

MARC R. JENKINS

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EXPERIENCE

CICAYDA, LLC, Nashville, TN

Associate General Counsel & Executive Vice-President-Knowledge Strategy 2013 to present

- Develop, implement and continuously improve information governance programs for corporations.
- Counsel and advise corporate legal departments and law firms on electronic discovery, the effective use of social media evidence and legal technology.
- Design workflows, processes and strategies for modern day litigation, government investigation, compliance and due diligence.
- Audit corporate legal spending on electronic discovery to proactively implement sourcing strategies that minimize risk and cost.
- Conduct tech trainings and workshops on the effective use of electronic discovery technologies.
- Assist in the negotiation of ESI protocols and court orders.
- Guide the company's short-term and long-term vision, strategy and goals through service on the management team.
- Manage cicayda's consulting department and operations of cicayda's legal department.
- Oversee all company litigation and implement litigation hold policies and procedures.
- Create and oversee company information governance program, document retention schedules and policies.
- Oversee all company contracting with customers, vendors, and employees by managing and negotiating end-user license agreements, non-disclosure agreements, HIPAA Business Associate Agreements, information security agreements, vendor contracts, statements of work, RFPs, strategic partnership agreements, employment agreements, and severance agreements.
- Interface regularly with Chief Technology Officer and development team to develop better software products for lawyer and legal professional end-users.
- Train sales staff on electronic discovery law and procedure.
- Speak dozens of times annually at electronic discovery and legal conferences, continuing legal education events, and webinars on electronic discovery, legal technology and data privacy.
- Write several articles annually for law reviews, bar journals, and legal technology trade publications on information governance, electronic discovery, the effective use of legal technology, and the modern practice of law.
- Market the company's products through a widely read blog, white papers and case studies.
- Creatively assist the marketing department with all content marketing efforts, digital media campaigns and email marketing campaigns.

HUBBARD & JENKINS, INFORMATION MANAGEMENT, Nashville, TN

Co-Founder & Managing Partner 2009 to 2013

- Provided expert advice to corporate lawyers and litigators on electronic discovery, information governance and legal technology.
- Drafted and oversaw RFIs and RFPs for procuring electronic discovery services and legal technology selection on behalf of law firms.
- Managed large document review and electronic discovery projects on behalf of corporate legal departments and law firms.
- Advised municipalities, municipal utilities and their law firms on handling production of electronic documents pursuant to public records requests.
- Served as electronic discovery referee for disputes regarding the preservation, collection, review, hosting and production of electronically stored information.

HUBBARD, BERRY & HARRIS, PLLC, Nashville, TN

Partner (2009) & Associate

2005 to 2013

- Litigated commercial cases in areas of healthcare, government contracting, real estate, and general civil business litigation.
- Successfully managed the collection and production of several terabytes of transactional data and the review of over 30 million electronic documents for a large managed care organization in Federal class action.
- Obtained a \$20 million settlement on behalf of a managed care organization in liquidation for the failure of State government to disclose information regarding enrollees.
- Persuaded the State Court of Appeals to reverse lower court ruling and dismiss a \$3.5 million class action brought against a municipal utility.
- Negotiated the \$5,075,000 sale of a nursing home.
- Quashed a third-party subpoena for electronic records saving managed care organization over \$1 million in potential electronic discovery costs.
- Managed the collection of over \$4 million in assessments to liquidate a self-insured trust in receivership.
- Represented managed care organization in the development of new Medicaid MR waiver program, drafted and negotiated agreements with various parties, obtained United States District Court approval for the program, assisted with successful implementation of the program, and coordinated the review of over 150,000 documents and subsequent production in two weeks.
- Advised managed care organization on implementation and compliance with Tennessee's Long Term Care Community CHOICES Act of 2008.
- Obtained collective \$3.2 million settlement for 29 providers of Medicaid services in breach of contract actions against state government.
- Reached a \$3 million settlement on behalf of managed care organization in breach of fiduciary duty case.
- Successfully defended an international document management product and service company against a bid protest for \$38 million statewide contract.
- Drafted United States Sixth Circuit Court of Appeals amicus brief on behalf of managed care organization.
- Negotiated favorable settlement for provider of services to intellectually and developmentally disabled Medicaid recipients in Medicaid False Claims Act case.
- Implemented and revised email retention program and third party vendor notification program for managed care organization.
- Drafted, reviewed, and negotiated contracts for two subsidiaries of a hospital trade association.
- Advised ophthalmologist practice on various Stark and anti-kickback compliance issues.
- Monitored all federal and state legislation impacting operations of managed care organization.
- Represented a municipal government on all phases of condemnation matters including the trial of cases before juries of view.
- Successfully defended taxpayer by obtaining summary judgment against the Tennessee Department of Revenue for the levy of a tax assessment.

