

Outline for Triage Examination of Computers in Labor Disputes

Electronic Legal has extensive experience in examinations and expert reporting and testimony associated with labor disputes. As a result, we are able to efficiently complete the steps necessary to “triage” computers. The purpose of the triage is to get to the point of knowing what evidence exists on the computer, and to be able to make cost-benefit decisions on subsequent examinations and reporting.

The cost of the Labor Triage is \$1,800/computer and includes the steps outlined below. *All work will be completed by certified computer examiners. All examinations will be conducted by an experienced testifying expert.*

Collection, Imaging and Processing

Collection refers to physically acquiring the computer. Documentation includes a chain of custody and a collection report describing the people, time, place and events associated with the computer collection.

Imaging refers to creating an exact, forensically sound digitally verified image of the suspect computer’s hard drive. Electronic Legal creates a pristine and a working copy of every image. The pristine image is stored in our walk-in vault, while the working image is used for the examination.

Processing refers to loading the image in forensic software, and indexing the entire contents of the hard drive for examination.

Examination

Prior to the examination an expert from Electronic Legal will meet briefly with the attorneys and/or clients to gather information including matter history, timelines and keywords.

The purpose of the triage examination is to provide an inexpensive overview of what relevant evidence may be found on the computer. Electronic Legal has developed a proprietary checklist for labor examination triage that includes all of the following:

- Proprietary Information Theft
 - Identification of most recently used files
 - Access to files stored on corporate servers
 - Access to corporate data stores such as Sharepoint
 - Use of external storage devices such as hard drives or thumb drives
 - Use of email to attach and transport data
 - Use of online storage facilities such as Microsoft SkyDrive, EVault or ADrive
 - Analysis of CD burning sessions

- Data Deletion and Spoliation
 - Evidence of file deletion activity
 - Installation and use of software shredders
 - Attempts at data destruction by formatting or defragmenting
 - Analysis of Recycle Bin history

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- Inappropriate Computer Usage
 - Search for pornography
 - Search for inappropriate use of email
- Work Effort
 - Internet browsing history
 - Analysis of time spent on non-work related activities
- Duty of Loyalty
 - Job search activity
 - Resume creation and modification
 - Search for business plans
 - Search for activity associated with developing competing enterprises, such as incorporation
 - Search for communications indicating team work and attitude issues
- Privilege Log
 - Search for communications with opposing counsel
 - Gathering information to determine if communications are privileged

The steps listed above include examination of internet browsing history, Windows registry entries, event logs, restore points, and a number of other technical endeavors. When the triage is completed, the examining forensic expert will meet with the attorneys and clients to review the evidence and plan additional steps, potentially including an in-depth examination, expert report and testimony.