

## **FOCUS OF PRACTICE**

Experienced attorney, author, consulting and testifying expert witness in computer forensics, electronic evidence, e-discovery, cybersecurity and data privacy.

## **SPECIAL SKILLS AND KNOWLEDGE**

I have developed significant experience and knowledge related to computer and cell phone forensic analysis, investigative frameworks, and integration of electronic evidence in criminal and civil matters. By combining my 35 years practicing law, my 19 years as a cell phone and computer forensic expert and my education and experience in Speech Communication, I have developed an ability to make complicated areas of law and technology understandable to attorneys, judges, and jurors with little or no technical experience. Using carefully constructed metaphors, I provide “ways of thinking” about emerging technology that empower attorneys to issue-spot and address client needs involving data and electronic devices.

## **EMPLOYMENT HISTORY**

### ***THE LAW FIRM OF DONALD WOCHNA, LLC***

October 2013-Present. Columbus-Cleveland, OH

- Create, market, and manage specialized law practice differentiated by the creation, marketing and execution of legal solutions that embrace advanced computer and network forensics in the area of criminal defense, litigation, electronic discovery, e-discovery improvement assessments, regulatory compliance (including HIPAA assessments and reviews), data breach preparedness and response (including client cybersecurity Framework analysis, gap analysis and risk management), and corporate investigations.
- Using educational materials that I have created, along with certification materials in cybersecurity, I translate the concepts, strategies, tactics, and details of computer and cell phone forensics into constructs, paradigms, and protocols that are understood by attorneys. I empower attorneys to leverage their legal knowledge and experience to understand the technical issues related to electronic evidence and investigations of wrongdoing.

### ***E-DATA LAW GROUP LLC***

June 2016-Present. Cleveland-Akron, OH

- A managed service provider of legal solutions that embed technology and that are delivered through Channel Partners, including The Law Firm of Donald Wochna LLC.
- Research and develop applications for a proprietary data monitoring process developed by Channel Partner InfoGPS and distributed by E-Data Law Group in the areas of computer forensics, e-discovery, and business investigations.

**Co-Chair, KnowledgeNet, Cleveland Chapter, *International Association of Privacy Professionals 2012-2013***

- I provide educational seminars and consultation to attorneys in the area of state and federal privacy legislation, including strategies and tactics to leverage technology, including Radio Frequency Identification Devices, to remotely monitor assets, personnel, and operations within a corporate cybersecurity environment while accommodating expectations of privacy.

**Chief Legal Officer, Expert Witness, Author *Vestige LLC***  
2004-2013

- Trained all computer forensic experts and created legal protocols that allowed Vestige personnel to take responsibility for designing, executing, and defending technologically advanced solutions to identify, extract, preserve, analyze and investigate, and present electronic evidence resident upon electronic devices used in investigations, regulatory compliance issues, civil litigation and criminal matters.
- Designed, defended, analyzed, and tested electronic discovery protocols identify, preserve, extract, analyze, and produce electronically stored information.
- Educated and advised clients regarding challenges related to the use of electronically stored information for purposes other than core business processes.
- Author: *Electronic Discovery: Treating the Computer as Your Witness*, Ohio State Bar Association, Dec. 2009.
- Engaged as consulting and/or testifying expert witness in federal and state cases.
- Authored various articles related to the utilization of electronic devices as sources of discoverable information by attorneys and their clients.

**Chief Operating Officer: *Computer Investigation & Evidence***  
1998 – 2004 Cleveland, OH

- Founded Computer Investigation & Evidence, Inc. and negotiated license from Guidance Software for use of law enforcement software (Encase) to conduct forensic analysis of electronic media. Created search protocol for CI&E personnel, integrating legal requirements related to Rules of Evidence with unique character of electronic evidence. Established testing protocol related to forensic tools to satisfy Daubert requirements.

