

## Toronto



## Fall 2022

### Third Edition

## Vancouver



*ACEDS is a global association serving the legal professional community, creating a space for collaboration, exchange of ideas and offering professional development opportunities. In 2020, the ACEDS community expanded into Canada with two new chapters!*

## MESSAGE FROM THE CHAPTERS

In the Fall of 2021, the Vancouver and Toronto chapters held the first annual salary survey. The survey was distributed to eDiscovery professionals across Canada with the goal of obtaining insight into salary and compensation trends across Canada to better understand overall compensation in different geographic locations based on experience, level of education, industry related certifications, skill sets, and type of employer. Please check the back page for a summary of the report findings.

The Vancouver and Toronto chapters are also looking at creating additional materials that members will find informative and useful both for themselves and the firms they work for. Look for more on this in the coming months.

It has been my honour and privilege to be the first President of the Vancouver ACEDS chapter. I would like to thank the Vancouver board members for their dedication and service to the eDiscovery profession. It would not be possible to offer such stellar educational events without such a fantastic Vancouver board. The Vancouver chapter will be holding elections early in 2023 and I encourage members to put their names forward for election. Director positions available include: President, Vice-President, Secretary, Treasurer, Public Relations & Marketing/Education, Membership, and Director at Large positions. If interested, please reach out to me or another board member for more details.

Ann Halkett, ACEDS Vancouver



### INSIDE:

- Message from the Chapters
- Events
- Fostering Innovation  
George Socha, Reveal Brainspace
- ACEDS Canada Exam and New Canadian Pricing
- New CEDS Certified Members' Testimonials
- Mobile Device Preservation 101 - A Computer Forensic Overview  
Tim Choy & Peter Sanford, Deloitte
- Annual Salary Survey

### Newsletter Committee:

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# ACEDS Toronto Chapter

Formed in February 2020, the Toronto Chapter was the first Canadian Chapter to join ACEDS. In just over 2 years, the Chapter has built a solid membership base and continues to explore new ways to interact with the community.

## EVENTS




**November 2022 - Emoji's in the Workplace:  
What You Need to Know**

**November 2022 - Toronto ACEDS Chapter &  
Women in eDiscovery Holiday Social**

**December 2022 - eDiscovery Day**

### Chapter Board

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# ACEDS Vancouver Chapter

Formed in August 2020, the ACEDS Vancouver Chapter was the second Canadian chapter to join ACEDS to enhance the E-Discovery community in Vancouver and beyond through various education and networking opportunities.

# EVENTS

**October 13, 2022 - Sedona Canada**

**December 1, 2022 - eDiscovery Day Lunch & Learn - A practical guide to explaining machine learning**

## Chapter Board

**Ann Halkett**

- President

**Veronica MacInnes**

- Vice President

**Peter Sanford**

- Treasurer

**Lisa Evenson**

- Secretary

**Fern Boese**

- Membership

**Monique Sever**

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# FOSTERING INNOVATION

by George Socha (Reveal Brainspace)



Legal innovation, once the butt of jokes, has arrived and the efforts are paying off. “It is exciting that law and innovation is no longer an oxymoron,” noted McCarthy Tétrault partner Susan Wortzman who leads the firm’s e-Discovery and information management practice. “Working actively with our clients to build creative tools and solutions to meet their evolving legal needs is an inspiring part of the way we now practice law.”

Since the mid-2010s, law firms and legal departments have been adding chief innovation officers (CINOs). Notable law firm examples include Judith McKay, Chief Client & Innovation Officer at McCarthy Tétrault (who would ban the term “legal innovation”); Sukesh Kamra, Chief Knowledge & Innovation Officer at Torys LLP; and Paul Saunders, Chief Innovation Officer and Partner at Stewart McKelvey. A 2020 conference, the Canadian Legal Innovation Forum, featured over 30 speakers, many of them lawyers focused on delivering innovation, with session titles such as “Developing an innovative law firm strategy” and “Defining, developing and executing an impactful legal technology strategy”. The same conference last May had increased its speaker roster to 38 with folks from organizations such as BLG Beyond, ClearyX, IBM Canada, Deloitte, and Sun Life Canada.

