Member, The Sedona Conference® Working Group on Electronic Document Retention and Production (2002-2009)
- ARMA International
- International Association of Privacy Professionals (IAPP)
- Defense Research Institute

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- Kansas City Metropolitan Bar Association, Technology Committee

## Bar Admissions

State of Kansas

State of Missouri

State of Iowa

State of Nebraska (inactive)

United States District Court, District of Kansas

United States Eighth Circuit Court of Appeals

## Languages

German (fluent)

## Selected Publications (2004 – 2010)

- 1) Author, "[European privacy regulators investigate "tagging" features of Facebook and Google](#)," Georgetown Law E-Discovery Web Archive, March 24, 2010.
- 2) Quoted, "[Anonymisation, the Hague Convention and US judicial notice of EU privacy protection](#)," The e-Disclosure Information Project, March 2, 2010.
- 3) Author, "[Privacy Convictions for Google Executives highlights need for Ongoing EU-US Dialogue on Data Privacy & Protection](#)," Georgetown Law E-Discovery Web Archive, March 1, 2010.
- 4) Quoted, "[Sedona Conference® WG6 presentation to Article 29 Working Party in Brussels](#)," The e-Disclosure Information Project, February 16, 2010.
- 5) Co-Editor, "[The Sedona Conference® International Overview of Discovery, Data Privacy & Disclosure Requirements](#)," (2009 to present).
- 6) Author, "[2009 U.S. and EU Conference on Cross Border Data Flows, Data Protection & Privacy](#)," Georgetown Law E-Discovery Web Archive, December 11, 2009.
- 7) Author, "[International Clash of Cultures and Law: Cross-Border E-Discovery](#)," Georgetown Law E-Discovery Web Archive, December 4, 2009.

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- 8) Author, "[A Call to Dialogue: EU Article 29 Data Protection Working Party Document 158 on Discovery for Cross-Border Civil Litigation](#)," Georgetown Law E-Discovery Web Archive, November 10, 2009.
- 9) Co-Author, "[International Restrictions on Releasing Personal Information - What Steps Your Company Needs to Consider](#)," The Corporate Counselor, Volume 24, No. 6, October 2009.
- 10) Co-Editor-in-Chief, "[The Sedona Conference® Framework for Analysis of Cross-Border Discovery Conflicts: A Practical Guide to Navigating the Competing Currents of International Data Privacy and e-Discovery](#)," August 2008.
- 11) Co-Author, "[One Year After the Federal E-Discovery Rule Amendments](#)," ABA Journal on Natural Resources & Environment, Spring 2008.
- 12) Senior Editor, "[The Sedona Conference® Best Practices Commentary on the use of Search and Information Retrieval Methods in E-Discovery](#)," August 2007.
- 13) Author, "[Preservation of Electronic Records of Third-Party Contractors](#)," The Practical Litigator Magazine, American Law Institute of the American Bar Association (ALI-ABA), January 2007.
- 14) Author, "[The Impact of the Proposed Federal E-discovery Rule Amendments on Corporate Records Retention Compliance](#)," Kansas City Business Journal, March 3, 2006.
- 15) Co-Editor, "[The Sedona Conference® Best Practice Guidelines and Commentary for Managing Information and Records in the Electronic Age](#)," First Edition, September 2005.
- 16) Author, "[Know When to Hold 'Em: Duty to Retain Records of Third-Party Contractors](#)," 2005 Managing Electronic Records (MER) Conference, Chicago, Illinois, May 2005.
- 17) Author, "[Defending the Faith \(in Corporate Records Compliance\)](#)," Inside Litigation Magazine, May 2005.
- 18) Co-Author, "[The Sedona Conference® Best Practices Recommendations and Principles for Addressing Electronic Document Production](#)," January 2004.

