



Electronic Evidence Impact, Consequences and Rewards

Electronic Discovery, once used by a few, now becomes required by all. As of December 1, 2006, the changes to Rule 34(b) [as amended] and Rule 26(b)(5) of the Federal Rules of Civil Procedure become law. What is the impact, the consequence and the potential rewards of these changes? It depends on how ready you are. *The question is, are you ready?*

Questions to ask yourself:

1. What defines "ESI"?
2. How is electronic data handled safely?
3. Do I know when to use Native Files vs. TIF vs PDF?
4. What happens when I inadvertently produce a privileged document?
5. As the senior lawyer on a case, do I know all that is now required of me?
6. Do I know how to handle my client – and my client's IT Department?
7. What will it cost – and how long will it take?

You have questions – we have the answers:

- ◆ How to request electronic evidence
- ◆ How to ensure evidentiary value
- ◆ What can be/should be part of a collection
- ◆ Strategy issues
- ◆ Key issues
 - Duplicates and near-duplicates
 - Filtering files
 - Cracking protected files
 - Forensics vs Electronic Discovery
- ◆ Chain of Custody
- ◆ Workflow and Forms for electronic evidence

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Thomas A. Sadaka, currently Of Counsel to Berger Singerman, focuses his practice on risk assessment and compliance for technology related issues, as well as defense litigation involving business and technology crimes.

Prior to joining Berger Singerman, Mr. Sadaka served as Special Counsel for Computer Crimes and Identity Theft Prosecutions in the Florida Attorney General's Office of Statewide Prosecution. He oversaw all criminal prosecution and investigation of computer and Internet related crimes and identity theft cases handled by the office. He served as the National Association of Attorneys General computer crime contact; and the Department of Justice 24/7 computer crime prosecution contact. Mr. Sadaka also lectures on computer, high technology crimes and identity theft to diverse audiences across the nation. Between 1993 and 1997 he served as an Assistant State Attorney for the State of Florida in the 7th Judicial Circuit. He handled all facets of felony criminal prosecution with an emphasis on economic, white collar, and environmental crimes. Mr. Sadaka's professional activities include:

- ◆ Adjunct Professor, University of Central Florida, Masters Certification Program in Computer Forensics.
- ◆ National Cybercrime Training Partnership: Co-developer, *Prosecuting Cases That Involve Computers (CD)*, *Best Practices for Seizing Electronic Evidence* (booklet).
- ◆ United States Secret Service High Tech Crimes Working Group.

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