



Q1 eNewsletter 2008 CRITICAL CHECKLIST

Having a qualified computer forensics expert on your side.

Lawyers don't like surprises. This especially goes for litigation discovery. Attorneys need to know what is in their own client's computers before the opposing expert finds it.

Getting familiar with a computer forensics expert today may help you in the future, even if you have no immediate need. A case and court-seasoned and well-respected expert can help your side in the initial discovery and analysis process, in suggesting a line of questioning during depositions, and in the courtroom.

Should the other side introduce their expert, follow these four steps to better prepare your side, to increase your odds of settling out of court, and to verify or find holes in opposing counsel's expert testimony.

Step 1

Determine the extent of electronically stored information. This may include:

- a) Workstations and servers in the client's office.
- b) Off-site servers that host web sites, email, file storage or backups.
- c) Computers and storage devices owned by employees that may contain company material.
- d) Computers, systems and storage devices used by contractors or sub contractors.
- e) IMPORTANT: Storage devices from any of the above locations might also include thumb drives, CD/DVDs, external hard drives or tapes.

Step 2

Determine the types of data that might have to be disclosed, possibly including:

- a) Email
- b) Documents
- c) Spreadsheets
- d) Databases
- e) Pictures/Video
- f) Log files
- g) Reconstructed data of any type from deleted or unallocated space

Step 3

Determine which users within the client's organization might be considered custodians or creators of items to be disclosed.

Step 4

After you have followed the first three steps, you need to seriously consider having the data collected, searched and analyzed before disclosure so you know what will be found.

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