

CyberBytes



Subject: Lawyers Face Growing Risk of Malpractice Accusations

In the year 2002, over 35,000 legal malpractice litigants filed claims against lawyers who had malpractice insurance. Of that total, over 12,000 plaintiffs were successful in recovering monetary losses against a lawyer. These claims represent only the tip of the iceberg as they only represent negligent claims against insured lawyers.

Of the 12,000 successful claims, 1,900 of the legal malpractice lawsuits resulted in damages awarded in excess of \$100,000.

The most common types of mistakes cited were: 1) failure to know the substantive law; 2) not knowing/observing a deadline; 3) failure to inform client or get a client's consent; 4) failure to calendar events; and 5) **inadequate discovery and investigation.**

Defense and Plaintiff attorneys today are facing a monumental decision when it comes to conducting discovery in commercial litigation matters. It is astounding to those of us in the digital evidence discovery profession that still today in Year 2004 a majority of attorneys continue to conduct their e-document discovery requests as if time has stood still for the last 15-20 years. The irony is even more confounding when you consider the fact that over 93 percent of all business data including documents and communications are created on computers. Of that, less than 30 percent of that data is ever printed.

Conducting a thorough computer forensics examination of your opponent's data should be standard operating procedure in nearly all commercial litigation matters. How else do you suppose you will be able to locate documents or e-mails that could prove to be of vital importance to your case? Are you hoping that your opponent will turn over that needle in the haystack inadvertently?

If you are on a quest to conduct a comprehensive e-evidence discovery with the objective of locating and identifying relevant evidence whether it is active data or deleted data, then CyberControls' computer forensic services is a solution to this challenge.

Our computer forensic specialists travel across the country in behalf of lawyers who understand the importance of including the examination of deleted e-mails, graphic images, documents, spreadsheets and other data that otherwise would never have been produced by their opponents.

Conversely, defense attorneys are often startled to learn that exculpatory evidence has been recovered as a result of a forensics examination of their client's data in routine review procedures prior to production.

Don't wait for a miracle to come your way when it comes to conducting your discovery in behalf of your clients-we all know how that story ends. Call CyberControls today for a no cost consultation on how our computer forensic services can assist you in putting the three C's together for you: Context, Consistency and Cost Effective Discovery.

CyberControls, LLC™ is a Professional Services firm dedicated to the objective of supporting lawyers and their firms with professional expertise in the pursuit of gathering the elusive electronic evidence that can often make or break a case. In combination with our computer forensic specialists and our legal counsel, CyberControls is prepared to assist in all aspects of electronic evidence discovery.

Call 1-800-862-7671 or visit www.cybercontrols.net