International Conference on

Digital Evidence 2008

Best Practice & Principles for Judges, Lawyers, Litigants & Technology, Security, Investigators & Digital Evidence Specialists...

26th & 27th June 2008
Vintners’ Hall, London

Cocktail Reception & Dinner
Thursday 26th June 2008
The Honourable Society of Gray’s Inn

Conference Chairman
Stephen Mason,
Barrister, Editor, Digital Evidence and Electronic Signature Law Review, Associate Senior Research Fellow, Institute of Advanced Legal Studies, London Visiting Research Fellow, Digital Evidence Research, British Institute of International and Comparative Law (UK)

Key Contributions By
Senior Master Whitaker,
Senior Master of the Supreme Court, Queen’s Bench Division, Royal Courts of Justice & the Queens Remembrancer (UK)
• The Honourable Judge Francis M. Allegra, U.S. Court of Federal Claims (U.S.)

The Honourable Judge Dr. Ehab Elsonbaty,
Senior Judge, Damanhour Court (Egypt)

The Honourable Judge Jumpol Pinyosinwat,
Presiding Judge, Central Intellectual Property and International Trade Court (Thailand)
• Honourable Justice J.E. (Ted) Scanlan, Supreme Court of Nova Scotia (Canada)

Charles Leacock,
QC, Director of Public Prosecutions (Barbados)

Digital evidence is set to become the dominant form of evidence in legal proceedings across the entire range of law and across jurisdictions. Attend to:
• Learn from a prestigious speaker panel spanning over 17 different jurisdictions
• Keep up to date with the world of digital evidence to continue administering the judicial system properly and fairly
• Demonstrate to clients and litigants that digital evidence is not some arcane new-fangled form of evidence that is best left to the future
• Take up the challenge by becoming familiar with the issues that experts deal with every day
• Share experiences with the world’s leading digital evidence specialists and in-house practitioners
• Network and build trust-based relationships at the reception and dinner at Gray’s Inn, while enjoying ‘historic legal’ London!

Book Offer for Early Registrations
Register by 1st May 2008 to receive a FREE copy of Electronic Signatures in Law (Tottel, 2nd edn, 2007) Written by Stephen Mason

www.mistieurope.com/digitalevidence

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Official Partner
Stephen Mason, Barrister and Editor, Digital Evidence and Electronic Signature Law Review
Conference Venue – Vintners’ Hall

With its origins steeped in the history of the City of London, and the import, regulations and sale of wine, the Company continues to maintain strong links with the UK Wine Trade, with Vintners’ Hall known as the Traders’ “spiritual home”. With its trade, social, charitable and educational interests, the Company continues to play an important role in the 21st Century. The site of the Hall was vested in the Company by the will of Guy Shuldham in 1446. The Hall itself was burnt down in the Great Fire of London. Rebuilding began almost immediately and the Court held its first meeting in the new building in 1671. There is still some late seventeenth century carvings in the Hall, where the main conference will take place.

Vintners’ Hall is located next to Mansion House tube station, and the recommended accommodation is only a 10 minute walk away across the bridge. Please see the back page for further accommodation details.

Official Training Partner

Euromoney Legal Training has serviced the legal industry through public training courses since 1991 and is now established as the market leader in the provision of practical training on a broad range of financial and business related subjects. To date over 10,000 legal professionals from a variety of backgrounds, including the world’s major financial institutions and corporations, have benefited from our expertise. Training is a division of Euromoney institutional Investor Plc which is a leading world provider of business-to-business financial information.

Supporting Associations

British Institute of International and Comparative Law (UK) - one of the leading independent research centres for international and comparative law in the world. Its record of achievement over 50 years in promoting the understanding of the role of international law in the era of globalization and the rise of supranational and international systems. The Institute’s membership comprises lawyers from the academic, legal, public and private sectors. It offers a range of events, publications and networking opportunities. For more information visit: www.biicl.org

ISACA UK - ISACA’s membership – more than 65,000 strong worldwide – is characterised by its diversity. Members live and work in more than 140 countries and cover a variety of professional IT related positions – from just a few IT auditors, consultants, or security professionals, to chief information officer and internal auditor. ISACA has more than 170 chapters established in over 70 countries worldwide, and those chapters provide members education, resources, and networking opportunities. For more information visit: www.isaca.org

Computer Crime Research Centre (CCRC) is a non-profit organisation, which conducts research on the protection of computers and cyber terrorism. The mission of the CCRC is to warn about unlawful acts involving computers and information technologies. The website of CCRC: www.isaca.org provides daily updated news about online threats and regular articles. CCRC also support a discussion forum about online fraud.

