

***John W. Simek***  
**Vice President**  
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**Certifications/Credentials: EnCase Certified Examiner (EnCE), Certified Handheld Examiner, Certified Novell Engineer, Microsoft Certified Professional + Internet, Microsoft Certified Systems Engineer, NT Certified Independent Professional and a Certified Internetwork Professional. Member, High Tech Crime Network, American Bar Association, Fairfax Bar Association, Sedona Conference and International Information Systems Forensics Association**

For over 25 years, Mr. Simek has been involved with commercial distribution and sales processes in addition to the implementation of computer systems to support the manufacture and distribution of goods and design of integrated systems. In his tenure with Mobil Oil Corporation, he was part of the Operations organization, which has responsibility for the refining, distribution, accounting, agency reporting, inventory management and delivery of lubricant and fuel products. Additional assignments in the Engineering and Financial Planning organizations addressed multi-million dollar projects and financial reporting requirements. Later in his career, his involvement included analysis, design, implementation, and troubleshooting of computer applications (concentrating in client/server and networks) to automate and facilitate the previously mentioned responsibilities. Following his Mobil career, he became the Vice President of Sensei Enterprises, Inc. in 1997, where he concentrates in legal technology, expert witnessing, computer forensics, electronic evidence and data recovery. Mr. Simek is a co-author of the following books: Information Security for Lawyers & Law Firms (2006, ABA Publishing), Electronic Evidence and Discovery Handbook: Forms, Checklists & Guidelines (2006, ABA Publishing), The 2008 Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple (2008, ABA Publishing), The 2009 Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple (2009, ABA Publishing), The 2010 Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple (2010, ABA Publishing), The 2011 Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple (2011, ABA Publishing), Locked Down: Information Security for Lawyers (2012, ABA Publishing) and The 2012 Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple (2012, ABA Publishing). He is a contributing author of eDiscovery (2008, Pennsylvania Bar Institute Publishing) and eDiscovery, 2<sup>nd</sup> Edition (2011, Pennsylvania Bar Institute Publishing).

**Qualified as an expert or appointed by the court as an expert in the following courts:**

Fairfax County Circuit Court (VA)  
Fairfax County General District Court (VA)  
Fairfax County Juvenile and Domestic Relations Court (VA)  
County of Albemarle Juvenile and Domestic Relations Court (VA)  
County of Albemarle Circuit Court (VA)  
Arlington County Circuit Court (VA)  
Loudoun County Circuit Court (VA)  
Prince William Circuit Court (VA)  
Prince William Juvenile and Domestic Relations Court (VA)  
Stafford County Circuit Court (VA)  
District Court of Maryland, Washington County  
19<sup>th</sup> Judicial District in and for the Parish of East Baton Rouge (LA)  
Venango County Court of Common Pleas (PA)  
State of Connecticut Superior Court  
Superior Court of California - County of Los Angeles  
Superior Court of the State of Delaware – New Castle County  
U.S. District Court, Eastern District of Virginia  
U.S. District Court, Western District of Virginia  
United States District Court for the District of Columbia  
U.S. Bankruptcy Court, Maryland  
U.S. Air Force Trial Judiciary, Eastern Circuit  
U.S. Marine Corps, Atlantic Judicial Circuit

**Representative recent work:**

- Testified at trial as an expert (computer forensics and electronic evidence) in *Sokol Holdings, Inc., et al v. Dorsey & Whitney, LLP* (2010, New Castle County, DE), a case claiming excessive legal fees.
- Testified at a hearing as an expert (computer forensics and software applications) in *The Common Application, Inc. v. ApplicationsOnline, LLC* arbitration (2010, VA), a copyright infringement case. Expert report filed concerning the data dictionary for a web-based application.
- Expert witness (electronic evidence) in *Mandel, et al. v. Aspect Communication Corp.* arbitration (2009, a breach of contract, deceptive trade practices and unfair competition case). Expert report filed concerning the duty to preserve electronically stored information.
- Testified at a hearing as an expert (in computer forensics) in *Commonwealth of Virginia v. Harry Stonehill* (2008, Stafford County, VA), in a case involving

possession of child pornography. The issue was relating to access to the electronic evidence in the case and the computer forensics protocol.