Law firm CINOs are charged with differentiating the firm, developing a culture of innovation at the organization, and delighting clients to derive business,

according to University of Miami School of Law professor Michele Beardslee DeStefano.

Their corporate counterparts similarly are charged with managing the process of innovation and change in the legal function. As Bill Novomisle, Director of Legal Operations at Cresco Labs, wrote in a 2019 article, “innovation is one of the critical buzzwords of legal services in 2019 and has become one of the most desirable labels that a law department or law firm can brand themselves with.”

Innovation in the law has been getting growing recognition. ALM’s Legal Innovation Awards, “set to recognise innovation in the legal sector” by law firms, chambers, in-house legal departments, alternative business structures, and suppliers, are in their eighth year. The British Legal Technology Awards include categories for “Most Innovative Firm of the Year” and “Innovation in Legal Services”. The Financial Times publishes Special Reports on Innovative Lawyers, and the Canadian Corporate Counsel Association’s Innovation Award “recognizes an individual or group who is doing new things or doing things differently to create value on behalf of or for the benefit of a law department or organization.”

## What is Innovation?

In common parlance, innovation is “the act or process of introducing new ideas, devices, or methods”. When great innovators describe innovation, common themes emerge:

- “I find out what the world needs. Then I go ahead and try to invent it.” – Thomas Edison (Edison Innovation Foundation)
- “The characteristic of great innovators and great companies is they see a space that others do not. They don't just listen to what people tell them, they actually invent something new, something that you didn't know you needed, but the moment you see it, you say, ‘I must have it.’” – Eric Schmidt (Yale Insights)
- “Here’s to the crazy ones, the misfits, the rebels, the troublemakers, the round pegs in the square holes, the ones who see things differently. They’re not fond of rules and they have no respect for the status quo. You can quote them, disagree with them, glorify or vilify them. About the only thing you can’t do is ignore them because they change things. They push the human race forward. While some may see them as the crazy ones, we see genius. Because the people who are crazy enough to think that they can change the world, are the ones who do.” - Steve Jobs (YouTube)

## What Fosters Innovation?

Described as the “secret sauce of business success”, the ability to innovate can be difficult to pin down. After conducting a six-year study to uncover the origins of creative business strategies in particularly innovative companies, researchers Jeffrey H. Dyer (Brigham Young University), Hal Gregersen (MIT), and Clayton M. Christensen (Harvard) identified five “discovery skills” that they concluded distinguish the most creative executives: associating, questioning, observing, experimenting, and networking.

They found innovative entrepreneurs spent 50% more time on those activities than did CEOs with no track record for innovation. Here is how the authors described the five discovery skills:

- **Associating:** “[T]he ability to successfully connect seemingly unrelated questions, problems, or ideas from different fields...”
- **Questioning:** “Innovators constantly ask questions that challenge common wisdom...”
- **Observing:** “Innovators carefully, intentionally, and consistently look out for small behavioral details—in the activities of customers, suppliers, and other companies—in order to gain insights about new ways of doing things.”
- **Experimenting:** “[I]nnovative entrepreneurs actively try out new ideas by creating prototypes and launching pilots.”
- **Networking:** “Devoting time and energy to finding and testing ideas through a network of diverse individuals gives innovators a radically different perspective.”

I asked my colleague Ravi Sathyanna for his thoughts on innovation. Ravi is Reveal’s Chief Product Officer and one of our many innovators. He has over 25 years of experience designing and developing large-scale SaaS and on-premises solutions, co-founded one of the earliest machine learning companies in the legal space, served as Director of Advanced Search at one of the industry’s pioneering service providers, and spearheaded Brainspace’s product and

research & development teams before Reveal and Brainspace merged.

Ravi told me that the key to fostering innovation is a deep understanding of the problem you are trying to address. He offered these pointers – formulas if you will:

- Action > inaction: An organization's leadership should encourage employees to be go ahead and take some risks. While you might fail if you try something new, you certainly won't succeed with something new if you don't try to do it.
- Open debate > silent acceptance: Team leaders should encourage their team members to disagree and to challenge the status quo.
- Many > one: Everyone in an organization should recognize that innovation can come from anywhere in the organization. No one group – such as the product team or the leadership team – and not one person – such as a chief innovation officer – has a monopoly on innovation.
- Reward > punishment: Reward innovation positively, and make sure you avoid punishing failure if an idea does not work out.
- Space > constraint: Rather than micromanaging those around you, give people the room to experiment, to test something new, potentially to fail, and possibly to succeed.