British Computer Society (BCS) - Established in 1957 BCS is the leading body for those working in IT. With a worldwide membership of over 50,000 members in over 100 countries, BCS is the qualifying body for Chartered IT Professionals. BCS was established by Royal Charter in 1894. Its objects are to promote the study, practice of computing & to advance knowledge of & education in IT for the benefit of the public. BCS is a registered charity.

Conference Programme

Parallel Session B: Planning And Justifying The Search And Seizure Of Digital Evidence In Criminal And Cartel Proceedings

11:30 – 11:55 Key Contributors

Do the Differences Still Exist? A New Wave Of Legal Response?

With the crucial importance of regulating digital evidence, the classical differentiations between civil law and common law are under question. Digital evidence is a part of the evolving digital era in which harmonized international legal approach is no longer an option. Planning and justifying the search and seizure of digital evidence is a key element of modern legal systems, where traditional legal systems are facing new challenges. The juxtaposition of the two legal systems, which are based on the core principle that the rule of law is an essential framework for international and national systems. The Institute’s membership comprises lawyers from the academic community, from legal practice (including judges, solicitors and barristers), and from government and non-governmental organizations, as well as non-lawyers who are interested in the many aspects of international and comparative law. It engages with all these members, and with non-members who recognize the broad impact of the law on many activities, not least on commercial and government actions. Based in London, the Institute is uniquely placed to interact with these varied constituencies, as well as its geographic membership network. Further details of the Institute’s activities are available on its website: www.biicl.org

11:55 – 12:20 Search And Seizure Of Digital Evidence: Thresholds And Minefields

Counsel and courts should be aware of the facts that there are unique factors that make dealing with digital evidence challenging. In many instances the information is located in databases that are contaminated with potentially privileged information. How does a litigant gain access to the relevant information without prejudicing their own case? Do the courts and litigants understand the effect of any orders of seizure on the operation of the recipient party? Do they appreciate the potential cost to the litigants, of identifying or retrieving their information? What about inter-jurisdictional issues for multinational companies? How does an applicant convince a court that search and seizure is appropriate and that the threshold has been met unless they can answer some of the questions as set out above?

12:20 – 12:45 The Search And Seizure Of Digital Evidence For Criminal Proceedings

This paper seeks to examine the emerging frontier of using digital evidence in criminal cases. The use of digital evidence must be examined from its creation, storage, retrieval and use in criminal proceedings. The methods of obtaining digital evidence raise issues of privacy, human rights and rules of procedural fairness that must be balanced with the public interest in obtaining a fair trial. The categorization of digital evidence must relate to how such evidence is created and retrieved and not necessarily to how existing rules operate and investigations are conducted.

12:45 – 13:00 Any Further Questions

Conference Programme

13:00 – 14:05 Lunch in the Drawing Room

14:15 Rejoin Plenary Sessions in The Hall


Esther George, Senior Policy adviser, CPS HQ Policy Directorate (UK)

Acceptance Speech on behalf of the panel

Siri Dutt, Senior Policy Director, Global Policy, Transparency International, United Kingdom

Omar El-Sayed, Member, Rule of Law and Judicial Reform, Ford Foundation

Sarah Stein, Director, Innovation and Legal Practice, Hewlett Packard


Esther George, Senior Policy adviser, CPS HQ Policy Directorate (UK)

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Janet Day, IT Director, Berwin Leighton Paisner (UK)

What about inter-jurisdictional issues for multinational companies? How does an applicant convince a court that search and seizure is appropriate and that the threshold has been met unless they can answer some of the questions as set out above?

