

B. Jay Yelton III

SERVICE AREAS

Business

- Electronic Discovery + Records Management

Litigation + Trial

- Antitrust + Trade Regulation
- Electronic Discovery + Records Management
- Product Liability + Torts
- Litigation + Trial Practice Overview

Governments + Nonprofits

- Electronic Discovery + Records Management

EDUCATION

- Loyola University Chicago School of Law, J.D.
- Michigan State University, B.A.

BAR ADMISSIONS

- Michigan

COURT ADMISSIONS

U.S. District Courts

- Northern District of Illinois
- Western District of Michigan
- Eastern District of Michigan



Principal

Kalamazoo

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B. Jay Yelton III leads the firm's Electronic Discovery + Records Management team, which specializes in the design and implementation of records management programs, litigation readiness plans and e-discovery strategies. During the last 15-plus years, in response to litigation and government investigations, Jay has gained extensive experience assisting Fortune 500 corporations, governmental agencies and other organizations design and defend effective discovery plans and to implement and manage those discovery plans from start to finish. He regularly conducts educational and training seminars on records and discovery management topics for in-house legal and IT departments, bar and trade associations, and state and local municipalities. He has also written for, and been quoted in, numerous state and national publications on records and discovery management topics.

REPRESENTATIVE MATTERS

- Business Technology Company Intellectual Property Litigation
Miller Canfield was local defense counsel for a Fortune Global 100 company in a federal court action involving antitrust and copyright infringement claims. We collected, reviewed and produced over 80 million pages of discovery documents.
- Brand Name Prescription Drug Antitrust Litigation
Served as national defense counsel for a global pharmaceutical company in price-fixing class actions in 15 U.S. states.
- Gasification Company Litigation
Served as co-defense counsel for a gasification company in a Federal court action involving claims of breach of contract and fraud/negligent misrepresentation against four interstate gas pipeline companies.

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- Intercollegiate Athletic League Antitrust Litigation
Served as defense counsel for a national athletic league in a Federal court action involving antitrust, defamation and promissory estoppel claims.

PROFESSIONAL ACTIVITIES

- American Bar Association
- Federal Bar Association
- State Bar of Michigan
- Kalamazoo County Bar Association

HONORS + AWARDS

- Loyola University Chicago School of Law, Loyola Law Journal, Executive Editor
- Chambers USA: America's Leading Lawyers for Business, Commercial Litigation 2006
- Best Lawyers in America, Commercial Litigation 2007-2011; Commercial Litigation, Litigation-Antitrust, and Litigation-Regulatory Enforcement (SEC, Telecom, Energy) 2012

CIVIC, CULTURAL + SOCIAL ACTIVITIES

- Economic Club of Southwest Michigan, 2011-2012
- Fair Housing Center of Southwest Michigan, Cooperating Attorney and Sponsor 2004-present
- Catholic Schools of Greater Kalamazoo, Board Member 2003-2007; President 2005-2007
- Saint Monica Grade School, Local Advisory Council 1997-2003; President 2001-2003
- Kalamazoo Central High School Mock Trial Team, Attorney Coach 1990-1995
- Lakeside Beach Corporation, Board of Directors 2002-present
- Hackett Catholic Central Youth, Football Director 2006-2011
- Milwood Little League, Coach 2005-2009; 2011
- Irish Rocket Football, LLC, President 2011-present

PUBLICATIONS

"Develop a Record Retention Policy for the Law Office," (Co-Author), Institute for Continuing Legal Education, July 2010

B. Jay Yelton III

"Advise Your Client on Preservation of Electronic Evidence,"
(Co-Author), Institute for Continuing Legal Education, June 2010

"Michigan's New Discovery Rules: Early Involvement can Reduce
Risks and Costs of Discovery," The Litigation Newsletter, State Bar of
Michigan, Spring 2009

"New Federal E-Discovery Rules: A Blessing or a Curse?," The
Litigation Newsletter, State Bar of Michigan, Winter 2007

Education and Training: The First Steps in Developing a Litigation
Readiness Program," The Litigation Newsletter, State Bar of
Michigan, Winter 2007

"LEGAL: How to Establish an Effective Management Program for Your
E-Data," Detroit Regional Chamber, October 26, 2006

"Looking for clues on the e-trail: New discovery rules apply to
electronic information," Hot Points, Fall 2006

"New Federal e-discovery Rules: A Blessing or a Curse?" Midwest
In-House, July 2006

"Education, Training Essential First Steps in Updating Your
Company's Discovery Management Program," Midwest In-House,
January 2005

