

DIGITS LLC Appoints 22-Year Law Enforcement Veteran As President and Chief Executive Officer

On July 1, 2011 Digits, LLC, a leading Computer Forensic Consulting firm located in Western New York, announced the election of Michael McCartney as President and Chief Executive Officer after his retirement as Assistant Chief Investigator of the New York State Attorney General's Office.

"Given the increasingly important role that technology and forensics plays for management, company stakeholders, and the legal community around the world and across all industries, we are thrilled to have Michael lead our young

Michael is a sought after Lecturer and Practitioner having qualified as an expert witness in courts throughout the USA and abroad.

James Domres
Vice President & COO

Company. Michael is one of the foremost experts in computer forensics and corporate computer investigations. Michael is internationally recognized as leader in this exciting and challenging field," said James Domres, Senior Vice President and Chief Operating Officer.

"Michael's drive, energy and focus, coupled with his diverse 22-year law enforcement career, will greatly assist DIGITS LLC in navigating the new and unique challenges that lie ahead, so that DIGITS can make an impact on the many threats in the cyber-world," said Ray Nowicki, CPA, DIGITS LLC Chief Financial Officer and founder of Nowicki and Company, LLP.

"I am honored to be elected to serve as Chief Executive for this progressive and innovative company. Throughout my career, I have personally witnessed the incredible impact that professional computer forensics investigative expertise has had on the industries they serve and I look forward to helping grow DIGITS LLC to a global force," said Michael McCartney.



Michael is a highly-decorated member of the law enforcement community having served as the Assistant Chief Investigator for the New York State Attorney General's Office as well as five years with the United States Attorney's Office for the Western District of New York. He has been responsible for some the nation's largest computer crime investigations both nationally and internationally. Michael has served on several national and

continued on page 3

Inside this issue:

Michael McCartney.....	Page 1
Camp Good Days.....	Page 2
Events.....	Page 2
The Round Table w/Avalon.....	Page 3
Case Study.....	Back Page

490 CENTER ROAD ■ BUFFALO, NY 14224
T: 877-216-2511 F: 716-408-5549

www.digitllc.com

TAKING A SWIING AT CANCER

DIGITS LLC was a proud sponsor of the 28th Annual Tournament of Love golf event for Camp Good Days. Over the past 32 years, Camp Good Days has served more than 43,000 campers from 22 states and 26 foreign countries, including many from our own community whose lives have been touched by cancer and other life-threatening challenges. These services



are continually offered free of charge to all participants. DIGITS LLC also donated a free high-end computer forensic examination (\$3,000 value) to the silent auction program as a gesture to raise even more money for this very worthwhile cause. We look forward to many years of dedicated support and contributions to several area charities.

DIGITS NETWORK PROVIDES QUALITY EXAMINERS WORLDWIDE

In the recent news, computer forensic examiners have played a prominent role in the judicial sector. Recently in the high profile Casey Anthony trial, computer forensic examiners were asked to provide evidence for the courts. During their examination they had recovered an internet history file. In their review of this file they noted that the term "chloroform" was searched for. This was a chemical found in and around the suspected crime scene and on the victim. This file was recovered from the unallocated space of the hard drive.

The evidence these examiners found and their strong testimonies under oath go a long way in helping the prosecution prove its case.

The work done by Dan Purcell, Kevin

Stenger, and Sandra Osborne of the Orange County Sherriff's Office in Orlando, Florida has highlighted the importance of computer forensics in today's society, and has brought the industry into the mainstream media.

DIGITS LLC has a worldwide network of certified computer forensic network examiners that reaches out beyond its own borders. Dan, Kevin and Sandra are among the examiners in this network. Their work in this case highlights the quality of the network that DIGITS LLC offers. We have the capabilities to bring Computer Forensic Examiners of this caliber to your network. From the lights of New York City, to the glitz and glam of Los Angeles, we have the power to ensure your company that the correct computer forensic examiner will be assigned to

Upcoming Events

Please join DIGITS LLC at the following events:



FANA Golf Classic

July 18, 2011
10:00 AM

Wanakah Country Club

Families of FANA is a parent and child support group providing services to adoptive families primarily from Western New York, Ontario and Pennsylvania.



September 12-14, 2011
Indian Wells, CA

htciaconference.org



October 31-November 1, 2011
Myrtle Beach, SC

technoforensicsconference.com

your case. These examiners have the capabilities and qualifications to work on high profile cases. Each of these examiners has the capability to help you defend your company's infrastructure and safety.