15:45 Closing Comments

16:00 Close of Conference
Commentary On the Use of Search and Information Retrieval Methods in E-Discovery.

Jason R. Baron, Esq., Peter Sommer, Andrew Sheldon, Stephen Van Vlack, and Stephen Vlack, Jr., discuss the use of search and information retrieval methods in e-discovery. They focus on the reliability of digital evidence, the challenges of authenticity, and the need for standardization in the field. The commentary highlights the importance of understanding the technical means to ensure the reliability of digital evidence and the market supply for this purpose. The authors also discuss how to prepare for the future of digital forensics, including novel scientific evidence issues.

Keynote Speaker to be announced

Digital Evidence: Integrity, Trustworthiness and Reliability (09:30 – 11:00 Sessions)

In an Icelandic criminal case, which is likely to be concluded with the judgment of the Supreme Court at the date of the conference, charges were to be a large extent based on e-mail correspondence, the authenticity of which was challenged by the defender. The presentation will examine the technical details of the case, hopefully, discuss the final judgment.

Summary of the technical details of the case

The police investigation, seizure and investigation of electronic evidence

The role of CyberSecurity Malaysia in facilitating the court with digital evidence

The future of digital forensics

The legal profession’s role in assuring the trustworthiness of digital evidence

The support of the maker of the document will be called to testify on the authenticity of the documents. With the emergence of computers and the advancement of information technology, not only computer generated evidence is tendered, but the computer itself can be adduced as evidence in the court of law. In such circumstances, a digital evidence specialist is needed to provide expert opinion to the court with regards to the digital evidence adduced.

Keynote Speaker to be announced

11:30 – 12:10 How “Expert” Can an Expert Witness Be?

Fingerprints are fingerprints. Science has improved investigation techniques but, fundamentally, is it the presence or absence of a specific print in a specific context that provides the key to the case. What are the limitations in producing hugely inefficient and inefficacious searches.

Digital Evidence Talks Limited (UK)

Johnny Bengtsson, Engineer, National Laboratory of Forensic Science (Sweden)

The Keynote Speaker to be announced will discuss the legal value before Belgian courts of digital evidence. The presentation will consider the legal value before Belgian courts of digital evidence. The presentation will consider the legal value before Belgian courts of digital evidence.

12:00 – 13:00 Misinterpretation and Misrepresentation: The Potential Misuse and Abuse of Digital Evidence

Examinations and analyses of digital skimming

Possibilities, intelligence information, technical proof

Presentations by: Johnny Bengtsson, Engineer, National Laboratory of Forensic Science (Sweden); Aswani Padhania Mold Ariffin, Head, Digital Forensic, Cybersecurity (Malaysia); and Romain Robert, District Attorney, Attorneys at Hofdaladsski (Iceland)

12:30 – 13:00 Digital Forensics in Malaysia

The presentation will consider the legal value before Belgian courts of digital evidence. The presentation will consider the legal value before Belgian courts of digital evidence. The presentation will consider the legal value before Belgian courts of digital evidence.

13:00 – 14:00 Lunch in the Drawing Room

14:00 – 15:00 The Role and Nature of the Digital Evidence Specialist

Searching for Evidence and Dealing With the Cashes That Accompany Digital Forensics

Evidence Tails Limited (UK)

Andrew Holmes, Director, Forensic Computing from the Royal Military College of Science, former Director of the Centre for Information Security, Technology, and Law from 1993. He is an expert in digital forensics and has published numerous articles on the subject.

12:10 – 12:50 Certification, Registration and Education of Digital Forensic Experts

• Expert roles in different jurisdictions

• Meeting between experts

• Novel scientific evidence issues

• Digital forensic examination, privilege and inextricable linking

Peter Sommers, Visiting Professor, Information Risk and Security, Department of Management, London School of Economics and Political Science (UK)

12:50 – 13:00 Any Further Questions

In U.S. federal courts, an emerging litigation issue has become the extent to which parties can rely on specific technical concepts involving search patterns, including keyword searching, Boolean operators, and other forms of concept searching, as part of civil discovery. Drawing on the work of The Sedona Conference, the speaker will highlight the limitations of existing search methods and will discuss current research on known alternatives.