- Iterative processes > waterfall approach: Recognize the value of iterative processes, where people can make one small change, then another, then another. A small failure becomes merely a temporary barrier; a series of small successes can lead to major positive advances.

Ravi is not alone in his thinking about innovation. TD Ameritrade CIO Vijay Sankaran and other innovation leaders say that innovation happens in organizations that structure their people, processes and technology the right way, according to a 2018 CIO article: developing innovation-focused processes, reimagining work, and building the right talent and culture. In a commentary piece in the September 28, 2017 McKinsey Quarterly, Dr. Waguih Ishak, a division vice president and chief technologist at Corning Research & Development Corporation, concurs, recommending that organizations foster innovation through approaches such as practicing “innovative parenting”, busting hierarchy, encouraging the unreasonable, and cultivating external relationships.

### [What Does eDiscovery Innovation Look Like?](#)

Since its inception, eDiscovery has been on the cutting edge of legal technology, with eDiscovery practitioners and organizations rolling out innovations for several decades.

Some innovations have taken the form of new technology, such as the creation in 2000 by Jay Leib and his team of Discovery

Cracker, the first shrink-wrapped eDiscovery processing application. Drawing on his experience with Discovery Cracker, Jay subsequently launched NexLP, a leading AI software in the legal industry that Reveal acquired in 2020.

Yet other innovations are more conceptual in nature, such as the development of the EDRM diagram, first published in 2006 by a multi-disciplinary team of legal professionals from corporations, law firms, and service and software providers headed up by Tom Gelbmann and me. The EDRM diagram is a framework to which we can map the people, the services, and the tools or platforms we may want to use as we work through the eDiscovery process.

### Go Forth and Foster Innovation

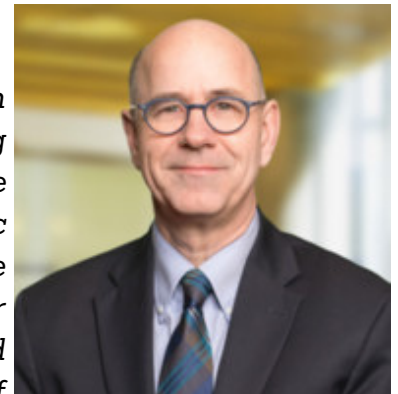
Whether you are at a large law firm or a small one, a legal department, a service provider, or a software company, you can be the catalyst that brings innovation to the organization or expands and enhances innovative efforts. The world is your innovative oyster.



*George Socha*

*Senior Vice President of Brand Awareness, Reveal Brainspace*

*George Socha is responsible for increasing market awareness and adoption of Reveal's platform globally. Additionally, George is tasked with guiding the product roadmap and consulting with Reveal customers on effective deployment of legal technology. In 2005, he co-founded the Electronic Discovery Reference Model (EDRM) whose frameworks and content have empowered a generation of legal professionals. He has worked for over three decades as a lawyer, advisor, and testifying expert. George received his JD from Cornell Law School and his BA from the University of Wisconsin – Madison.*





In 2021, ACEDS launched an exam and training program designed specifically for Canadians, with content developed by eDiscovery professionals from coast to coast. The program has been a great success with study groups led by Canadian Certified eDiscovery Specialists.

And the price has never been better!

