



Cell Phone Extraction for the Small Firm

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In our digital age, almost all practice areas have seen a significant shift in the type of evidence provided by clients during the initial client meeting. Family law, employment, business disputes, and personal injury now rely heavily on communications among the parties and witnesses via text message. For years, our clients have emailed screen shots of their iPhone's litigation-relevant text messages to our firm. Recently, I've discovered an alternative to collecting text messages: an incredibly helpful ESI (electronically stored information) tool called Tansee iPhone® Transfer SMS. I briefly introduced this tool at the San Diego Paralegal Association's CLE on eDiscovery Ethics for the Paralegal this past May, and the attendees had the same first reaction that I did—utter amazement!

In an ideal situation, the client authorizes the cost of hiring a forensic expert to perform the ESI collection, but many smaller business clients cannot afford this “best practice.” Tansee iPhone Transfer SMS produces legible text message collection without burdening the smaller client with vendor expenses they cannot afford.

This inexpensive tool (less than \$30 for the full version) allows litigators to seamlessly transfer litigation-relevant ESI to their discovery platform in a way that preserves the responsive information, captures some metadata, and allows for a smooth and efficient production. Our firm uses this tool during the client's initial or subsequent meeting, when the client indicates he or she has relevant text messages. Without causing the client excessive delay, a litigation paralegal is able to plug the client's phone directly into the firm's desktop computer, start the Tansee software, select the relevant threads, and download the conversation into the firm's discovery database.

The greatest advantage of this software is the ability to produce conversation threads in a single, organized printout, complete with information regarding:

- Sender's name and phone number
- Receiver's name and phone number
- Date message was sent
- Time message was sent
- All attachments sent via text message, such as photos, videos, screenshots, etc.

The clean printout rendered by the program allows for a seamless production. The litigation paralegal has the ability to Bates-stamp each PDF page and produce the thread in one comprehensive file, rather than in disjointed screenshot images pieced together in an unorganized manner. Use of this software allows for a more efficient in-house review process, as well as a more transparent production set to opposing counsel.

A disadvantage of this software is that it does not retain the actual native file, merely an organized photocopy with some of the relevant metadata attached to each message, and that it requires the client to come to the firm's office for the exchange.

For more ESI collection tools for smaller cases, visit my eDiscovery blog at www.ediscoveryblog.tech.



Lauren Doucette is a litigation paralegal at Ferris & Britton, APC, specializing in e-discovery and legal technology. She provides clients with cutting edge technology through each step of their litigation matter, using tools such as TrialDirector, Timeline 3D, iJuror, Adobe Creative Suite, Adobe Acrobat, PowerPoint, WestLaw, WorldDox, Tabs3, and various ESI databases. Throughout the litigation process, she works with the client to collect the necessary documents held on all potential devices, assisting them in-person, if needed, with the collection of native files. She assisted attorneys in the review, processing, and production of e-discovery in native format as well as tracking native file ESI as produced in various sets from opposing counsel by custodians.