

MODEL CERTIFICATION (Fed. R. Evid. 902(14))

I, _____, hereby declare and certify:

1. I am over 18 years of age. I am currently employed by [employer] as a [job title]. [Employer specializes in the discovery, collection, investigation and production of electronic information for litigation matters.] I am responsible for conducting computer forensic investigations and providing electronic discovery and litigation support.

2. I have participated in more than [number] collections and preservation efforts from [source of data], and I was the lead on approximately 20 of those collections. These investigations involved finding relevant electronic information from [data sources]. I was responsible for performing in-depth analyses and providing documentation and related materials for [employer/law firms/litigation support consulting firms].

3. I have extensive experience in the identification, preservation, retrieval, analysis and documentation of computer-related information, [list types of data and sources], in support of ongoing litigation matters.

4. I am [describe experience with discovery software used].

5. The Committee notes to Federal Rule of Evidence 902(14) define a hash value as “a number that is often represented as a sequence of characters and is produced by an algorithm based upon the digital contents of a drive, medium or file. If the hash values for the original and copy are different, then the copy is not identical to the original. If the hash values for the original and copy are the same, it is highly improbable that the original and copy are not identical. Thus, identical hash values for the original and copy reliably attest to the fact that they are exact duplicates.”

6. [Software used] includes an automated function to generate an MD5 hash value immediately upon the collection of [a document, file, social media evidence or a webpage].

[Description of how the software creates the hash value and compares to test for duplicates.]

7. I was retained by [name of client or law firm or consulting company] to provide examination, preservation and analysis of [documents, data, social media evidence, webpage] in the present case. Pursuant to this request, I collected numerous [documents, data, social media evidence, webpage] using [software].

8. When collecting the [documents, data, social media evidence, webpage], the metadata for that information was preserved. After I collected the information, it was sent via [media] to [law firm, vendor; describe chain of custody].

9. When the items described above were acquired by me, [the software] automatically generated and assigned a hash value based upon the contents of the evidence. Using the hash value verification software utility, I recalculated the hash value of the items listed in Exhibit 1 on [date], shortly before I prepared this declaration. The hash values in all instances were the same as when acquired.

10. The identical hash values reliably attest to the fact that the evidence has not changed.

11. The process described above in Paragraphs 6 through 10 was used for all of the [trial exhibits] listed in the attached Exhibit A.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this ___ day of _____ in _____.

[Name]