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Learn more at:  
[ACEDS.org](https://www.aceds.org)

Testimonials from three recently certified Canadian CEDS members --

*“Before my introduction to E-discovery, I didn’t know this world even existed. At first, I wasn’t sure whether any of this would benefit my career, so I contacted ACEDS. The program was suitably designed for Canada and ACEDS provided all the necessary materials and webinars to successfully complete the program and pass the exam. I found ACEDS to be incredibly helpful as I had countless questions. I would definitely recommend ACEDS as your guide to expanding your e-Discovery career.” – Victoria Leonova*

*“It’s been a great journey to get certified. Even if it was a hard exam, I was glad to have plenty of resources from ACEDS, such as webinars, a prep course and a study group. In the course of preparing for the exam, it expanded my knowledge in the E-Discovery field and gave me opportunities to connect with the E-Discovery community.” – Heng Xue*

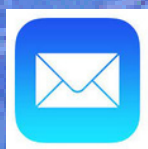
*“ACEDS has provided a platform for E-Discovery professionals to validate their knowledge in the area of E-Discovery. I found the course to be most advantageous to improve and strengthen my comprehension of the E-Discovery workflow. The experience is not limited to passing the exam, but is an opportunity to connect and share expertise with other E-Discovery professionals. It’s certainly an opportunity not to be missed.” – Linda Misbah*





# We want to hear from you!

Have you written an article or have materials with an educational focus on the topics of E-Discovery? Contact us to share them with the ACEDS Community.



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## Member Spotlight - Fern Boese

Fern Boese is a Litigation Paralegal & eDiscovery Specialist at Nash Johnston LLP. She has nearly 40 years of experience in the legal field and has been a Certified eDiscovery Specialist since 2018. Fern's roles have included serving as liaison between lawyers, clients and vendors throughout all stages of the Electronic Discovery Reference Model to ensure best practices are followed. She has experience establishing standards for large eDiscovery projects and spearheading software rollouts. She especially enjoys mentoring, training and troubleshooting. And all this came about because she was fortunate enough to land a role in one of Calgary's largest law firms straight out of high school. She is the Membership Director of the Vancouver ACEDS Chapter and a member of the BC Paralegal Association and the Toronto chapter of Women in eDiscovery.



Fern is a member of the Newsletter Committee and is this edition's ACEDS C.A.N. Newsletter Editor in Chief. Thank you for your contributions Fern!

# MOBILE DEVICE PRESERVATION 101 - A computer forensic overview

by Tim Choy & Peter Sanford (Deloitte)



One of the most frequently-requested services as an eDiscovery vendor is the preservation and extraction of data from mobile devices. 95% of the time, this means preserving text messages from a mobile phone, but often additional data may be required, such as other instant messaging platforms, photos and videos, phone logs and GPS data. This article summarizes the practical steps involved in imaging mobile devices, and provides advice on best practices related to forensic preservations.

## What is a forensic image?

Before we begin extracting content from a mobile device, it is important to understand that we will be working from a forensic copy of the device. Simply speaking, a forensic image is a point-in-time duplicate of the device you are preserving – a mirror copy of the contents of the device, as well as any information that resides in the un-allocated space of the device. The image is created in order to preserve the integrity of the data, as well as to provide a working copy of the contents of the device for analysis.

## Before you get started – be prepared!

Preserving mobile devices should be a relatively straightforward affair. Upon approval to proceed with a forensic

image, a brief questionnaire should be sent to the custodian of the device in order to prepare for imaging the device. The key questions are as follows:

- Make and model of the device – used to confirm the hardware and software required for preservation.
- Operating system version – used to confirm the software required for preservation.
- Volume (in GB) of the device – used to determine the media (external hard drives) required for the image).
- Credentials to access the device – typically this includes the PIN to unlock the device, as well as any account information used to log into the device, such as an Apple ID and password.

Key timelines for preservation should also be established – when will the device be dropped off and picked up, including buffer time for any troubleshooting and image validation.

In advance of the mobile device imaging, the software of the forensic tools must be updated to the most current version – this is particularly important for mobile devices, as their operating systems are being updated very frequently.

It must be noted, that without certain credentials, and dependent on the OS

there may be the possibility that a mobile may not be imaged, or there will be items missing. There is no absolute guarantee that all information will be collected under any process.

