



Present Position

Chief Legal Officer

Vestige Digital Investigations
Medina, Ohio

- Using teams comprised of forensically trained trial attorneys and computer experts, Vestige Ltd. provides attorneys with computer forensic services to extract, preserve, analyze, and present evidentiary data resident on electronic media in civil and criminal matters.
- Write articles, lectures, and consult in the area of search and seizure of electronic evidence in criminal and civil matters and general computer science issues.

Experience

Chief Legal Officer

Vestige Digital Investigations
March 2004, Medina, Ohio

- As the result of the merger of CI&E and F1, Ltd., I am the Chief Legal Officer of Vestige, Ltd. Provide computer forensic and legal analysis for Computer Analysis Teams assembled to image, extract, analyze and present evidence for our attorney clients.

Chief Operating Officer

Computer Investigation & Evidence
1998 – 2004, Hinckley, Ohio

- Founded Computer Investigation & Evidence, Inc. and negotiate license from Guidance Software to use of law enforcement software (Encase) to conduct forensic analysis of electronic media. Create search protocol for CI&E personnel, integrating legal requirements related to Rules of Evidence with unique character of electronic evidence. Establish testing protocol related to forensic tools to satisfy Daubert requirements.
- Test law enforcement forensic tools for accuracy and reliability to satisfy Daubert requirements.
- Prepare plan and requirements to initiate distributed computing paradigm for cpu-intensive forensic activities such as brute force password cracking or encryption de-coding.
- Prepare plan and incorporate procedures related to steganography and anti-forensic software, such as BC Wipe, Evidence Eliminator.
- Conduct on-going tests of the efficacy of anti-forensic software.
- Monitor state and federal judicial decisions and case law related to computer forensic issues, and to the search and seizure of computer evidence in criminal and civil matters. Revise CI&E protocol to reflect any changes.

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- Create and maintain educational seminar for judges and attorneys related to the legal challenges to manage computer generated and computer stored information. Includes real time response to unauthorized computer access, computer files as evidence, and control of electronic data.
- Maintain membership and participate with CASPR_ITCRIME Workgroup, part of the CASPR Project aimed at formulating Commonly Accepted Standards and Practices in Information Security. This workgroup concentrates on standards and practices relating to Computer Crime Prevention, Investigation, Forensics, and Digital Evidence.
- Participate in CFTT, Computer Forensic Tool Testing, a group dedicated to ensure that tools used by computer forensic examiners are providing accurate and complete results.
- Member Metropolitan Crime Clinic, a compendium of private and public law enforcement agencies organized to share information related to electronic crime
- Member Northern Ohio Information Technology Roundtable, an organization sponsored by the United States Secret Service, to share information related to technology issues and crime
- Participate in NOITR Electronic Crime Task Force organized under the U.S. Patriot Act

Chief Operations Officer

Lien Priority Insurance Agency

1992 – 1998, Hinckley, Ohio

- Created Lien Priority Insurance, a financial service product underwritten by Great American Insurance Companies, that insured the proper perfection and priority of security interests in personal property anywhere in the United States. Developed the expert system computer programming using Borland's Dbase, to process, track, underwrite, and service LPI products delivered on an electronic network to end users comprised of lenders, attorneys, title insurance agents, and lessors. Created the marketing and distribution channels in the insurance and legal fields to bring LPI products to clients and provided the legal services support. Revised and updated the processing software to reflect changes in Article 9, filing offices, and judicial decisions

Partner, Attorney-at-Law

Baker & Hostetler

1989 – 1992, Cleveland, Ohio

Partner in the Commercial Law, Bankruptcy Practice Area. Responsible for the proper, timely, and cost-effective handling of workouts, bankruptcies, and litigation. As part of the Revco bankruptcy team, successfully litigated the approval of a

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- computerized point of sale system; implemented a litigation settlement strategy with the Creditors' Committee that saved the estate 39 million dollars, and the creation and implementation of a tax enhanced, self insured insurance program with off-shore reinsurance treaties.

Associate, Attorney-at-Law

Thompson, Hine & Flory

1983 – 1989, Cleveland, Ohio

Juris Doctorate

1983, University of Chicago, Illinois

Publications and Seminars

- “Introducing Computer Forensic Files as Evidence in Civil Actions”, Akron Bar Association’s Law Expo, November 6, 2001. Discussed the use of law enforcement software to create and use forensic computer files in civil litigation cases.
- “Legal Issues and Challenges to Attorney and Client Strategies To Control the Creation, Extraction, and Use of Information Intentionally or Unknowingly written and Stored in Computer Systems: Real Time Response To Computer Incidents, Forensic File Audits to Find Evidence, Electronic Document Retention to Control Data”. Ohio State CLE Institute, “Beyond Fingerprints October 16, 25, 2002.
- “Your client has a Question—Can you identify the computer issue and not harm your Client’s Interest. Ohio State CLE Institute, “Computers and the Law: What you Don’t Know Can Hurt You”, December 19, 2002
- The Computer As Storage Device for Evidence—Why the “File Cabinet” or “Library” analogy leads to bad advice and bad law. Ohio State CLE Institute, “Computers and the Law: What you Don’t Know Can Hurt You”, December 19, 2002
- Forensic Analysis of Computers—Access, Preservation, Analysis, Extraction, and Presentation of Evidence. Ohio State CLE Institute, “Computers and the Law: What you Don’t Know Can Hurt You”, December 19, 2002.
- Level the Playing Field—use of Computer Forensics in civil cases by small firms and solo practitioners to extract evidence. Tri-C Community College, Corporate College Campus, Westlake, OH, November 5, 2003.