- Testified as an expert (in computer forensics) in *U.S. v. Lt Col William C. Derosier* (2008, Hanscom AFB, MA), in a case involving possession of child pornography.
- Testified as an expert (in computer forensics) in *State of Maryland v. Murphy* (2007, Hagerstown, MD), in a case involving possession of child pornography. Images contained in thumb.db files, which are hidden Windows system files.
- Testified as an expert (in computer forensics) in *Albertson v. Albertson* (2007, Fairfax County, VA) a divorce proceeding. Testified as to the authenticity and origination of electronic evidence discovered during the forensic analysis.
- Testified as an expert (in computer forensics) in *State of Louisiana v. John Mickelson* (2006, Baton Rouge, LA), in a case involving alleged possession and distribution of child pornography. Defendant found not guilty on all counts.
- Expert witness. (2006 Fairfax County, VA) *Wagner v. Wagner*. A divorce proceeding. Case involving alleged adultery and dissipation of assets. Forensic analysis was performed and deposition taken.
- Testified as an expert (in computer forensics) in *Commonwealth v. N.B.B.* (An age 13 Juvenile, name withheld by order of Judge) (2006, Charlottesville, VA). Defendant found not guilty.
- Consulted as an expert (in computer forensics) in *U.S. v. MSgt. Rory L. Piermattei* (2006, McGuire AFB, NJ). Case involving alleged possession of child pornography. Defendant found not guilty.
- Testified as an expert (in computer forensics) in *Feord v. Feord* (2006, Fairfax, VA). Explained the process of forensic imaging and chain of custody.
- Testified as an expert (in computer forensics) in a sealed case involving a juvenile. (2006, Charlottesville, VA)
- Testified as an expert (computer forensics) in *U.S. v. Nunes* (2006, Quantico, VA). Case involving child pornography and solicitation of a minor.
- Telephone testimony as an expert (computer forensics) in *Commonwealth v. Hewston*. (2006, Venango County, PA) Case involving child pornography and real versus artificial images.

- Expert witness (computer forensics) in *Bulletin News Network, Inc. v. Briefings, Inc., et al.* (2006, Fairfax, VA). Case involving alleged theft of proprietary information. Forensic analysis was performed and deposition taken. Case settled.
- Testified as an expert (computer forensics) in *Jackson et al. v. ComputerXpress et al.* (2006, Superior Court, Los Angeles, California). Case ensuing action for malicious prosecution. Testified on behalf of plaintiffs. No objections or cross examination by defense. Judgment for plaintiffs.
- Expert witness (computer forensics) in *American LaFrance Corporation, et al. v. Elite Power Products Corp., et al.* (2005, Shawano, WI). Case involving alleged theft of proprietary information and falsification of evidence. Forensic analysis was performed and deposition taken. The case settled the following week.
- Requested by judge in *Gerner et al. v. Applied Industrial Materials Corporation et al.* (2004, Superior Court, Stamford, Connecticut) to participate in bench conference rather than taking the stand as an expert. Explained the process of computer forensic acquisition and performing a “preview” of the evidence. Court determined that a “sampling” of evidence should be performed, pending a determination of whether a full scale forensic acquisition was required. The sampling revealed more than 900 instances of proprietary information on Defendants computers. Testified as an expert (computer forensics) in subsequent trial. Jury awarded damages to plaintiff.
- Testified as an expert (computer forensics) in *Hart v. Hart* (2004, Loudon County Circuit Court) a divorce proceeding. Case involving the posting of nude images on the Internet and usage of Internet anonymizers.
- Testified as an expert (computer forensics) in *United States v. AIC Kevin Mead* (2004, United States Air Force Trial Judiciary, Eastern Circuit), a matter involving possession of child pornography. Defendant found guilty.
- Testified as an expert (computer and networking) in *Commonwealth of Virginia v. Jeremy Jaynes, Richard Rutkowski & Jessica Degroot* (2004, Loudon County Circuit Court, VA) in preliminary hearing. The case was the first test of Virginia’s Anti-Spam law. Testimony included explaining how the Internet operates, specifically as it relates to e-mail communication. Two defendants found guilty (one verdict later overturned by the trial judge) and one acquitted.
- Testified as an expert (electronic evidence/e-mail origination analysis) in *Miller v. Miller* (Prince William Juvenile and Domestic Relations Court, 2004), a stalking/harassment case.
- Testified as an expert (computer forensics) in the U.S. District Court for the District of Columbia (2004) in *U.S. v. Perry*, in which the defendant allegedly gained unauthorized access to the computer network of the EPA and caused