- Tested law enforcement forensic tools for accuracy and reliability to satisfy Daubert requirements.
- Prepared plan and requirements to initiate distributed computing paradigm for CPU-intensive forensic activities such as brute force password cracking or encryption decoding.
- Prepared plan and incorporated procedures related to steganography and anti-forensic software, such as BC Wipe, Evidence Eliminator.
- Conducted on-going tests of the efficacy of anti-forensic software.
- Monitored state and federal judicial decisions and case law related to computer forensic issues, and to the search and seizure of computer evidence in criminal and civil matters. Revised CI&E protocol to reflect any changes.
- Created and maintained educational seminar for judges and attorneys related to the legal challenges to manage computer generated and computer stored information.
- Member Northern Ohio Information Technology Roundtable, an organization sponsored by the United States Secret Service, to share information related to technology issues and crime
- Participate in NOITR Electronic Crime Task Force organized under the U.S. Patriot Act

**Chief Operations Officer: *Lien Priority Insurance Agency***

1996 – 1998. Cleveland, OH

- Created Lien Priority Insurance, a financial service product underwritten by Great American Insurance Companies, that insured the proper perfection and priority of security interests in personal property anywhere in the United States. Developed the expert system computer programming using Borland's dBase, to process, track, underwrite, and service LPI products delivered on an electronic network to end users comprised of lenders, attorneys, title insurance agents, and lessors. Created the marketing and distribution channels in the insurance and legal fields to bring LPI products to clients and provided the legal services support. Revised and updated the processing software to reflect changes in Article 9, filing offices, and judicial decisions

**Partner, Attorney-at-Law *Baker & Hostetler***

1989 – 1996, Cleveland, Ohio

- Partner in the Commercial Law, Bankruptcy Practice Area. Responsible for the proper, timely, and cost-effective handling of workouts, bankruptcies, and litigation.
- Write numerous articles related to work-out, fraudulent transfers, and bankruptcy.
- Responsible for the creation and execution of a national pharmacy mis-fill insurance program, comprised of a self-insured retainage and several layers of re-insurance. Drafted ceding treaties and structured risk allocation strategies amongst re-insurers. Negotiated premiums and “drop-down” insurance obligations.

**Associate, Attorney-at-Law** *Thompson, Hine & Flory*

1983 – 1989, Cleveland, Ohio

- Responsible for bankruptcy and workouts in state and federal matters.

**United States Navy: January 1971-December 1976**

- *Master at Arms Policing Unit.* 1975-1976
- *Tour of Duty, Vietnam.* 1972-1976.

## **EDUCATION**

- **Juris Doctorate** *University of Chicago, Illinois*, 1983
- **Bachelor of Science** California State University. *Political Science, Criminal Justice. Minor in Speech Communication*, 1981
- **Navy Nuclear Power Training School, Schenectady NY.** *USN Naval Nuclear Power Reactor Operator.* 1971

## **STATE CONTINUING EDUCATION SEMINARS FOR OHIO JUDGES**

- E-discovery for Judges, Judicial College, 2005

## **NATIONAL AND STATE CONTINUING LEGAL EDUCATION SEMINARS**

- September 16 – 23, 2018: Certification seminar in Computer Forensic Examination and Mobile Forensic Examination;
- September 27 – 28, 2018: Ohio State Bar Association, Panel at The Blackwell at OSU campus, Columbus: “Text Messaging in the Healthcare Environment: Patient Confidentiality, Cybersecurity and Litigation Concerns.”

