

CyberBytes



Subject: Digital Evidence Discovery Strategies

Strategy: a plan of action resulting from a calculated evaluation of options or intended to accomplish a specific goal.

Ultimately, a favorable ruling or settlement for the client is of utmost concern for the litigator in a commercial dispute. In today's business environment, it is almost impossible to conceive of a commercial litigation that would not involve the need to request and produce electronic data to support or refute the claim(s) between parties in a lawsuit. The growing concerns that surround electronic discovery are plentiful and often times complicated.

It has been our observation that in the absence of a well thought out e-discovery plan, valuable time and considerable opportunity loss becomes a greater probability. When it comes to successfully launching an e-discovery request, a number of preliminary steps and options are available for your consideration. CyberControls, LLC® provides a graphical roadmap of the pretrial steps worth considering in order to put the wheels in motion,
<http://www.cybercontrols.net/images/ediscoverybar.gif> .

As you will readily see in the diagram, the optional tasks are heavily weighted at the earliest stages of the e-discovery process which underscores the theory of formulating a strategic plan versus a reactionary approach to events as they unfold in a case. At the risk of sounding self-serving, the importance of retaining computer technology expertise in the area of digital forensics early in the process can be leveraged in developing an e-discovery plan that will be precise and readily more acceptable by the court.

From the responsive party's perspective, the argument to thoroughly understand

and anticipate more vigorous e-discovery requests being waged upon their clients is equally justified. With a duty to preserve all relevant, electronic information, attorneys are frequently caught off guard in advising their clients when it comes to avoiding all aspects of evidence spoliation, which is often being scrutinized by opposing counsel's forensic experts as well. CyberControls provides digital forensic services specifically designed to assure the timely preservation of all potential electronic evidence relevant to the case to circumvent the potential of spoliation sanctions due to inadvertent routine business practices by the client. For those attorneys who desire to be absolutely certain of what deleted information may still exist on their client's computers before the requesting party's experts come along, CyberControls can assist in conducting preliminary audits for relevant documents and emails for your review before things go too far, perhaps in the wrong direction.

E-Discovery Services, Digital Forensic Discovery Services, Pre-Trial E-Discovery Consulting, Pre-Discovery Production Data Audits and Expert Testimony are all available service offerings from CyberControls, LLC.

We invite you to call our firm to have a no-obligation, frank discussion about a particular situation which involves e-discovery to explore the options and approaches that are available to affect a satisfactory outcome for you and your client. CyberControls can support you in those most difficult e-discovery challenges.

Call and ask to speak with one of our forensic consultants for an assessment as to how computer forensics may be a fit for a particular legal matter at 847-756-4890.