• A need exists for lawyers to make certain assumptions about the accuracy of their search methods in finding relevant electronic evidence.

• Reliance on simple keywords as the sole means for retrieving large electronic data stores has known limitations in producing sufficiently efficient and incoercible searches.

The US Federal Rules of Civil Procedure are changing the manner in which lawyers are strategically approaching the search problem in litigation, including consideration of more collaborative approaches.

New ways are in the area of test retrieval to evaluate various techniques based on fuzzy logic, concept searches, and other forms of statistical techniques, that should be seriously considered for use in litigation involving a substantial volume of electronic evidence.

Jaron S. Baras, Esq., Director of Information, U.S. National Archives and Records Administration (U.S.)

Mr. Baran is Director of Litigation at the U.S. National Archives and Records Administration, and a former trial attorney and senior counselor at the U.S. Department of Justice. He currently serves as Chair of The Sedona Conference Best Practices Commentary on The Use of Search and Information Retrieval Methods in E-Discovery.

13:40 – 15:00 Digital Evidence and Employment Relationships in Belgium

The presentation will consider the legal value before Belgian courts of digital evidence. The presentation will consider the legal value before Belgian courts of digital evidence. The presentation will consider the legal value before Belgian courts of digital evidence.

• How digital skimming and skimmers work

• Examinations and analyses of skimming devices

• Possibilities, intelligence information, technical proof

Edward Wilding, Chief Technical Officer, Data Genetics International Limited (UK)

Mr. Wilding has served as an expert witness for the prosecution and the defense in criminal cases, at employment tribunals, in civil litigation and at international hearings, including the U.S. Attorney's Office at the 9/11 Inquiry. His previous books on computer forensics and his testifying expertise have been widely recognized in court.

13:00 – 14:00 Lunch in the Drawing Room

14:30 – 15:00 Digital Evidence and Employment Relationships in Belgium

The presentation will consider the legal value before Belgian courts of digital evidence. The presentation will consider the legal value before Belgian courts of digital evidence. The presentation will consider the legal value before Belgian courts of digital evidence.

• How to collect digital evidence whilst respecting the privacy of the employee

• The legal value of evidence obtained against the privacy law in Belgium

Romain Robert, Attorney, Dewell & Partners, Brussels (Belgium)

Romana is specialised in Information Technology law and Intellectual Property related issues. A member of the Brussels Bar since 2002, he deals with several IT matters such as: IP contract drafting, telecommunication law, internet law, electronic commerce, data protection, both in legal counselling and litigation.
Parallel Session A: The In-House Conundrum, When To Call In An Outside Digital Evidence Specialist Or Call The Police

13:40 - 14:00 - Key Contributions

Dr. Zdenek Blanck, Security Manager, IT Products Group Leader and Assistant Vice-President, Commerzbank AG (Czech Republic)

Digital evidence issues in civil litigation and those concerning criminal investigations can be quite complex. When to involve digital evidence specialists in a company is a difficult decision. The presentation will discuss this question and will outline the essential defences and points to consider when planning to involve digital evidence specialists.

14:00 - 14:20 - Case Studies

In comparison to normal civil litigation, intellectual property matters tend to enjoy more pronounced publicity. The presentation considers the range of problems that are unique to collecting evidence in cyberspace and deals with a number of possible solutions. Special emphasis will be given to relevant European directives and recommendations.

14:20 - 14:40 - Practical Issues

The Honorable Judge Jumpol Pinyosinwat, The Thai Central IP&IT Court and outstanding procedures will be briefly outlined, as will the civil and criminal search order in the Thai Central IP&IT Court. Practical issues and statistics concerning search and seizure orders will be provided.

14:40 - 15:00 - Final Remarks

A party’s willingness to engage in such discussions in good faith is likely to prove helpful even if disputes later arise.