POWERCOM SOLUTIONS, LLC, Nashville, TN

General Counsel

2004 to 2005

- Established company legal department.
- Drafted and negotiated all company contracts, policies and procedures and official company correspondence.

RUDY TITLE & ESCROW, LLC, Nashville, TN

Company Counsel

2003 to 2004

- Advised company on all laws and regulations impacting business and real estate industry.
- Closed approximately 75 loan transactions monthly.

EDUCATION

UNIVERSITY OF ALABAMA SCHOOL OF LAW, Tuscaloosa, AL
Masters of Laws in Taxation, Cum Laude, December 2007; GPA: 3.499

VANDERBILT UNIVERSITY LAW SCHOOL, Nashville, TN
Juris Doctor with Law and Business Certificate, May 2003; GPA: 3.372

UNIVERSITY OF MISSISSIPPI, Oxford, MS
Bachelor of Arts, Philosophy, Magna Cum Laude, May 1999; GPA: 3.89

ACADEMIC APPOINTMENTS

VANDERBILT UNIVERSITY LAW SCHOOL, Nashville, TN
Adjunct Professor of Law & Program on Law & Innovation Faculty Member
Teaching: Law 7156: Electronic Discovery and Information Governance
Law 7708 Technology in Legal Practice

SEMINARS & PUBLICATIONS

"Effective Use of eDiscovery Technology For The Litigator," American Bar Association Technology for the Litigator Committee, (to be published Fall 2015).

"eDiscovery: Past, Present and Future." Association of Reporters of Judicial Decisions National Meeting, August 6, 2015, Nashville, TN.

"Information, Knowledge and the Pursuit of Privacy," 38 *American Journal of Trial Advocacy* 485, Spring 2015.

Guest Lecturer, "Technology & Modern Litigation," University of Utah Law School, Salt Lake City, UT, June 15, 2015.

"Empowering the Modern Legal Department," Association of Corporate Counsel, Alabama Chapter, Birmingham, AL, May 8, 2015.

"Leveraging Technology and Becoming Your Client's Iron Man," Organization of Legal Professionals, Online Webinar, March 26, 2015.

"It's Not 2006 Anymore: Bringing Your eDiscovery Processes Up-To-Date and Examining the Future," Organization of Legal Professionals Online Webinar, March 11, 2015.

Guest Lecturer, "eDiscovery," Belmont Law School, Nashville, TN, March 4, 2015.

"Discovery and Cooperation: Attorney Obligations When Interacting With Others," Samford University Cumberland School of Law's Symposium on "Practicing Law in the Age of Surveillance and Hackers: An Exploration of Privacy and Data Security," Birmingham, AL, February 27, 2015.

"Modern eDiscovery Workflows and Software," Alabama Bar Association, Birmingham, AL December 15, 2014.

"eDiscovery for 21st Century Lawyers," CodeX, Stanford University's Center for Legal Informatics, Palo Alto, CA, December 4, 2014.

“Hot Topics in Healthcare Law: Compliance, Data Privacy and eDiscovery,” Tennessee Society of Certified Public Accountants Healthcare Conference, Franklin, TN, December 2, 2014.

“Modern Strategies, Processes, and Software for Handling Electronic Document Requests,” Idaho Bar Association, November 21, 2014.

“eDiscovery for Intelligent Lawyering,” Texas Bar Association, Austin, TX, November 11, 2014.

“Handling eDiscovery Affordably in Construction Cases,” Tennessee Association of Construction Counsel, Nashville, TN, November 7, 2014.

Moderator, “eDiscovery in Government and Regulatory Investigations,” eDiscovery Intelligence Summit 2014, Atlanta, GA, October 23, 2014.

“Technology Needs for a Solo Practice,” Samford University Cumberland School of Law Continuing Legal Education, Birmingham, AL, October 17, 2014.