"Theft in the Workplace," Detroit, December 2002; and Michigan
Municipal Review, December 2002

"Save? Copy? Delete?" Hot Points, Fall 2001

"How Should You Respond to a Discovery Request?" Hot Points,
Summer 2000

"Corporate Officer Liability for Environmental Law Violations,"
Environmental Hazards, February 1991, Volume 3, Number 2
(Prentice Hall)

"Examination of Illinois Restrictions on the Interstate Practice of
Law: Proposal for a New Pro Hac Vice Model Rule," Loyola Law
Journal 695 (1985)

SPEECHES

Interviews

"Shrinking the Universe of Information," Legal News, April 17, 2012

B. Jay Yelton III

"Appeals Court Affirms Dismissal of Case for E-discovery Noncompliance," Inside Counsel, July 2011

"By the hour and in between," Michigan Lawyers Weekly, June 27, 2011

"Proportionality Principles," Inside Counsel, March 2011

"Seven Factors to Consider in Triggering a Litigation Hold," Inside Counsel, May 2010

"Courts Impose Sanctions for Failure to Disclose Discoverable Data," Inside Counsel, December 2009

"Handling Electronic Records Risk Management And Investigations," Financier Worldwide Magazine, October 2009

"Protecting Privilege: New Rule 502 mitigates the risk of inadvertent e-discovery disclosures," Inside Counsel, February 2009

"No Safe Harbor in Discovery Storm," Michigan Lawyers Weekly, September 29, 2008

"Rules Change Affects Electronic Archives," Business Review Ann Arbor, November 30, 2006

"E-Data Moves up in Lawsuit Priority," Business Review Western Michigan, November 30, 2006

"Paradigm Shift: E-discovery Rules on Verge of Catching Up With Technology," New England In-House, July 2006

"Threat of Morgan Stanley Fine Highlights Perils of Email," Compliance Week, September 20, 2005

"\$1.45B Fraud Verdict Against Morgan Stanley is 'Wake Up Call'," Lawyers Weekly USA, June 20, 2005

"Miller Canfield Unearths a Growing Niche," Crain's Detroit Business, October 2004

"Law Firm Adds Info Management Office," Business Direct Weekly, June 17-23, 2004

Presentations

"E-Discovery Update and Compliance 2012," Mid-Michigan ARMA, Lansing, Michigan, April 17, 2012

B. Jay Yelton III

"E-Discovery Update 2012 - ESI & the Government," Webinar, Institute of Continuing Legal Education, February 29, 2012

"Litigation Readiness," Association of Legal Support Professionals, Grand Rapids, May 6, 2011

"E-Discovery Update 2011," Institute of Continuing Legal Education Webcast, February 15, 2011

"Early Case Assessment: Assessing Your Client's Risk," The Association of Litigation Support Professionals, November 16, 2010

"E-Discovery Tips, Tricks & Strategies for Antitrust Lawyers," ExecSense Webinar, July 20, 2010

"Update on E-Discovery and Michigan's Digital Forensics Expert Qualifications," Michigan Association of Certified Public Accountants, May 18, 2010

"Is Your Organization Litigation Ready?," Mid-Michigan Chapter of ARMA, February 18, 2010

"Preservation of Electronic Evidence, e-Discovery – No Longer an Option – It's a Rule, So Now What?," Oakland County Bar Association, Bloomfield Hills, Michigan, September 22, 2009

"A Self-Assessment of Whether Your Organization's Document Retention Program is Current and Litigation-Ready," Lorman's Document Retention and Destruction seminar, Southfield, Michigan, May 8, 2009

"The Essentials of Preparing your Clients for the Burdens of E-Discovery," 34th Annual Labor & Employment Law Institute, Plymouth, Michigan, April 2, 2009

"Michigan's New E-Discovery Rules," Oakland County Bar Association, Employment Law Section, March 10, 2009

"Implementation of Michigan's New E-Discovery Court Rules," Miller Canfield University, Detroit, Michigan, February 24, 2009

"Implementation of Michigan's New E-Discovery Court Rules," Kalamazoo County Bar Association Lawyers Lunchtime Roundtable, Kalamazoo, Michigan, February 3, 2009

"E-Discovery and Litigation Readiness," Michigan Community College Business Officers Association, July 25, 2008

B. Jay Yelton III

"Understanding and Comparing Federal E-Discovery Rules with Michigan's Proposed E-Discovery Rules," Ingham County Bar Association Bench and Bar Conference, February 2, 2008