damages. Analysis showed remote access consistent with network logs. Defendant found guilty.

- Retained by the United States Senate to perform internal computer forensics acquisition and analysis in connection with litigation by former Senate employees against the Senate (2003).
- Testified as an expert witness (computer forensics) in a jury trial in *Commonwealth v. Helem* (Fairfax County Circuit Court, 2003), a murder case in which the defendant was charged with strangling a woman, but all evidence was circumstantial. Sensei was provided with an image of the victim's computer for forensic analysis. Findings indicated a cursory analysis of the victim's machine by law enforcement and failure to identify relevant peripheral equipment, including a scanner and a digital camera. Supplemental information was turned over to defense counsel. The first trial resulted in a hung jury. The second trial resulted in a mistrial. Testified in the third trial as to Internet activity on the night of death. Jury found defendant guilty in third trial.
- Testified as a fact witness (attorney neglected to make timely designation of expert) in *Human Resources Institute v. Federal Training Academy* (Fairfax County Circuit Court, 2003), a case involving the alleged use of spyware to gain access to proprietary data of HRI. Deposition taken. Testified to the existence of spyware on a home machine belonging to an HRI executive.
- Testified as an expert witness (computer forensics) in the Circuit Court for Prince William County (2003) in *Coolbaugh v. Coolbaugh* to search a hard drive for evidence of adultery. Judge found that adultery had been committed.
- Testified as an expert witness (computer forensics) in *Manley v. Wislocki* (Fairfax Juvenile and Domestic Relations Court, 2003), a case in which the husband's alcoholism and obsessive visiting of extreme pornographic sites, was in issue. The court ordered the husband to participate in a parenting program, to get an alcoholism evaluation, to cooperate with a therapist and to have limited visitation subject to the court's further review over time.
- Appointed by the U.S. Bankruptcy Court, Maryland (2003) to do the computer forensics in the involuntary bankruptcy proceeding of FirstPay, Inc., a payroll service company which allegedly failed to pay millions of dollars in taxes to the IRS on behalf of its clients.
- Testified as an expert witness (computer forensics) in Arlington County Circuit Court in *Heining v. Heining*, a divorce case in which forensic analysis of the evidence indicated possible spoliation (2003).
- Retained by defense counsel in *U.S. v. Ebersole* (E.D.V.A. 2003), a case in which the government charged the defendant with multiple counts of fraud, one of which

involved the alleged en masse falsification of electronic records evidencing the certification of drug/bomb-sniffing dogs. Forensic analysis revealed that the electronic evidence as to this one count was consistent with defendant's claim that he copied records from an old computer to a new one and worked off a template. This aspect of the evidence was not challenged by the government at court. The defendant was found guilty on multiple counts and the case is on appeal. Defendant was convicted of 25 counts of wire fraud and two counts of presenting false claims to the government. The circuit court affirmed the convictions and remanded the case to district court for resentencing.

