

Tracy Mettimano

Paralegal/E-Discovery Specialist, CEDS



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Calgary

D +1 403 268 3029

tracy.mettimano@dentons.com

Overview

Tracy is the E-Discovery Specialist based in Dentons' Calgary office. She consults with lawyers, clients and paralegals and provides them with recommendations and guidance on best practices to deal with electronic discovery, including information governance; identification and preservation of potentially relevant electronically stored information, including issuing and managing litigation holds; defensible data collection, including targeted collection of potentially relevant information; early case assessment of evidence; processing options for electronically stored information; culling options to target potentially relevant information; relevance and privilege review, including issue identification and evidence summary; service provider selection for outsourced processing and hosting solutions, including coding options; and production of evidence for exchange with all parties.

She assists with preparing discovery plans, budgets, cost estimates, exchange protocols and timelines for e-discovery projects. She coordinates large e-discovery projects for litigation, arbitration, commission inquiries, and tribunal hearings. She also provides assistance to paralegals on matters relating to e-discovery and general technology issues, including in-house processing and troubleshooting technology issues; and assists in developing and maintaining best practice e-discovery procedures for the department. Tracy is very proactive in keeping abreast of developments in e-discovery internationally, including cross-border privacy issues and case law. Tracy is among the select group of e-discovery professionals to pass the rigorous examination required to become a Certified E-Discovery Specialist.

Tracy has a broad range of litigation technology experience and has developed numerous customized solutions for evidence management databases. Her knowledge of computer software has been utilized extensively within the Firm in preparing cases for discovery, trial, arbitration, mediation and hearings. Tracy was actively involved in the drafting of Civil Practice Note 4 of the Alberta Rules of Court, which was developed to provide guidance to the legal profession and the public regarding the preparation, management, exchange and presentation of electronic evidence. Tracy also plays a key role in the firm's e-discovery initiatives and assists in managing the Firm's managed services contracts for litigation support products and services.

In addition to her role as E-Discovery Specialist, Tracy is also a paralegal with over 25 years of experience in civil litigation matters. She has assisted lawyers with all aspects of litigation, including case development and management, analyzing and summarizing evidence, witness preparation, discovery preparation, research, and trial preparation. She works primarily on complex commercial litigation matters in the areas of energy, construction, environment, financial services and professional liability. Tracy has ample expertise managing large litigation files,

including class actions, and has been involved in numerous major trials and appeals in cases before the Alberta courts, British Columbia courts, Saskatchewan courts, Ontario courts, Nova Scotia courts, the Federal Court of Canada, and the Supreme Court of Canada. She also has experience involving cases outside of Canada. Her experience includes considerable courtroom “hot-seat” time presenting electronic evidence as part of the litigation team.

Experience

- Assisted counsel in acting for the Trinidad and Tobago member firm of PricewaterhouseCoopers, before the Commission of Enquiry into the 2009 Government of Trinidad and Tobago intervention and injection of capital into CL Financial, CLICO, and related entities, arising from the failure of these entities. The Commission's terms of reference include, amongst other inquiries, an investigation into the role and effectiveness of the auditors.
- Assisted plaintiffs' counsel in *Condominium Corporation 9813678 v. Statesman Corporation et al*: A claim for damages resulting from a large condo complex fire
- Assisted defence counsel in *Pauli v. Ace Insurance et al*: Class action claim brought against every auto insurer in Alberta claiming a refund of deductible payments where there had been a total loss of the insured vehicle
- Assisted defence counsel in *Metera et al v. Barclay Las Vegas Limited Partnership et al*: Class action commenced by purchasers of a real estate limited partnership that failed. We defended the mutual fund dealer that sold the investment
- Assisted defence counsel in *Barber et al v. Barclay Las Vegas Limited Partnership et al*: Multi-party claim (39 plaintiffs) commenced in Saskatchewan by purchasers of a real estate limited partnership that failed. We defended the mutual fund dealer that sold the investment
- Assisted plaintiff's counsel in *981179 Alberta Ltd. v. Chapin* - Acted for a financial institution in relation to the recovery of funds stolen by an employee. Obtained various prejudgment orders, including Norwich Pharmacal, attachment and preservation orders
- Assisted counsel in case where the result was a successful mediated resolution of a \$35 million refinery equipment failure and fire
- Assisted counsel in case where the result was a successful mediation of a construction dispute relating to bridge rehabilitation project
- Assisted counsel in case where counsel represented oil sands owner in a \$18 million dispute regarding construction of the tank farm on a SAGD project
- Assisted defence and settlement counsel in many multi-million dollar contaminated sites cases on behalf of major integrated petroleum companies

Recognition

- Certified E-Discovery Specialist (CEDS)
- Certified Project Manager for E-discovery

Activities and Affiliations

- Member of the Association of Certified E-Discovery Specialists - ACEDS
- Member of The Organization of Legal Professionals
- Member of the International Legal Technology Association
- Member of the Alberta Association of Professional Paralegals
- Member of the Calgary Litigation Support Professionals

Presentations

- Guest Lecturer, Southern Alberta Institute of Technology (SAIT Polytechnic), Litigation II Students, September 2018 - "Disclosure of Records – Preparing an Affidavit of Records"
- Guest Lecturer, Southern Alberta Institute of Technology (SAIT Polytechnic), Litigation II Students, September 2017 - "Disclosure of Records – Preparing an Affidavit of Records"
- Guest Lecturer, Southern Alberta Institute of Technology (SAIT Polytechnic), Litigation II Students, September 2016 - "Disclosure of Records – Preparing an Affidavit of Records"
- Guest Lecturer, Southern Alberta Institute of Technology (SAIT Polytechnic), Litigation II Students, September 2015 - "Disclosure of Records – Preparing an Affidavit of Records"
- Panel Member, The Institute of Law Clerks of Ontario 25th Annual Conference, May 2015 – "Developing Best Practices in E-Discovery"
- Presenter, Legal Support Staff, LESA Seminar, February 2015 – "Document Management in Complex Litigation Files"
- Panel Member, Technology in Practice 2012, Commonwealth Legal, June 2012 – "Data Reduction and Culling Techniques"
- Presenter, Calgary Litigation Support Professionals Workshop, June 2011 – "Legal Project Management – Bringing Project Management Skills to E-Discovery"
- Presenter, Advanced Civil Litigation for Paralegals, LESA Seminar, March 2010 – "Pre-Trial Conferences and Preparing for Trial"

Areas of focus

Practices

- Commercial Litigation
- Energy Litigation
- Environmental Litigation
- Litigation and Dispute Resolution
- Product Liability and Complex Torts
- Real Estate Litigation and Dispute Resolution

Industry sectors

- Catastrophe and Major Claims Litigation
- Cloud and Hosting Services
- Defense and Space
- Insurance Litigation and Arbitration
- Professional Services
- Transportation Litigation and Dispute Resolution

Education

- Athabasca University, 1999 - Bachelor of Science in Computing and Information Systems Program
- Career College (Honours), 1991 - Paralegal Program
- University of Calgary, 1995 - Language Arts Program

Languages

- English
- French
- Spanish
- Italian