- November 1-2, 2018: OSBA Seminar “But I Love Windows 7: Do the Rules of Professional Conduct Constrain Attorneys from Using Old Technology.”
- November 1-2, 2018: OSBA Seminar: “Judicially Created Privacy Rights in Data Held by Third Parties.”
- November 19-20, 2018: Toledo Bar Association: “Taking Criminal Defense to the Next Level: Leveraging Cell Phone, Computer and Electronic Device Technology with Cell Phone Privacy Challenges.”
- December 5-6, 2018: Toledo Bar Association: “Seeing the Witness in an Electronic Society: Who are these Devices and Why are they Watching Me.”
- Ohio State Bar Association. “Keeping abreast of the benefits and risks of relevant technology: Ohio Rules of Professional Conduct, Competence. A Beginner to Intermediate Primer.”
- Ohio State Bar Association. “Death of Computer and Cell Phone Forensics: How Changes in the Code of Professional Conduct, Privacy Laws, Data Volume, and Proactive Data Monitoring will make forensics unnecessary.”
- Ohio State Bar Association. “Data in Motion versus Data at Rest: Understanding Electronic Data Identification and Monitoring for Use in Litigation, Compliance, and Business Investigations.” September 25, 2017
- Ohio State Bar Association. “HIPAA and Law Firm Audits: How Attorneys can help.” June 16, 2017.
- Ohio State Bar Association. “E-Discovery: From 50,000 Feet to Ground Level. What Every Attorney Needs to Know to Practice Law in This Century.” May 20, 2016.
- Ohio State Bar Association. Fall Professional Conduct Seminar. “Ethics, Competency, and Electronic Information: Does Technophobia Imply Incompetence?” October 1, 2016
- Ohio State Bar Association. “Cybersecurity for Attorneys: Understanding Networks, Data Breach, Security and Privacy Issues for the Non-Technical Practitioners.” November 6, 2015 (Cleveland, OH); November 17, 2015 (Columbus, OH).
- Ohio State Bar Association, Corporate Counsel Section, Fall Professional Conduct Review. October 2, 2015

- The University of Akron Law School Alumni Presentation on Competency and Electronic devices and data.
- National Business Institute, Continuing Education for Professionals:
  - Everything You Don't Know About E-Discovery (But Wish You Did)
    - April 25, 2014 Springfield, IL
    - April 24, 2014 Collinsville, IL
    - February 28, 2014, Philadelphia, PA
    - December 10, 2013 Omaha, NE
    - September 20, 2013 Cincinnati, OH
    - May 17, 2012 Milwaukee, WI
  - E-Commerce: Data Protection, Data Breach, Cybersecurity Issue
    - April 8, Cleveland Ohio, Ohio State Bar Association
    - April 9, Columbus Ohio, Ohio State Bar Association
  - Cybersecurity Law
    - April 17, 2014 Webcast from NBI, Eau Claire, WI
  - Going Paperless and Beyond: Attorney's Guide to a Mobile Law Practice
    - December 20, 2013 Independence, OH
  - Discovery of Electronic Public Records
    - November 26, 2013 Teleconference, NBI Eau Claire, WI
  - Electronic Document Creation and Management for Attorneys
    - November 22, 2013 Webcast, NBI Eau Claire, WI
  - A Practical Guide to Federal Court Pleadings, Discovery, and Evidence
    - July 16, 2013 Webcast, NBI Eau Claire, WI
  - E-Discovery: Searching the Virtual File Cabinets