“*The Need for eDiscovery Speed*,” Attorney at Law Magazine, Greater Salt Lake City Edition, Vol 2. No. September 2014.

Lecturer, “Introduction to eDiscovery & Legal Technology,” Vanderbilt University Law School, September 30, 2014.

“Developing Augmented Intelligence to Achieve Better Litigation Outcomes,” Minnesota Defense Lawyers Association & Minnesota Paralegal Association’s “Intelligent Paralegaling: Mastering the Puzzles of Litigation,” Minneapolis, MN, September 19, 2014.

“Leveraging Legal Technology to Empower Lawyers & Enhance Access to Justice,” Tennessee Alliance for Legal Services Equal Justice University, Murfreesboro, TN, September 12, 2014.

“Predictive Coding-Will it Revolutionize Document Review?” Ontario Bar Association, Toronto, Canada, September 10, 2014.

“*eDiscovery Can and Must Be Affordable*,” Nashville Bar Journal Vol. 14. No. 7, August 2014.

Panelist, “Organizing the Best E-Discovery Team,” SoCal eDiscovery Retreat, Laguna Beach, CA, July 14, 2014.

“Big Data Challenges & Leveraging Technology to Find Useful Information Quicker To Improve Litigation Outcomes,” Utah Bar Association Paralegal Division Annual Meeting, Salt Lake City, UT June 20, 2014.

“Implementing Litigation Hold Processes & Social Media Discovery Strategies to Meet Utah eDiscovery Proportionality Requirements,” Utah Bar Association, Salt Lake City, UT, June 19, 2014.

“*The Future of E-Discovery in Tennessee*,” Belmont University College of Law Review, 1 Belm. L. Rev. 181 (2014).

Member, Drafting Committee for Proposed eDiscovery Administrative Order & Checklist for United States District Court for the Middle District of Tennessee, 2013-2014.

Guest Lecturer, “Legal Project Management,” Michigan State University’s Reinvent Law Laboratory, May 10, 2014.

Panelist, “Taming The Beast: Strategies for Controlling eDiscovery Costs,” Aon Risk Consulting Webinar, May 7, 2014.

“I May Not Be Special But I Can Become Iron Man,” LexThink.1’s “The End of Irrelevance,” ABA TECHSHOW, Chicago, IL, March 26, 2014.

“From Socrates to Augmented Intelligence: Finding Litigation Knowledge in a Sea of Noise,” Center for Law, Science & Innovation at the Sandra Day O’Connor College of Law, Arizona State University, Third Annual ASU-Arkfeld eDiscovery and Digital Evidence Conference, March 13, 2014 (paper published in *Law Technology News*, February 21, 2014).

“E-Discovery for Intelligent Paralegals,” Capital Paralegal Association, Austin, TX, January 30, 2014.

“Resolve to Handle E-Discovery Better, Faster and More Affordably in 2014,” Tennessee Bar Association January 8, 2014.

“Lessons from David & Goliath on Legal Process Improvement & Litigation Search Methodology,” Online Webinar, December 18, 2013.

“Fundamentals of E-Discovery,” Georgia Trial Lawyers Association, Atlanta, GA, December 13, 2013.

“A Peek into the Legal Future,” Triangle E-Discovery Lawyers Association, Raleigh, NC, November 19, 2013.

Lecturer, “Advanced Civil Procedure and E-Discovery,” University of Alabama School of Law, November 11, 2013.

“The Future of eDiscovery in Tennessee,” Belmont University College of Law, Belmont Law Review Symposium, November 8, 2013.

“Improving Outcomes and Reducing Risks Associated with Litigation,” Information Systems Security Association International Conference, Nashville, TN, October 10, 2013.

Panelist, “Changes in Law Schools, Changes in Culture,” Inaugural RelEvent “Unconference”, Nashville, TN, October 8, 2013.

“Information Management and How Lawyers Can Assist Healthcare Companies in this Field,” 25th Annual Tennessee Bar Association Health Law Forum, October 4, 2013.

Lecturer, “Realities of Modern Day Litigation in the Digital Age,” Lipscomb University College of Business Administration Business of Law Course, October 1, 2013.

“eDiscovery for Intelligent Lawyering,” Texas Bar Association CLE, Houston, TX, September 24, 2013.

Panelist, “Law in 2050,” Vanderbilt University Law School, September 23, 2013.