Parallel Session B: Civil Disclosure And Reasonableness, Sanctions For Deliberate Destruction And The Tests To Be Applied

16:20 - 17:00 - Avoiding Disputes Regarding Electronic Evidence: A U.S. Perspective

Many disputes involving electronic evidence are easily avoided and involve evidence that, in the end, the requesting party might not find desirable. The latter situation often occurs where the requesting party asks for extensive information that proves useless or cannot economically be managed and searched. Generally, better electronic document requests are more targeted at focusing on a specific time period and communications involving individuals of particular interest. Consideration will be given to:

- The nature of the request
- Formulating narrowly-tailored requests
- Taking the opposing side
- A party’s willingness to engage in such discussions in good faith is likely to prove helpful even if disputes later arise.

17:00 - 17:40 - Summary and Close of Day One

18:00 - 21:30 - Dinner

The Honourable Judge Jumpol Pinyosinwat, The Thai Central IP&IT Court and outstanding procedures will be briefly outlined, as will the civil and criminal search order in the Thai Central IP&IT Court. Practical issues and statistics concerning search and seizure orders will be provided.

The session will particularly focus on the practical and legal issues arising in civil proceedings.

19:30 - 21:30 - Dinner

The Honourable Judge Jumpol Pinyosinwat, Presiding judge, Central Intellectual Property & Trade Mark Court (Thailand)

11:30 - 11:55 - Key Contribution

In comparison to normal civil litigation, intellectual property matters tend to enjoy more pronounced publicity. The present legal framework and digital economy in Romania may sound like a well-working system. But the lack of real and adequate implementation of the framework, IT-related expertise and fear from some legal experts to understand the digital evidence may transform any legal-related issue into a nightmare for most of the new economy representatives.

11:30 - 12:15 - Parallel Sessions A or B (11:30 – 13:00 Sessions)

Parallel Session A: Planning And Justifying The Search And Seizure Of Digital Evidence In Civil Proceedings

10:00 - 10:20 - The Digital Economy - Where Is The Evidence? Theoretical And Practical Problems In Understandig Digital Evidence In Romania

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An Invitation from MIS Training (a Euromoney Training Company) and Conference Partner and Chairman, Stephen Mason, Barrister, Editor of the Digital Evidence and Electronic Signature Law Review, Associate Senior Research Fellow, Institute of Advanced Legal Studies and Visiting Research Fellow, Digital Evidence Research, British Institute of International and Comparative Law (UK): We are delighted to invite you to attend the dynamic inaugural International Conference on Digital Evidence 2008, convening on 26th and 27th June 2008 at The Vintners’ Hall. With its origins steeped in the history of the City of London, The Vintners’ Hall will make a wonderful setting for this important international conference.

Why Should You Attend?

Digital evidence is set to become the dominant form of evidence in legal proceedings across the entire range of law and across jurisdictions, including crime, family, land law, formation of contract, employment, divorce proceedings. Judges and lawyers must rapidly do what they are best at: recognising that the world has changed, then adapting to those changes, whilst properly understanding the nature of the new world, to ensure they administer the judicial system properly and fairly, and demonstrate to clients and litigants that digital evidence is not some arcane new-fangled form of evidence that is best left to the future.

The future is with us now, and the special part taken by digital evidence specialists cannot be underestimated in the realm of digital evidence. It is crucial for judges and lawyers to take up the challenge and remedy their lack of knowledge by becoming familiar with the issues that experts deal with every day. The expertise of digital evidence specialists and in-house practitioners is central to digital evidence, which is why they are a firm part of this conference.

Don’t Miss the Reception and Dinner at The Honourable Society of Gray’s Inn!

The Reception and Dinner is an integral part of the conference and is included in your registration fee. It will take place in the beautiful and historic Hall of the Honourable Society of Gray’s Inn. All conference attendees and their guests are invited to attend. Please tick the box to confirm your place at these functions. A memorable evening that will show off the unique and unexpected qualities of ‘legal London’ as the host city for the inaugural conference.

Book Offer for Early Registrations

MIS is hosting & developing the International Conference on Digital Evidence 2008 in partnership with, and under the guidance of, Stephen Mason, Barrister and Editor of the Digital Evidence and Electronic Signature Law Review.