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- Computer Forensics for Criminal Defense Attorneys—responding to law enforcement’s use of forensic analysis. Tri-C Community College, Corporate College Campus, Westlake, OH, November 10, 2003.
- Computers—What you Don’t Know can Hurt You. Ohio State Bar Association, Continuing Legal Education Institute, Columbus, OH, November 21, 2003.
- Computers-What you Don’t Know can Hurt You. Ohio State Bar Association, Continuing Legal Education Institute, Cleveland, OH December 3, 2003.
- Family law Section, Lake County Bar Association. Presentation on Electronic Discovery and Computer Forensics in Family law cases. March 12, 2004.
- Computer Forensic Evidence, Don’t Go to Court Without It. Akron Bar Association. April 8, 2004
- Computer Forensics for Law Students. Cleveland State School of Law. Invitational Speaker. April 19, 2004
- Buckingham Doolittle Litigation Practice Annual Retreat. Salt Fork, OH. May 2, 2004.
- Computer Forensics: Non-Adversarial Discovery. Dayton Bar Association. May 14, 2004.
- Various presentations to law firms and bar associations.

Expert Witness Experience

I have been qualified as an expert witness in the following civil and criminal court cases:

- State of Ohio vs Johnathon Steele, Hamilton County Common Pleas Court, Case No. unknown, (testified at suppression hearing)
- State of Ohio vs. David Frankowski, Summit County Common Pleas Court, Case No. unknown, (testified at trial).
- State of Ohio vs. Bryan S. Sparks, Summit County Common Pleas Court, Case No. 2002-12-3669 (testified at trial)
- State of Ohio vs. Kiwala, Medina County Common Pleas Court, Case No. 03 CR 0180 (testified in discovery hearing)
- State of Ohio vs. Roger L. Tooley Jr., Portage County Common Pleas Court, Case No. 03 CR 155

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- Mancan, Inc. DBA Manpower vs. Martha Crowder, Stark County Common Pleas Court, Case No. 2003 CVO 1230 (testimony pending)
- Tracy Mayle, et al v. Reverend Timothy R. King, et al, Trumbull County Common Pleas Court, Case No. 03-CV-35 (testified at discovery hearing, appeared in chambers to assist Judge)
- Julie Luft Signer vs. Benjamin Signer, et al., Cuyahoga County Common Pleas, Case No. D286746 (testimony pending)
- Larry Diemand, et al v. Laurel School, et al. Cuyahoga County Common Pleas Court, Case No. 496578 (testimony pending)
- Predictive Maintenance Corporation vs. Insight Service, Inc., U.S. District Court, Northern District of Ohio, Case No. 1:02 CV 335 (testimony pending)
- DirecTV, Inc., vs. Michael Baumgardner, U.S. District Court, Northern District of Ohio, Case No. 5:03-CV-01484-JG. (did not testify; case settled after defendant given CI&E analysis or personal computer).
- DirecTV, Inc. v. Eugene Karpinsky,, United States District Court, Eastern District of Michigan, Southern Division, Case No. 02-73929 (testimony pending)
- DirecTV, Inc. v. Dale Bearden, United States District Court, Northern District of Texas, Fort Worth Division, Case No. 4:03-CV-375-Y (testimony pending).

The following are samples of cases that I have been named as an expert, but the case is either pending, has settled outside of court or I have been a consulting expert and have not been disclosed. To protect the privacy of these cases, only generalities have been presented. I can provide further information, within the confines of any privacy issues and non-disclosure agreements, should you deem it necessary to gain further information.

- Assist disciplinary counsel investigate attorney malpractice by analyzing office computer
- Assist Ohio municipalities respond to wrongful termination suit by analyzing former employee computer four years after leaving, and after computer had been reformatted and placed into service with a different person.
- Assist Ohio safety services investigate potential wrongful use of computer equipment.
- Assist mortgagor to compel mortgagee identify all relevant computers used to create, store, process data relevant to loan in conversion and wrongful foreclosure action

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- Assist company investigate unlawful copying of proprietary files immediately before former key employee left company to work for competitor
- Assist corporate official respond to allegations of child pornography by using computer data to prove pornography loaded onto computer on dates when official did not have possession of machine.