"Overview of Legal Issues Related to E-Discovery Under Federal and Michigan Law," Kalamazoo County Bar Association Lawyers Lunchtime Roundtable, Kalamazoo, Michigan, January 24, 2008

"Primary Stages and Land Mines of E-Discovery," Automation Alley Emerging Technology and Solutions Breakfast Series, Troy, Michigan, June 26, 2007

"E-Discovery and the New Federal Rules," Miller Canfield Annual Labor and Employment Law Seminar, Kalamazoo, Michigan, April 24, 2007

"Electronic Communications: An Asset or A Liability?" Michigan Association of County Drain Commissioners, February 15, 2007

"The New Federal E-Discovery Rules: Why, What and How?," Joint Meeting of the Information Systems Audit and Control Association and the Southeast Michigan Association of Certified Fraud Examiners, Southfield, Michigan, January 11, 2007

"E-Mail and the New Federal E-Discovery Rules," The Risk Management Association, Grand Rapids, Michigan, November 28, 2006

"The new Federal E-Discovery Rules: Are you ready?" Miller Canfield University, Detroit, Michigan, November 19, 2006

"Duty to Preserve and the 2006 E-discovery Amendments to Federal Rules," Miller Canfield University, Detroit, Michigan, December 12, 2005

"Corporate Records Management," South Haven Chamber of Commerce, November 15, 2005

"Corporate Discovery Management," Miller Canfield Annual Labor and Employment Law Seminar, Kalamazoo, Michigan, April 27, 2005

"Investigation & Litigation Readiness," Information Systems Audit and Control Association, Troy, Michigan, February 16, 2005

"Educational Records: Complying with Students' Privacy Rights," School Administrators of the Greater Kalamazoo Catholic Schools, October 6, 2004

B. Jay Yelton III

"Information Management in the Electronic Age: Reducing Risks and Costs," The West Michigan Chapter of the Association of Corporate Counsel Americas, Grand Rapids, Michigan, December 7, 2004; The East Michigan Chapter of the Association of Corporate Counsel Americas, Troy, Michigan, June 2, 2004

"Discovery of Corporate Information – Risks & Strategies," The Detroit Chapter of Information Systems Audit and Control Association, Southfield, Michigan, February 18, 2004

"Electronic Document Retention," Miller Canfield Annual Labor and Employment Law Seminar, Troy, Michigan, October 29, 2003

"Corporate Discovery Management in the Electronic Information Age," Employment Law Alliance Annual Conference, New Orleans, Louisiana, October 24, 2003

"Retention, Organization and Production of Electronic and Hard Copy Business Records," Grand Rapids Bar Association, Grand Rapids, Michigan, March 13, 2003

"Preservation, Production & Management of Discovery Documents in the Electronic Age," Miller Canfield University, Detroit, Michigan, May 9, 2002

"Freedom of Information Act in the Electronic Age," United County Officers Association, Lansing, Michigan, January 28, 2002

"Ten Strategies to Assure the Opposition's Compliance with Discovery," Miller Canfield University, Detroit, Michigan, June 22, 2000

SEMINARS + EVENTS

- Webinar: E-Discovery Update - ESI and the Government
- Webinar: Should You Trust Your Employees to Preserve + Produce Discovery?
- Webinar: E-Discovery Tips, Tricks, & Strategies for Antitrust Lawyers – How to Use Electronically Stored Information (ESI) to Help Your Clients Win Their Next Antitrust Dispute and Avoid Common E-Discovery Pitfalls in Antitrust Litigation
- Webinar: How to Assure that Your Legal Hold Process is Legally Defensible
- Webinar: The Duty to Preserve Evidence: In-House Counsel At Risk

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- Webinar: The Duty to Preserve Evidence: Government In-House Counsel At Risk
- Webinar: Predicting E-Discovery Trends in Michigan

ARTICLES

- The Burdens of E-Discovery: Is a Solution on the Horizon?
- Protecting Your Competitive Advantage

NEWSLETTERS

- Hot Points Special Edition E-Discovery
- Hot Points Spring 2011
- Hot Points Fall 2009

NEWS

- Miller Canfield Lawyers Give an E-Discovery Update for ICLE
- Miller Canfield Participates in Seminar for ARMA International Mid-Michigan Chapter
- Miller Canfield Facilitates E-Discovery Seminar for Oakland County Bar Association
- Miller Canfield Speaks on Michigan's New E-Discovery Rules at Kalamazoo County Bar Association Event
- Miller Canfield Webinar Focuses on Michigan's New E-Discovery Rules, January 29

ALERTS

- Recovery of E-discovery Costs
 - Legal Consequences of Email Blunders
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