## **Professional Experience**

**Sensei Enterprises, Inc.** 1997-Present

Fairfax, Virginia

*Vice President. Computer forensics, expert testimony, data recovery, computer consulting, network design and configuration, systems integration, software application development, web site design, representing over 200 Washington D.C. area law firms and corporations.*

**Mobil Business Resources Corporation/Global Information Services** 1996-1999

Fairfax, Virginia

*Engineering & Design Consultant. Responsible for support and implementation of all infrastructure components for a North and South American common computing system. Concentrations in telecommunications and integrated systems implementations.*

**Mobil Oil Corporation/USF&IS Technical Services** 1992-1996

Fairfax, Virginia

*Telecommunications Consultant. Recommended, designed and implemented communications technologies and strategies for voice and data requirements. Concentration in client/server infrastructure including LAN/WAN, micro/mini-computers, hubs, routers, switching technology and end-to-end management.*

**Mobil Oil Corporation/USM&R SCS** 1988-1992

Fairfax, Virginia

*Core Systems Manager/Systems Consultant. Managed 9 professionals in the core systems organization. Responsible for support and implementation of mainframe operational system for distribution and invoicing of petroleum products. Voice response, process control and linear programming techniques utilized in the core systems.*

**Mobil Oil Corporation** 1979-1988

VA, PA, NY, MA, NJ

*Various staff and field positions to include Financial Analyst, Light Product System Supervisor/Capital Analyst, Facilities Analyst/Supply Analyst, Field Engineer/Maintenance Supervisor, Terminal Supervisor, Terminal Foreman, Operating Analyst.*

- ❖ Member, Virginia Statewide E-Filing Advisory Committee for the Virginia Supreme Court
- ❖ Court-Appointed Special Advocate (CASA) for Abused and Neglected Children
- ❖ Member, Sedona Conference (Working Group 1)
- ❖ Co-Chair, Fairfax Bar Association – Law Practice Management Section

## Publications

- Co-Author, Information Security for Lawyers & Law Firms (2006, ABA Publishing), Electronic Evidence and Discovery Handbook: Forms, Checklists & Guidelines (2006, ABA Publishing), The 2008 Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple (2008, ABA Publishing), The 2009 Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple (2009, ABA Publishing), The 2010 Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple (2010, ABA Publishing), The 2011 Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple (2011, ABA Publishing), Locked Down: Information Security for Lawyers (2012, ABA Publishing) and The 2012 Solo and Small Firm Legal Technology Guide: Critical Decisions Made Simple (2012, ABA Publishing).
- Contributing author, eDiscovery (2008, Pennsylvania Bar Institute Publishing) and eDiscovery, 2<sup>nd</sup> Edition (2011, Pennsylvania Bar Institute Publishing).
- Co-Editor, *Bytes in Brief*, 1997-2012 (an electronic law and technology newsletter)
- Co-Author, *Hot Buttons* column, published bi-monthly in the ABA Magazine: *Law Practice*
- Issue Editor, TECHSHOW Edition (March 2012), ABA Magazine: *Law Practice*

