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04-CV-132



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To Rules_Support@ao.uscourts.gov
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Subject Submission from <http://www.uscourts.gov/rules/submit.html>

Salutation: Mr
First: Robert
MI: D
Last: Meier
Org: ATLA student member
MailingAddress1: 18866 Maisons Drive
MailingAddress2:
City: Lutz
State: Florida
ZIP: 33558
EmailAddress: foodelivered@aol.com
Phone: 813.909.2458
Fax:
Miscellaneous: Yes
Comments:

I was given this address to make comments concerning electronic discovery. After a review of the proposed changes I did not see anything concerning encrypted information, encrypted files or anything associated with password protected data.

I believe it is reasonable to expect that in providing discovery to a receiving party that a data or word processing file may contain password protection. In those cases it may become of issue by the receiving party gaining access to the data/information. Therefore, I would expect guidelines governing those instances.

Furthermore, the number of different types of encryption are numerous and in some cases indigenous to the software maker. For example, Microsoft has their own password-breaker that they distribute to law enforcement. Banking encryption employees the PGP encryption which contains a private and public key to access. One can reasonably expect that an attorney would embed a password in order to protect potentially privileged information that may ultimately be deemed discoverable.

I am a Certified Fraud Examiner (License number 19623) and retired from the New Jersey Attorney General's office as a State Investigator and ATLA law student member. I am familiar with forensic computer examination and programming in several languages going back to when computers were programmed with punch cards. One of my tasks at the Attorney General's office was to address issues of encrypted files and computers. If I can be of further assistance, please contact me at foodelivered@aol.com or 813.909.2458

I hope I have been of
assistance.
Bob Meier

submit2: Submit Comment

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