bit-x-bit marks 10 years as an endorsed ACBA partner

By Mark Higgs

A former employee stole a trade secret. Someone deleted vital company data. A spouse deleted digital evidence of infidelity.

These situations share a common link – digital forensics and data recovery can produce the evidence that attorneys need for these cases. For a dozen years, bit-x-bit has helped attorneys and their clients overcome the challenges presented by our increasingly digital society.

Established in Pittsburgh by a team of seasoned lawyers and certified computer forensic examiners, bit-x-bit brings both legal and technical experience to bear on each project.

"Every year, the technology that we use at home, in our phones and in the office becomes more complex. And so do the processes to get the digital information that attorneys need to build a winning case," said ACBA Executive Director David Blaner. "Ten years ago, the ACBA started a relationship with bit-x-bit as our endorsed partner for forensic and e-discovery services, and ever since then, our members have increasingly relied on them as the need for these services has grown tremendously. We're

PHOTO BY MARK HIGGS

For 10 years, CEO Susan Ardisson; Brett Creasy, president and director of digital forensics; and the rest of the bit-x-bit team have been the ACBA's endorsed partner for forensic and e-discovery services.

proud that our relationship with such a respected partner has reached this milestone anniversary."

bit-x-bit's 10-person staff includes forensic and e-discovery professionals, as well as four lawyers – including CEO Susan Ardisson and Joe Decker, who are e-discovery special masters. Brett Creasy heads the forensic side of things as president and director of digital forensics.

Since its founding in 2007, the company has evolved to keep pace with technology and the needs of its clients.

"We started off more in the forensic side of things, then moved to include e-discovery," Ardisson said. "(At that time), all of the tools were in their beginning stages. For us, it was about becoming technically adept and figuring out what our clients need – that is, staying ahead of what their needs were both in terms of preservation and finding information.

From the start, Ardisson said, the company took great care to use forensic and e-discovery tools that are at the forefront of the industry.

"What's challenging now is that there's so much out there all the time, to stay ahead of the encryption … it takes a really strong technical part of the company."

For processing, it uses Nuix, a robust e-discovery and forensic tool that put the data in a form that can be examined more closely. bit-x-bit also provides technology-assisted review platforms, Relativity and Catalyst. And it uses Brainspace, a technology-assisted review service that can group documents based on a variety of factors using artificial intelligence before an attorney even begins the review process.

The Catalyst system – which the company added in the last year – is a favorite of the bit-x-bit team.

"We're really excited about Catalyst," Ardisson said. "What's unique about it – and different from Relativity – is

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its ability to allow lawyers to start reviewing immediately, and it bubbles up key documents right away that are involved in litigation. So very often, you only need to review less or half of the documents that have been collected. You get right to the heart of things very quickly."

With one of the biggest components in e-discovery being attorney-review time, a program like Catalyst is essential for saving time and money during e-discovery.

Ardisson said that technology-assisted review has become universally accepted for use in e-discovery and has been proven to be more accurate than examining every document manually.

Some e-discovery cases can go on for years, Ardisson said, while forensic matters might go more quickly due to the hunt for specific information. Regardless of the scope of the work, bit-x-bit can help.

"We have all kinds of cases. From the smallest, simplest matter recovering one email or text message from a phone, to millions of documents we're searching," Ardisson said.

"The forensic side is typically quicker due to the nature of the work. It's more investigative," Creasy said. "It's about answering who did what, when and how. And so, a lot of times that's somebody stealing something, security related, outside harassment. It can be as little as one phone, or multiple servers, desktops, phones, cloud data and so on."

Of all the devices they deal with, Creasy said, the most challenging devices are cell phones that have a lot of encryption on them.

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>
> *– David Blaner, ACBA Executive Director*

We get it. bit-x-bit

"Then, we have to think about, 'Where does this data live?' and we have to go look at back-ups," he said. "But your typical computer or server is pretty straightforward. Standardized, same process over and over again."

The bit-x-bit website lists several case studies in which their technology has been used, including analysis of the severity of ransomware attacks, employment discrimination, forensic investigations and defending trade secrets.

One case study details how a husband tried to hide a $300,000 sale of oil and gas rights during a marriage property settlement agreement. bit-x-bit prepared a protocol for the forensic examination of the husband's computer and was able to locate evidence that showed that just 10 days after the court had ordered him to preserve his data, he had installed a program to permanently wipe the relevant data. bit-x-bit located evidence that the husband had begun negotiating the sale of oil and gas rights prior to execution of the marriage property settlement agreement. That evidence forced a settlement of the case, and as a result, bit-x-bit's client received her share of the proceeds from the sale – along with reimbursement of her attorney's fees and bit-x-bit's expert fees.

ACBA member Jayme Butcher has relied on bit-x-bit in misappropriation of trade secret cases to retrieve confidential corporate client information. In addition to helping her clients uncover the fact that sensitive information has left their company, Butcher said, bit-x-bit has been instrumental in getting that information returned to her clients.

"Corporations are losing assets in the form of electronic theft of business information at the rate of millions of dollars a year," Butcher said. "bit-x-bit has been critical in helping to detect such theft, and then helping to ensure that the information is returned.

"bit-x-bit is amazing at what they do; they are user friendly and always are willing to prepare and stick to a budget. They are top notch." ■