



# COMPUTER AND TECHNOLOGY SECTION



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# Circuits

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## Preserving Google Content for Dummies

By Craig Ball

A key responsibility of in-house and litigation counsel is to insure that potentially responsive information is preserved facing litigation. Counsel must advise and supervise a client's efforts to preserve both information deemed favorable and information helpful to the other side. It's a duty owed to the Court under common law.

Attorneys have seen harsh criticism from courts and borne the brunt of monetary sanctions for failing to act promptly and prudently to preserve electronically stored information (ESI). The duty to preserve ESI attaches to every case, including those where parties lack the wherewithal to hire technical experts. Moreover, absent agreement or court order, parties are not free to degrade the forms of the ESI preserved and produced, such as by printing ESI out and destroying its electronic searchability.

Meeting these obligations is challenging; more so when the data resides with third-parties like cloud and webmail services. Millions of clients depend on Google tools to manage e-mail, contacts, documents, calendars, contacts, photos and more. That's a lot of potentially relevant evidence, and it's often sensible or necessary to preserve cloud content by collecting it.

Heretofore, Google made it easy to find content, but hard to get that content out in forms that preserved utility and integrity. Some coped by printing individual messages and attachments to the Adobe PDF format. But, printing to PDF is tedious and doesn't always produce usable or complete forms. Others relied on a mail transmission protocol called IMAP to download the contents of a Gmail account to Microsoft Outlook PST container files. But, downloading Gmail using IMAP and Outlook is tricky and slow.

Happily, the geniuses at Google have introduced a truly simple, no-cost way to collect Google cloud content like Gmail, Google Drive, Calendar and others for preservation and portability. It sets a top flight example for other cloud service providers and presages how we may use the speed, power and flexibility of Google search as a culling mechanism before exporting for e-discovery.

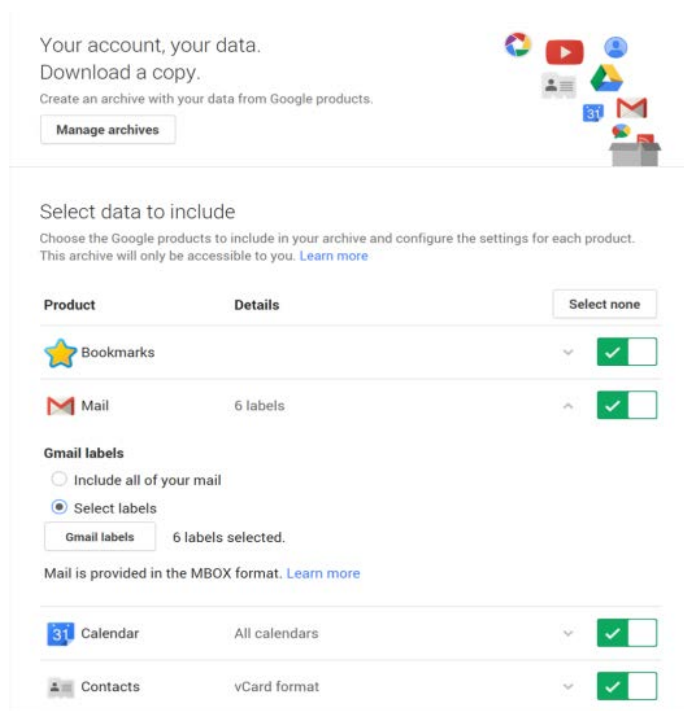
Even if you're a lawyer who could care less about IMAP, this is a development worth cheering because until now, you had two choices when it came to putting Gmail on legal hold: Either you'd instruct your client not to delete anything (and cross your fingers they'd comply) or you had to hire someone to download the data. Now, Google does the Gmail

collection gratis and puts it in a standard [MBOX container format](#) that can be downloaded and sequestered. Google even incorporates custom metadata values that reflect labeling and threading. You won't see these unique metadata tags if you pull the messages into an e-mail client; but, e-discovery software will pick them up. I tested this using [Nuix](#) and the \$100 marvel, [Prooffinder](#). Both parsed the Gmail metadata handily, enabling the messages to be threaded and paired with their Gmail labels.

MBOX might not have been everyone's choice for a Gmail container file; but, it's an inspired choice. MBOX stores the messages in their original Internet message format called RFC 2822 (now RFC 5322), a superior form for e-discovery [preservation](#) and [production](#).

So, meet [Google Data Tools](https://www.google.com/settings/datatools) (<https://www.google.com/settings/datatools>).

Armed with login credentials and client permission, the only hard part of preserving a client's Google content is navigating to the right page. After logging into the user account, you get to Google Data Tools from the Google Account Setting page by selecting "Data Tools" and looking for the "Download your Data" option on the lower right. When you click on "Create New Archive," you'll see a menu where you select the Google content to archive and even choose whether to download all mail or just items bearing the labels you select.



The ability to label content within Gmail and archive only labelled messages means that Gmail's powerful search capabilities can be used to identify and label potentially responsive messages, obviating the need to archive everything. It's not a workflow suited to every case; yet, it's a promising capability for keeping costs down in the majority of cases involving just a handful of custodians with Gmail.

A lot of discoverable data is moving to Google—to Gmail, Drive, Calendar, YouTube—you name it. Kudos to Google for turning a task that's been hard into something so simple anyone can do it well. That it costs *nothing at all*—**thank you, Google!**

## About the Author

Craig Ball of Austin is a longtime member of the SBOT's Computer & Technology Section Council. He is a trial lawyer and certified computer forensic examiner who limits his practice to service as a court-appointed Special Master in ESI and a consultant and instructor in e-discovery and digital evidence. He blogs on these topics at [ballinyourcourt.com](http://ballinyourcourt.com).