Reserve Your Place before 1st May 2008 to receive Mr. Mason’s book:

Electronic Signatures in Law (Tottel, 2nd ed, 2007) This text covers 98 jurisdictions including case law from Argentina, Australia, Brazil, Canada, China, Colombia, Czech Republic, Denmark, Dominican Republic, England & Wales, Estonia, Finland, France, Germany, Greece, Hungary, Israel, Italy, Lithuania, Netherlands, Papua New Guinea, Poland, Portugal, Singapore, South Africa, Spain, Switzerland and the United States of America.

Mr. Mason is also:

• Author and General Editor of Electronic Evidence: Disclosure, Discovery & Admissibility (LexisNexis Butterworths, 2007)
• General Editor of Electronic Evidence (British Institute of International and Comparative Law, 2008)

About MIS Training (Euromoney Training Group)

Founded in 1978, MIS Training Institute provides training courses, summits & conferences, & on-site training to professionals working in the areas of Information Security, IT Audit, e-Forensics, Compliance, Internal Audit, Fraud, Security & Governance. MIS has offices in the UK, Asia & the U.S.. MIS sits within the Euromoney Training Group, as a division of Euromoney Institutional Investor Plc (FTSE250). The group also includes Legal Media Group, Euromoney Legal Training, Euromoney Books, and other related legal services within the publishing and training community. Euromoney Institutional Investor Plc is part of the Daily Mail & General Trust (DMGT).

Euromoney Training Group is registered with the Law Society in London for CPD Hours. MIS Training Institute is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing education on the National Registry of CPE Sponsors, and CISP Information Security CPE hours.

Who Will Attend…

Legal judges, barristers, general counsel / in-house lawyers, lawyers in practice

Technology heads of e-forensics / e-Crime; digital forensic specialists, chief information security officers, IT directors

Law Enforcement police officers, e-crime and e-forensics specialists

All professionals responsible for conducting investigations to the issues that surround digital evidence... from across the world
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Conference Venue & Accommodation

Conference will Convene at Vintners’ Hall
With its origins steeped in the history of the City of London, and the import, regulations and sale of wine, the Company continues to maintain strong links with the UK Wine Trade, with Vintners’ Hall known as the Trade’s “spiritual home”.

Vintners’ Hall is located next to Mansion House tube station. The Southwark Rose Hotel is only a 10 minute walk away across the Southwark Bridge.

Vintners’ Hall, Upper Thames Street, London EC4V 3BG
Tel: 020 7236 1863, Fax: 020 7236 8177
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Where to Stay?

Since Vintners’ Hall has no accommodation on site, MIS Training has arranged discounted rates at the following local hotels. The recommended hotel, where most of the speakers will stay is:

Southwark Rose Hotel
It is a pleasant 10 minute walk from the conference venue, across Southwark Bridge.
£125 per night (single or double occupancy) www.southwarkrosehotel.co.uk

Limited rooms available at this price so please book early. Quote the conference name.

Further discounted rooms are available at the following Grange Hotels:

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Rates are exclusive of VAT and inclusive of service charge. Special Breakfast Rate of £10.00 (inc. VAT) per person per day.

When making your booking with a Grange Hotel, please quote: Digital Conference Group Allocation, Reference Number: 250608G and the name of the hotel you would like to stay in

This offer is only valid until 26th May 2008. We cannot guarantee availability & pricing after this date.

Reception and Dinner at The Honourable Society of Gray’s Inn

The dinner and cocktail reception are an integral part of the event, and are included in your registration fee.

Please tick this box if you are able to join.

The Honourable Society of Gray’s Inn - Thursday 26th June 2008:
18:00 - 19:30 - Cocktail Reception, The Large Pension Room
19:30 - 22:00 - Dinner, The Hall
www.graysinnbanqueting.com/largepension.asp
www.graysinnbanqueting.com/hall.asp

The fee for the two-day conference is £1,350 + VAT @17.5%

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5 Easy Ways to Register

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Approving Manager  Position

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- CSO Executive Summit Middle East 2008, 12 - 14 May 2008, Sheraton Bahrain Hotel, Manama - Kingdom of Bahrain

Further Information

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