### Kicking off the forensic imaging process

Unlike TV shows that duplicate a phone in a matter of minutes, forensic preservation of a mobile device may take a long time to complete. This is largely dictated by the size (in GB) of the device, a device which has been used very little and contains very little data will take less time when compared with a phone which has been used to capacity. In a lab environment, the device is set to airplane mode, and is unlocked. It is then connected to forensic hardware, which prompts the forensic technician to select a number of options on the forensic hardware, and select a destination for the image to an external hard drive. The imaging then kicks off, prompting the technician to answer a number of options and password prompts during the imaging process. Two copies of the image are kept – one as a working copy, and one as a backup in case of any issues with data transfer or drive failure.

### Validating the forensic images

Once the imaging is complete, the forensic image is mounted in an analysis tool for validation. The

validation process ensures that the appropriate digital assets (messages, photos, etc.) were collected from the device. This process requires some machine time to mount the image, as well as time spent by the forensic technician to compare the contents of the image with the contents of the device. Dates, image and video counts, and first- and last- received times are compared to ensure completeness of the image. If there are any issues identified at the validation stage, the device must be re-imaged with troubleshooting steps to ensure preservation is completed and validated successfully.

### Extraction

Following validation, the results can be provided to the client for review, either as a full-content summary of the device, or with specific extractions in mind. The same tool that is used to validate the image is used to extract messages, photos, and other target contents of the mobile device. These records can be exported in raw format, or converted to eDiscovery-ready formats such as Relativity Short Message Format [RSMF] for review. Often, scheduling a working session with the forensic team to understand the contents of the device, and run iterative searches across the data set, can be helpful in determining what data to extract and what data to ignore.

## Closeout and documentation

After data is delivered to the client in a reviewable format, the forensic team must archive the images and complete appropriate documentation of the forensic process. This information may be relied upon at a later date in support of the investigation or litigation, and is a key final step in the forensic preservation process.

The above represents a basic overview of the computer forensic process for imaging mobile devices. In reality, matter-specific requirements may dictate a deviation from this workflow, and forensic teams often encounter bumps along the road to preserving mobile devices efficiently. The most important element of a successful electronic preservation is an open line of communication for all stakeholders involved, to ensure the task is completed efficiently.

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*Tim Choy*  
Manager, Deloitte

*Tim Choy is a manager in Deloitte's Calgary office, and leads Deloitte's eDiscovery practice in the Prairies. Tim works across the EDRM, assisting clients with data collection, analysis, investigation and production. Tim has specialized knowledge working with structured and conceptual analytics, and is an expert in coding in SQL and other programming languages.*



*Peter Sanford*  
Partner, Deloitte

*Peter Sanford is a partner in Deloitte's Vancouver office, and leads Deloitte's eDiscovery, Computer Forensics and Document Review practice in Western Canada. He has experience working on hundreds of matters involving discovery readiness, preservation, analysis and reporting on electronic evidence, data processing, and hosting of data in web applications. In addition, Peter has extensive experience in the use of structured and conceptual analytics to assist in prioritizing client data for review.*





# Annual Salary Survey

A total of 83 participants completed the survey with 60% from Ontario and 40% from Western Canada. All participants were involved in eDiscovery within the legal field and were almost exclusively full-time. They were employed by government, corporations, service providers, and law firms.

One of the important takes revealed by the survey was that job titles were inconsistent with people doing the same or similar jobs, but with many different titles. This made it difficult to compare duties and salaries. Therefore, individuals were classified into categories based on key job functions. This made it easier to look at associated salaries based on job functions.

In addition to salary, the survey also looked at increases from the previous year, annual bonuses, holiday or year end bonuses, other benefits provided by employers, number of vacation days, and number of sick days.

The report listing the survey findings was released in 2022 and is only available to ACEDS members. If you did not receive the report and are a member, please reach out to your local chapter or alternatively, become an ACEDS member and join either the Vancouver or Toronto chapter.

The Vancouver and Toronto chapters intend to conduct the survey on an annual basis in the hopes of identifying trends and to determine how the industry matures. Look for the next survey in the Fall of 2022 with a report following in 2023. We encourage members to pass the survey along to anyone involved with eDiscovery. Individuals do not need to be members to complete it.

***If interested in sponsoring our next edition, please contact one of the Chapters at [vancouver@aceds.org](mailto:vancouver@aceds.org) or [toronto@aceds.org](mailto:toronto@aceds.org)***