- December 20, 2012 Omaha, NE
- November 30, 2013, Independence, OH

**PUBLICATIONS (INCLUDING MATERIALS FOR SEMINARS)**

- Preservation, extraction, and analysis of text messages from iPhone and Android devices: Forensic and legal challenges. Ohio State Bar Association, September 2018.
- Old technology and Competence to practice law: Understanding electronic devices in order to understand the risks and benefits of using them. Ohio State Bar Association, November 2018
- “Third Party Doctrine”, Smart Meters, Computers, Cell Phones, and other electronic devices after *Carpenter v United States*: locating relevant data in an electronic world. Ohio State Bar Association, November 2018
- “Taking Criminal Defense to the Next Level: Leveraging Cell Phone, Computer and Electronic Device Technology with Cell Phone Privacy Challenges.” Toledo Bar Association November 2018.
- “Seeing the Witness in an Electronic Society: Who are these Devices and Why are they Watching Me.” Toledo Bar Association, November 2018
- “Introducing Computer Forensic Files as Evidence in Civil Actions”, Akron Bar Association’s Law Expo, November 6, 2001. Discussed the use of law enforcement software to create and use forensic computer files in civil litigation cases.
- “Legal Issues and Challenges to Attorney and Client Strategies to Control the Creation, Extraction, and Use of Information Intentionally or Unknowingly written and Stored in Computer Systems: Real Time Response to Computer Incidents, Forensic File Audits to Find Evidence, Electronic Document Retention to Control Data”. Ohio State CLE Institute, “Beyond Fingerprints October 16, 25, 2002.
- “Your client has a Question—Can you identify the computer issue and not harm your Client’s Interest. Ohio State CLE Institute, “Computers and the Law: What you Don’t Know Can Hurt You”, December 19, 2002
- The Computer as Storage Device for Evidence—Why the “File Cabinet” or “Library” analogy leads to bad advice and bad law. Ohio State CLE Institute, “Computers and the Law: What you Don’t Know Can Hurt You”, December 19, 2002
- Forensic Analysis of Computers—Access, Preservation, Analysis, Extraction, and Presentation of Evidence. Ohio State CLE Institute, “Computers and the Law: What you Don’t Know Can Hurt You”, December 19, 2002.

- Level the Playing Field—use of Computer Forensics in civil cases by small firms and solo practitioners to extract evidence. Tri-C Community College, Corporate College Campus, Westlake, OH, November 5, 2003.
- Computer Forensics for Criminal Defense Attorneys—responding to law enforcement’s use of forensic analysis. Tri-C Community College, Corporate College Campus, Westlake, OH, November 10, 2003.
- Computers—What you Don’t Know Can Hurt You. Ohio State Bar Association, Continuing Legal Education Institute, Columbus, OH, November 21, 2003.
- Computers-What You Don’t Know Can Hurt You. Ohio State Bar Association, Continuing Legal Education Institute, Cleveland, OH December 3, 2003.
- Family law Section, Lake County Bar Association. Presentation on Electronic Discovery and Computer Forensics in Family law cases. March 12, 2004.
- Computer Forensic Evidence, Don’t Go to Court Without It. Akron Bar Association. April 8, 2004
- Computer Forensics for Law Students. Cleveland State School of Law. Invitational Speaker. April 19, 2004
- Computer Forensics: Non-Adversarial Discovery. Dayton Bar Association. May 14, 2004.
- Dispute Resolution in a Digital Age: Ohio State Bar Association, Cleveland. October 28, 2005; Cincinnati, November 4, 2005.
- “Electronic Discovery Caselaw and Impact on Public Records Management”, Electronic Records Commission, Ohio Department of Public Services, Columbus November 9, 2005.
- Ethics and Litigation Strategies involving Computerized Evidence. Midwest Labor & Employment Law Conference; OSBA, November 17, 2005.
- Computers and The Law, 2005: Ohio State Bar Association, Columbus, November 29, 2005, Cleveland, December 2, 2005, Cleveland, OH and Toledo, December 16, 2005.
- Dispute Resolution in a Digital Age: Dayton Bar Association; December 6, 2005, Dayton OH
- Cooper & Walinski LLP, “Update on Electronic Discovery and Computer Forensics”, Toledo, December 7, 2005.



