

Digital evidence for Paralegals

Aim

The mountain of documents that needs to be dealt with in a criminal or civil case has increased over the years. But the real news is that the location of documents has moved from file cabinets to computers and other digital devices like mobile phones and personal digital assistants. The aim of this Course is to help delegates develop an understanding of the nature of electronic data and its relevance in criminal, civil and arbitration matters, understand how to set up relevant protocols to respond to electronic discovery request. Assist lawyers and fee earners in the electronic document discovery process. Delegates will be thought how to collect, manage, preserve and filter electronic documents, deal with external consultants, and potential litigation issues. Delegates will work within a computer network environment reflecting a real life situation.



Audience

This course is aimed at Paralegals, fee earners, corporate lawyers, Defense lawyers, IT security officers and Fraud investigators.

Syllabus

Introduction

- The history of digital documents
- Global compliance regulations
- An overview of the internet technology framework
- Key players in the internet technology infrastructure
- The many benefits of the internet
- The many evils of the internet - fraud, ID theft, virus, spamming, phishing, web bug, cookies, terrorism.

What is electronic document discovery?

- E-Document as evidence in law
- Traditional approach
- Modern approach
- Legislations - (USA, UK)
- Court's attitude to e-document
- When will e-document be required

Electronic document discovery – The preliminaries

- Gap analysis
- Corporate environment
- Criminal investigation
- The incident response team
- Data collection, filtering and achieving
- Achieving technologies

First responder procedure

- Litigation hold request or crime scene
- Securing and evaluating electronic evidence
- Types of digital devices
- Data collection, filtering and archiving
- Some useful Archiving technologies
- Local or online
- Document custodians

Characteristics of electronic documents

- Binary format vs. printed copy
- Types of documents
- File header and extension
- Meta data
- Volatile data
- MAC times

Where is e-document located?

- **Stand alone PC**
Hard disk, USB, floppy, My documents,
Mapped drives, offline files
- **Networked environment**
File servers, mail servers, print servers,
shared folders, backups, NAS storage, RAM
- **Device logs**
Switches, Firewalls, Intrusion detection systems
Practical exercise– Document location and mapping

Document Preparation

- Document identification
- The Scanning process
- The OCR process
- Document repositories
- Document output format
tiff, bmp, gif, jpeg, pdf, video, sound
- Production media format

Document Search

- Automated tools V. Manual search
- Document Mapping
- Metadata
- Search terms
- Search techniques
- Document filtering
- Document search methodologies
- Privileged document
- Redaction
- Document repositories and archiving
Practical exercise - data search, filtering
and archiving

Best practices

- Relevant team in place
- Authorised and trained person
- Image departing staff hard drive.
- Binary, wipe drives before you dispose at eBay
- Metadata deletion
- Redaction - for privileged portions of documents
- Stick to your lawyers instructions
- **Practical** - Court room tools for the presentation of digital evidence

Intended Learning Outcomes

On successful completion of this course a delegate should be able to:

Knowledge

- Recognise the need for proactive preparation in the use of electronic documents in criminal, civil and arbitration matters.
- Understand the steps necessary to implement a digital document discovery request and the inherent complications and resolution inherent in the process.
- Understand the difference between document formats and output
- Understand the document filtration process

Skills

- Manage and oversee the electronic document search and filter process
- Formulate and implement an electronic document discovery protocol.
- Attend pre trial conferences to confer and agree on electronic document disclosure protocols.
- Participate in the extraction, review and redaction of electronic documents
- Appear in court as document custodians.