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## Selected Presentations (2008-2010)

- 1) Speaker, *"International E-Discovery: Data Protection, Privacy & Cross-Border Issues"*, CEIC Conference, Summerlin, Nevada, May 26, 2010.
- 2) Speaker, *"Document Management & Litigation Risk in the Age of E-Discovery: Cautionary Tales & the Road Ahead"*, ARMA, Omaha, Nebraska, May 12, 2010.
- 3) Moderator, *"Form of Production and Forensic Inspection"* and *"Preservation,"* The Sedona Conference® eDiscovery Dispute Resolution Program for Special Masters & Mediators, Phoenix, Arizona, January 28-29, 2010.
- 4) Panelist, *"Electronic Discovery in Civil Litigation and Cross Border Data Flows – Is it Time for a Framework of Cooperation?"*, U.S./EU Safe Harbor Conference on Cross Border Data Flows & Privacy, Washington D.C., November 18, 2009.
- 5) Moderator, *"Clash of Laws and Cultures: Cross Border E-Discovery and International Data Management,"* 6th Annual Advanced E-Discovery Institute: Identifying Today's Problems & Tomorrow's Solutions, Washington D.C., November 12, 2009.
- 6) Speaker, *"Process and Project Management: Are You Ready?"* and *"International E-Discovery: Stranger in a Strange Land,"* 13th Annual Electronic Discovery and Records Retention Conference, Chicago, Illinois, November 5-6, 2009 and New York, New York, October 7-8, 2009.
- 7) Chair, *"The Sedona Conference® International Programme on Cross-Border E-Discovery, E-Disclosure and Data Privacy,"* Panelist, *"Key Legal & Cultural Challenges to Cross-Border eDiscovery, eDisclosure & Data Transfers,"* and Panelist, *"The Sedona Framework for Analysis of Cross-Border Discovery Conflicts: A Practical Guide to Navigating the Competing Currents of International Data Privacy and Discovery,"* Barcelona, Spain, June 10-11, 2009.
- 8) Speaker, *"E-Discovery in the United States"* Culture Clash! Data Protection, Freedom of Information and Discovery – How to Protect Your Business in Transnational Disputes, DRI Europe, Munich, Germany, May 13-14, 2009.
- 9) Speaker, *"Privacy and Data Security in the U.S."* DRI Electronic Discovery Seminar, New York, New York, May 7, 2009.

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- 10) Panelist, *"Getting Ahead of the eDiscovery Curve: Strategies to Reduce Costs & Meet Judicial Expectations"* The Sedona Conference® Institute, Philadelphia, Pennsylvania, March 26-27, 2009.
- 11) Panelist, *"International, Part I: The Perils and Pitfalls of Transnational Electronic Discovery"* and *"Reacting to the Changing American Workforce and Workplace, Part II: Reconciling the Generational Divide, Cultural Diversity & Religious Issues"* Georgetown's 13th Annual Corporate Counsel Institute, Washington, D.C., March 12-13, 2009.
- 12) Speaker, *"Navigating the Rapids of International E-Discovery,"* National Podcast, BNA, March 9, 2009.
- 13) Speaker, *"Information and Knowledge Management: Getting your Electronic House in Order before Litigation Strikes," "Identifying and Working with Special Masters, Neutral Experts and Expert Witnesses," "Document Review: The Care and Feeding of Contract Attorneys and Other Thorny Issues," "E-Discovery Special Masters, Neutrals and Court Technology Experts,"* and *"Containing the Costs of Document Review,"* West Legal Works, Electronic Discovery and Records Retention Conference, Los Angeles, California, February 26-27, 2009.
- 14) Speaker, *"Controlling E-Records Management and E-Discovery Costs,"* National Podcast, AIIM International, February 17, 2009.
- 15) Speaker, *"International Issues in E-Discovery"* Georgetown E-Discovery Training Academy, Washington, D.C., February 12, 2009.
- 16) Panelist, *"Containing E-Discovery Costs: Corporate Legal Department vs. Law Firm Perspectives"* and Speaker, *"Differing Perspectives on Emerging E-Discovery & Technology Issues,"* Legal Tech, New York, New York, February 3, 2009.
- 17) Panelist, *"E-Discovery Strategies: Current Issues in Records Management, Litigation, Government Inquiries, and Ethics"* ALI-ABA Video Webcast Conference, Washington, D.C., January 26-27, 2009.
- 18) Moderator, *"International Issues Affecting E-Discovery,"* Georgetown CLE Advanced E-Discovery Institute, Arlington, Virginia, November 18, 2008.
- 19) Speaker, *"Privacy et. al. - eDiscovery for Transnational Organizations"* and *"Building an In-House E-Discovery Program,"* CA World, Las Vegas, Nevada, November 16-18, 2008.