DIGITS LLC

490 CENTER ROAD ■ BUFFALO, NY 14224
T: 877-216-2511 F: 716-408-5549

www.digitllc.com



THE ROUND TABLE W/AVALON

Over the last several years I have visited with several law firms and corporate legal teams to discuss efficient document reviews. One of the first questions I always ask is: "How many of you load the email discovery into Microsoft Outlook to do your review or to 'take a quick peek'?" Without fail, at least 70% of the attorneys raise their hands. There is a better way!

By loading the email discovery into Outlook you have only the very basic searching features Outlook provides. Also, once in Outlook, you can only have one person review the documents



*J.P. Midgley, President
Avalon Technologies*

at a time. If multiple reviewers load the emails into Outlook, there is no way to prevent duplicative efforts. Additionally, this does not give you the ability to do up front culling on this data before review such as de-duplication, date, keyword, and spam filtering.

Intermingling of potential evidence with your own email is also a dangerous practice. This exposes your firm's network to viruses that exist in the loaded emails, allows reviewers to actually reply to these emails, and, if your firm does daily backups, you now have successfully backed up client data with your own firm's.



AVALON
LEGAL TECHNOLOGIES

J.P. MIDGLEY
President

716-995-7777

www.avalonlegal.com

**Quality First,
People Always**

There are dozens of reasons not to review in this manner. With so many new processes available such as advanced filtering, analytics, email threading and predictive coding out there, you should consider visiting these more modern, efficient strategies with your next review.

MCCARTNEY *continued from page 1*

international Boards overseeing computer crime and computer forensics standards and policy. He is a sought-after speaker and recognized expert witness by Courts throughout the United States and Canada. See <http://www.digitsllc.com/bio-mgm.100010.content>.

About DIGITS LLC – With offices in Buffalo and in West Seneca, NY, our core business is designed to help our clients take full advantage of today's information technologies while guarding against the ever-changing threats posed by those very technologies. DIGITS was founded in 2006 to fill the need in the legal and corporate communities for highly-skilled computer forensic and data recovery services, corporate computer investigations, litigation support services, network security advisory services, and general computer consulting services.



Mike leading a CLE presentation with Hodgson Russ LLP in 2010

DIGITS LLC officers have over 115 years of combined law enforcement experience in Computer Forensics and advanced technology investigations.

CASE STUDY: GUIDANCE ON DOCUMENT PRESERVATION, SPOILIATION

*H. Christopher Boehning and Daniel J. Toal are litigation partners at Paul, Weiss, Rifkind, Wharton & Garrison
New York Law Journal - June 07, 2011*

The U.S. Court of Appeals for the Federal Circuit, in two concurrently issued opinions, addressed one of the most high-profile accusations of spoliation in recent years and considered whether a plaintiff's destruction of a massive collection of documents prior to litigation warranted the ultimate sanction of dismissal.

Although the conduct at issue in these cases was extreme, the circuit's analysis provides important guidance with respect to the document preservation duties of any party preparing to bring, or to defend, a lawsuit in federal court.

The two decisions Hynix Semiconductor Inc. v. Rambus Inc. and Micron Technology Inc. v. Rambus Inc. examined district court decisions from California and Delaware that reached opposite conclusions concerning spoliation of evidence on essentially the same facts.

Central to both cases was a question that has become especially vexing for courts and litigants alike in an era of rapidly evolving and expanding e-discovery obligations: When does the duty to

preserve evidence in advance of litigation arise? The Federal Circuit's answer, which is an attempt to give more concrete meaning to the "reasonably foreseeable" standard that nearly all courts apply in this context, underscores the importance of implementing appropriate document preservation measures at the earliest stages of litigation planning.

Rambus' motives were called into question by the facts that it did not have a document-retention policy in place until after the company contemplated suing manufacturers for patent infringement; that the policy it adopted was explicitly connected, in writing, to its litigation or "battle" strategy (as demonstrated by the "BEFORE LITIGATION" presentation); and that Rambus employees were instructed, notwithstanding the policy, to save documents that could be helpful to the company in litigation.

Nevertheless, the Federal Circuit's decisions serve to remind litigants that the duty to preserve evidence can arise well before a lawsuit is actually filed, and even before litigation has become "imminent."



DIGITS LLC
490 CENTER ROAD
BUFFALO, NY 14224

PRSR STD
U.S. Postage
PAID
Buffalo, NY
Permit No. 912

CHECK US OUT ON:

