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ESI: DIFFICULT DATA SOURCES

How do you access electronically stored information (ESI) from decades ago when a judge instructs you to review it?

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CA PI: 24171, AZ PI: 1551710 NV LICENSE: NV PI-PS: 1452
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CASE STUDY | ESI: DIFFICULT DATA SOURCES

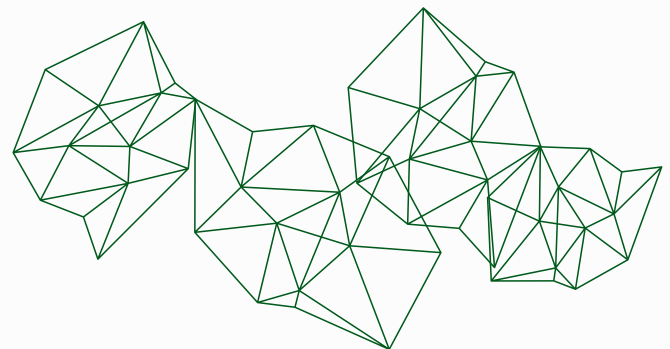
Background

A lawsuit had been filed against a company whose train derailed and destroyed commercial property along the track. There was an investigation into what had caused the train to derail, and it looked like a construction defect case. Our client asked First Legal to help find and review relevant data from years ago, across multiple companies involved with the construction of the train and its various component parts. This involved going back many years and combing through project manager emails, construction schematics, photos, and other records and materials. We had to think creatively and pulled records from auxiliary companies who had been adjacent to the production line, looking for any clues we could find about what might have gone wrong.

Pain Points

It became clear that we needed to pull a design company's digital records that were at least 10 years old. We weren't sure that these records still existed, or what file format they would be in if they did. The judge made it clear that if the data had been deleted our client would have to provide proof of clear data retention and destruction policy to show that they were not being negligent.

Fortunately, we learned that much of the substantive ESI likely existed as part of a backup of a larger system that went offline several years before, and the client still had those tape backups in their possession. It became clear that we would have to find older tape readers that specifically worked on tapes like these so we could resurrect the data.





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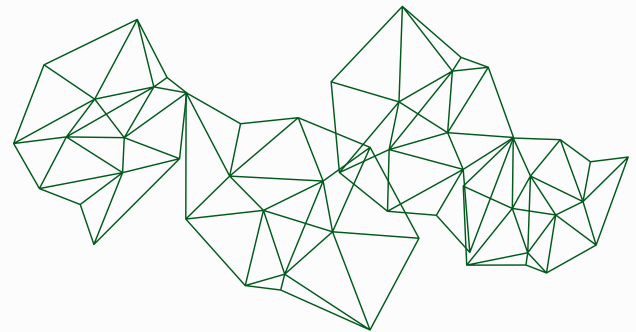
Outcome

With a little creativity, we were able to help our clients get the data they needed. This type of legacy equipment is a prevalent example of data sources that can be difficult to work with—even when the material is right in front of you, actually accessing the data can be challenging when a backup or archive has been outpaced by new technology.

In cases like this one, the backup might be so old that no one makes the tools to convert it anymore and you need to find an old reader, or multiple readers, to translate it into a usable file format that present-day technology can read.

Other examples of difficult legacy sources include old laptops or cell phones, and backup servers from any number of years ago.

With the fast pace of emerging technology, even something a few years old may no longer be readily accessible using contemporary software and you will have to work harder to obtain the data on it. First Legal has found the advantage of working with these difficult data sources is our knowledge expands a little more each time and we understand new ways to unlock the data our clients need.



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