

Electronic Document Discovery

Aim

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. Understand and respond to possible legal issues that may arise during the process of negotiating the cost, scope and format of discovery. Delegates will be thought how to collect and manage electronic documents and prepare documents for trial or arbitration. Delegates will work within a life computer network environment reflecting a real life situation.



Audience

This course is aimed at Computer forensic investigators, first responders, Prosecutors, Defense lawyers, and IT security officers and Fraud investigators.

Syllabus

Introduction

- The internet as a global community
- Global compliance regulations - UK, USA, Sox law,
- An overview of the internet technological framework
- Key players in the internet technology infrastructure
- The many benefits of the internet - ecommerce and globalisation
- The many evils of the internet - fraud, ID theft, virus, spamming, phishing, web bug, privacy- cookies, CP, 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

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

- The incident response team
- The discovery process -
- Securing and evaluating electronic scene
- Types of digital devices
- Data collection, filtering and achieving
- Achieving technologies

Characteristics of electronic documents

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

Where is e-document located?

Stand alone PC

- Hard disk, USB, floppy, My documents,
- Mapped drives, offline files

Network

- File servers
- mail servers
- print servers
- shared folders
- backups, NAS storage, RAM

Device logs

- Switches
- Firewalls
- Intrusion detection systems
- Practical – document location

Document Search

- Automated tools V. Manual search
- Document filtering
- Document search methodologies
- Privileged document
- Redaction
- Document repositories and achieving
Practical - data search, filtering and archiving

Strategies for initiating a digital document request

- The case theory
- Letter of preservation
- Working with a forensic consultant
- Scope of request
- General and specific disclosure
- At the pretrial conference meeting
- Document production format
- Practical - Sample Motion to disclose

Strategies for responding to a digital document request

- Litigation hold
- At the pre trial conference
- Resisting discovery
- Reasonable and proportional standards
- Working with a forensic consultant
- Privilege documents
- Document redaction
- Document production format

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
- 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.
- Recognise the strategies for commencing and resisting a digital document disclosure request.

Skills

- 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
- Present electronic documents in court as custodians.