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- 20) Participant, *"Electronic Document Retention and Production,"* The Sedona Conference® Annual Working Group 1 Conference, Rancho Mirage, California, November 12, 2008.
- 21) Panelist, *"E-Discovery and Data Protection Workshop,"* Center for Applied Cybersecurity Research at Indiana University and the Centre for Information Policy Leadership, Brussels, Belgium, October 22, 2008.
- 22) Delegate, *"Annual Safe Harbor Conference between the European Union Article 29 Working Party on Data Protection and the U.S. Department of Commerce,"* Brussels, Belgium, October 21, 2008.
- 23) Panelist, *"Defusing Risk, Reducing Cost and Gaining Control: Improving the Efficiency and Accuracy of eDiscovery Search, Review and Production,"* IQPC Legal Technology Exchange, Braselton, Georgia, October 4, 2008.
- 24) Panelist, *"Electronic Information Security and Privacy,"* International Legal Technology Association (ILTA) Conference, Dallas, Texas, August 25, 2008.
- 25) Panelist, *"The Sedona Conference® Commentary on Cross-Border Discovery Conflicts,"* National Webcast, August 2008.
- 26) Featured Panelist, *"Sedona Update: Understanding Defensible Search & Retrieval Methods,"* National Webcast, July 17, 2008.
- 27) Speaker, *"Navigating Cross-Border E-Discovery Issues,"* Association of Legal Support Managers for the State of New South Wales, Sydney, Australia, July 8, 2008.
- 28) Speaker, *"Catch 22: Cross-Border E-Discovery Conflicts,"* New South Wales Society for Computers and the Law," Sydney, Australia, July 7, 2008.
- 29) Speaker, *"Cross-Border E-Discovery Issues: Australia and the U.S.,"* Association of Legal Support Managers for the State of Victoria, Melbourne, Australia, July 1, 2008.
- 30) Speaker, *"E-Discovery in the United States,"* State of Victoria Society for Computers and the Law, Melbourne, Australia, June 30, 2008.
- 31) Speaker, *"Catch 22: Navigating Cross Border Conflicts Between Electronic Discovery and Data Privacy,"* The Australasian Institute of Judicial Administration, Sydney, Australia, June 26, 2008.

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- 32) Moderator, *"Ethical Considerations in Electronic Discovery,"* Lorman Education Services, Kansas City, Missouri, June 2008.
- 33) Speaker, *"Why Digital Information is Different,"* E-Discovery: An A-Z Workshop, West Legal Works, St. Louis, Missouri, June 2008.
- 34) Key Note Speaker, *"Binding Corporate Rules (BCRs) and Standard Contractual Clauses for Managing Data Movement Between Countries,"* Corporate Governance and Compliance Conference, New York, New York, June 2008.
- 35) Speaker, *"Cross-Border Conflicts Relating to Mass Discovery, Including Foreign Data, Privacy, and Protection Regulations,"* ALI-ABA Course of Study in Mass Litigation, Charleston, South Carolina, May 29-31, 2008.
- 36) Speaker, *"Litigation Readiness: The Importance of Proactive ESI Management Systems,"* IQPC Conference, London, England, May 23, 2008.
- 37) Speaker, *"Case Study: Data Mapping and the FRCP – 18 months into the New Rules"* and Panelist, *"What the MER Headlights See: Insights on Four Future ERM Issues,"* MER Conference, Chicago, Illinois, May 19-21, 2008.
- 38) Speaker, *"RMS Conference 2008: Records Management – The State of the Art,"* Records Management Society, Utrecht, Netherlands, April 20-22, 2008.
- 39) Panelist, *"New Roles & New Teams to Meet ESI Production Obligations/Expectations," "Search & Information Retrieval Methods/Best Practices,"* and *"New Issues Under the New Rules,"* The Sedona Conference® Institute's Second Annual Program on Getting Ahead of the eDiscovery Curve: Strategies to Reduce Costs & Meet Judicial Expectations, San Diego, California, March 13-14, 2008.
- 40) Panelist, *"Envisioning Discovery Circa 2010,"* 4<sup>th</sup> Annual CGOC E-Discovery Summit, Palm Springs, California, January 27, 2008.
- 41) Speaker, *"Electronic Discovery and Records Management: New Litigation Challenges,"* American Law Institute of the American Bar Association (ALI-ABA), Fordham Law School, New York, New York, January 17-18, 2008.