Panelist, “Search & Coding (including Predictive Coding) Analysis,” Laguna Beach eDiscovery Retreat, July 29, 2013.

Panelist, “Laying the Foundations of E-Discovery Competence,” San Diego eDiscovery Retreat, July 1, 2013.

“E-Discovery Update on Sedona Conference Institute’s Staying Ahead of the E-Discovery Curve,” The Prometheus Project, April 29, 2013.

“E-Discovery (the single-most rapidly expanding area of law) Representing Corporate Clients & Developing a Niche Practice,” Knoxville Bar Association Law Practice Today Expo, April 12, 2013.

Instructor, "Fundamentals of E-Discovery," Foundational course taught on behalf of the Organization of Legal Professionals' eDiscovery Project Management Certificate Program, February-March 2013.

"E-Discovery Tales from the Federal Courthouse: A Real World Case Study and Roundtable Discussion of the Benefits of Cooperation and Challenges of Proportionality," Prometheus Project, February 28, 2013.

"Case Studies in e-Discovery Litigation and Lessons Learned for Information Technology," Society for Information Management, January 16, 2013.

Instructor, "Fundamentals of E-Discovery," Foundational course taught on behalf of the Organization of Legal Professionals' eDiscovery Project Management Certificate Program, December 2012.

Lecturer, "IT Law and Policy," Lipscomb University's School of Computing and Informatics Master of Science in Information Technology Management Program, November 16, 2012.

"E-Discovery for Health Lawyers 2.0," 24th Annual Tennessee Bar Association Health Law Forum, October 5, 2012.

"Documentation and Records Management for False Claims Act and Federal Government Compliance," Various Tennessee locations on behalf of the Community Rehabilitation Agencies of Tennessee, Inc., September 2012.

Panelist, "Roundtable Discussion of Electronic Discovery Issues Impacting Trial Practice in the Nashville Metropolitan Area," Prometheus Project, September 20, 2012.

"Proactive Management is Required to Contain E-Discovery Risks and Costs," PenTest Magazine, an international online magazine devoted to information security issues, September 5, 2012.

Instructor, "E-Discovery 101A: The Fundamentals", An online, interactive, 5 week course taught on behalf of the Organization of Legal Professionals, August-September 2012.

"Safeguarding Against False Claims Actions with Proper Documentation," Various locations throughout the State of Tennessee on behalf of Tennessee Community Organizations, Inc., Spring 2012.

"Effective Management of Electronic Records Can Reduce the Risks & Costs of Litigation," Nashville Chamber of Commerce Small Business Wire, January 20, 2012.

"Managing Electronic Discovery Costs and Risks Through Effective Notification and Communication with Vendors and Subcontractors," 2011 BlueCross BlueShield Association's Blue National Summit, Chicago, IL, December 6, 2011.

"E-Discovery for Health Lawyers," 23rd Annual Tennessee Bar Association Health Law Forum, October 14, 2011.

"Non-Profit Board Members Rights and Responsibilities," Tennessee Volunteer Lawyers for the Arts, November 2009.

"The United Student-Athletes of America: Should Collegiate Athletes Organize to Protect Their Rights and Address the Ills of Intercollegiate Athletics," 5 Vand. J. Ent. L. & Prac. 39 (2003).

AFFILIATIONS

Admitted to Bars of State of Tennessee, United States District Court for the Middle District of Tennessee, and the United States Sixth Circuit Court of Appeals.

Sedona Conference Working Group on Electronic Document Retention and Production.

Compliance, Governance & Oversight Council.

Organization of Legal Professionals Advisory Council.

Gerson Lehrman Group Council on Legal & Regulatory Affairs.

Founding Member, The Prometheus Project (Nashville Chapter of Friends of E-Discovery).

American Bar Association, Litigation, Science & Technology, and Solo, Small Firm & General Practice Sections.

Tennessee Bar Association, Health and Technology Sections.

Nashville Bar Association, Federal & Local Courts Committees.

Tennessee Volunteer Lawyers for the Arts.

Nashville Adult Literacy Council

Alumni Advisory Board, *Vanderbilt Journal of Entertainment & Technology Law*, 2009-2013.

Board of Directors, Dismas House of Nashville, 2008-2012; President 2010-2012.

Board of Directors, Dismas, Inc., 2009-2012.

Young Leaders' Council Class of 2007.