- Certification Program in Electronic Evidence for Attorneys. University of Akron Law School. 14.0-hour CLE class. Nov. 20 & 21, 2009
- Author: Electronic Discovery, published by Ohio State Bar Association, 2009
- Author, Computer as Witness, OSBA 2014
- Author, Big Brother and Expectations of Privacy, OSBA 2014
- Author, Issues of the Virtual Law Office, OSBA 2014
- Author, Data Breach Preparedness and Response OSBA 2014

*I have served as an expert consulting and/or testifying witness in the following civil and criminal court cases:*

- State of Ohio vs Cody C Rollins, Allen County Common Pleas Court, Case No. 2018 CR 0106. (consulting with attorney Brad Koffel regarding evidence and analysis)
- State of Ohio vs Jeffery Fisher, 17-CR-01807, Ross County Common Pleas Court, Case No. 17-CR-01807 (consulting with attorney Brad Koffel regarding evidence and analysis)
- State of Ohio vs Doran, Licking County Common Pleas Court, Case No. 2016 CR 00094 (consulted with attorney Ritchey Hollenbaugh regarding evidence and procedure)
- State of Ohio vs Johnathon Steele, Hamilton County Common Pleas Court, Case No. 2002 CR 050789 (testified at suppression hearing)
- State of Ohio vs. David Frankowski, Summit County Common Pleas Court, Case No. unknown, (testified at trial).
- State of Ohio vs. Bryan S. Sparks, Summit County Common Pleas Court, Case No. 2002-12-3669 (testified at trial)
- State of Ohio vs. Kiwala, Medina County Common Pleas Court, Case No. 03 CR 0180 (testified in discovery hearing)
- State of Ohio vs. Roger L. Tooley Jr., Portage County Common Pleas Court, Case No. 03 CR 155
- Mancan, Inc. DBA Manpower vs. Martha Crowder, Stark County Common Pleas Court, Case No. 2003 CVO 1230 Expert Report Provided
- Tracy Mayle, et al v. Reverend Timothy R. King, et al, Trumbull County Common Pleas Court, Case No. 03-CV-35 (testified at discovery hearing, appeared in chambers to assist Judge)
- Julie Luft Signer vs. Benjamin Signer, et al., Cuyahoga County Common Pleas, Case No. D286746 Expert Report provided

- Larry Diemand, et al v. Laurel School, et al. Cuyahoga County Common Pleas Court, Case No. 496578 Expert Report provided
- Predictive Maintenance Corporation vs. Insight Service, Inc., U.S. District Court, Northern District of Ohio, Case No. 1:02 CV 335. Expert Report provided
- DirecTV, Inc., vs. Michael Baumgardner, U.S. District Court, Northern District of Ohio, Case No. 5:03-CV-01484-JG. (did not testify; case settled after defendant given CI&E analysis or personal computer).
- DirecTV, Inc. v. Eugene Karpinsky, United States District Court, Eastern District of Michigan, Southern Division, Case No. 02-73929. Testimony before Judge
- DirecTV, Inc. v. Dale Bearden, United States District Court, Northern District of Texas, Fort Worth Division, Case No. 4:03-CV-375-Y. Expert Report provided.

*The following are samples of cases that I have been named as an expert, but the case is either pending, has settled outside of court or I have been a consulting expert and have not been disclosed. To protect the privacy of these cases, only generalities have been presented. I can provide further information, within the confines of any privacy issues and non-disclosure agreements, should you deem it necessary to gain further information.*

- Assist disciplinary counsel investigate attorney malpractice by analyzing office computer
- Assist Ohio municipalities respond to wrongful termination suit by analyzing former employee computer four years after leaving, and after computer had been reformatted and placed into service with a different person.
- Assist Ohio safety services investigate potential wrongful use of computer equipment.
- Assist mortgagor to compel mortgagee identify all relevant computers used to create, store, process data relevant to loan in conversion and wrongful foreclosure action
- Assist company investigate unlawful copying of proprietary files immediately before former key employee left company to work for competitor
- Assist corporate official respond to allegations of child pornography by using computer data to prove pornography loaded onto computer on dates when official did not have possession of machine.
- Assist counsel to understand BCII report regarding allegations of child pornography. Properly analyzed metadata and forensic artifacts to correctly identify images as thumbnails automatically downloaded onto defendant's computer due to forward cache of webpage. Based upon analysis, counsel was successful in getting all child pornography charges dropped.