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For More Information Contact:
Greg Fordham
K&F Consulting, Inc.
Phone: 770-642-0311
Toll Free: 800-335-1188
Fax: 770-642-9913
Email: greg@knfcon.com

**‘Legal e-Discovery Paradigm Shifting,’
Says K&F Consulting’s Greg Fordham**

ALPHARETTA, Ga.—July 11, 2007 – There is a paradigm shift occurring in American jurisprudence that has its roots in the computer and the digital evidence that it spawns.

That’s the conclusion reached by Greg Fordham in a recently published article titled “Paper or Plastic: The Shifting Paradigm of Discovery”.

“We have reached the point where trying to examine digital evidence is like being buried alive in the treasure room of the pharaoh” said Fordham.

“There’s so much there that that it’s tough to know where to start and it could take years to look through it all to find the information that’s really significant to the matter at hand,” he added.

The solution: use the computer to fight the computer.

However Fordham, who is a founder of K&F Consulting Inc., and an expert witness in many state and federal cases involving e-discovery and computer forensics, says using the computer as a weapon in the fight doesn’t translate into simply automating the document management process.

The solution lies in using a variety of search techniques including several different algorithms and pattern analysis to filter the collected data into smaller and smaller populations.

“The net result of the process will be to isolate and filter out data not relevant to the dispute and find those nuggets of information that will ultimately be used as a deposition or trial exhibit and must be converted to paper form,” Fordham said.

(more)

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Fordham says that during the e-discovery process it is important to realize that there is a penalty to be paid for converting the data from one form to another.

“Although that penalty may be miniscule on a per unit basis, those costs have the potential to multiply rapidly if not watched,” Fordham notes. “That’s why the new paradigm is to delay and limit the number of times that conversion occurs,” he said.

Fordham also said he’s heard of situations where, during the e-discovery process, all of the digital material was reduced to paper and then distributed among a number of staff members with instructions to find the relevant data.

In addition to consuming a vast amount time and talent that might be put to better use and incurring a significant expense that the firm or the client will have to bear, it’s also an extremely poor approach to filtering data Fordham says.

“Each individual involved in the process has his or her own opinion of what’s important, and the total population of data is not measured against any standard set of values in order to determine what’s really relevant and needs to be used as an exhibit at either a deposition or trial,” Fordham said.

A copy of Fordham’s paper can be downloaded at www.knfcon.com/ShiftingParadigm.pdf.

About K&F Consulting

With offices located in the metro Atlanta area, K&F Consulting services a nationwide clientele. The firm provides a variety of e-discovery and computer forensic services including database forensics, software forensics as well as the more well known forms of computer forensics. The company’s web address is www.knfcon.com.

The firm’s principal, Greg Fordham, is a contributing writer for the *2007 Construction Law Update* which was published earlier this year by Aspen Publishers.