Co-author of various articles published in ABA Experience-Senior Lawyers Division, ABA Family Advocate, ABA Journal, ABA Student Lawyer, The Academy of Florida Trial Lawyers Journal, The Advocate: Arizona Trial Lawyers Association, The American Car Association/TIPS Civil Procedure, Arkansas Trial Lawyers' Association Docket, Atlantic Coast In-House, Bulletin (Bar Association of Erie County), Bulletin of the San Bernardino County Bar Association, Canada Lawyer, Canadian Bar Association, The Colorado Lawyer, Colorado Trial Lawyers Association, Connecticut Lawyer, Consumer Attorneys of California, The Corporate Lawyer, The Docket, Environmental Systems Update, eTECHnews, Evidence Committee Newsletter, The Fairfax Bar Journal, The Fee Simple: The Newsletter of the Virginia State Bar Real Property Section, The General Counsel Roundtable, Glasser's Electronic Filing Newsletter, GP/SOLO, Hennepin Lawyer (Hennepin County Bar Association), Information Management, In-House Counsel, The Internet Lawyer, Journal Of Internet Law, The Journal: The Member Magazine for the Law Society of Scotland, , Law Office Computing, Law Practice Today (American Bar Association), Legal Assistant Today, Legal Management, Louisiana Advocate, Maryland Bar Journal, Maryland State Bar, Michigan Bar Journal, The Michigan Defense Quarterly, Michigan Lawyers Weekly, The Nebraska Lawyer, The Nevada Lawyer, The Nevada Trial Lawyers Association Advocate, The New Hampshire Bar News, The New Jersey Lawyer, New Mexico Trial Lawyers Journal, The Newsletter of the Virginia State Bar Real Property Section, New York State Bar Association Journal, , The Ohio Association of Civil Trial Attorneys Newsletter, The Ohio Lawyer, Ohio Trial, Ohio Lawyers Weekly, Oregon State Bar Bulletin, Pennsylvania Family Lawyer,

The Pennsylvania Lawyer Magazine, The Practical Litigator, The Promulgator, The Promulgator and Tort Trends, Regent University Law Review, The Tennessee Bar Journal, Texas Bar Journal, Texas Criminal Defense Lawyers Association, Trial Bar News, Trial News: Washington State Trial Lawyers Association, Trial Talk: Colorado Trial Lawyers Association, Tulsa Lawyer, The Vermont Bar Journal, VBA(Virginia Bar Association) News Journal, VTLA (Vermont Trial Lawyers Association) Report, The Virginia Lawyer, Virginia Lawyers Weekly, Washington State Trial Lawyers Association, The Wisconsin Lawyer, The Wisconsin Law Journal, Wyoming Lawyer.

➤ Articles published in the last ten years include the following:

### **2011**

- Stupid Mistakes Lawyers Make With Technology
- Essential Law Firm Policies and Plans
- Preventing Law Firm Data Breaches
- Ruminations on the Ethics of Law Firm Information Security
- Mitigating the Legal Risks of Using Social Media
- Managing Legacy Data – The Skeletons in the ESI Closet
- Is it Possible to Secure Law Firm Data?
- From Across the Pond: Proportionality in E-Discovery
- Alternative Fee Arrangements: Their Popularity Soars
- iPad for Lawyers
- Data Dumps: The Bane of E-Discovery
- Stupid Mistakes That Lawyers Make with Technology
- Security in the New Decade: What Goes Around Comes Around
- Group Policy Objects: The Secret Weapon for Controlling a Windows Environment
- How Smartphones Threaten Business Security: Coming to Grips with the Facts
- Anatomy of a Law Practice Audit
- The Virtual Lawyer Stampede
- Litigators' Toolbox: Social Media
- SEXTING AND SEXTORTION: Texting and Extortion Get a XXX Twist
- 50 Ways To Do More In Less Time
- Secure Passwords: The Rules Have Changed

### **2010**

- Anatomy of a Law Practice Audit
- The Nuremberg Courtroom: Revived in Richmond
- The Virtual Lawyer Stampede
- Get Unwired or Come Unglued
- Make Your Website Visible to Search Engines: Find a Good SEO Expert
- The ABA TechShow Survival Guide
- Divided (Again) by a Common Language: Electronic Discovery (Disclosure) in the U.K.
- Virtualization: What it Means for Your Law Office

- Ways to Power Your Practice: A Few of Our New Top Picks
- Essential LPM Tips to Power and Protect Your Practice
- Top Security Tips for Your Practice
- Electronic Discovery in Everyday Cases: Practical Guidance is an Antidote to Fear!
- Lawyers “Step in It” Through Social Media Incompetence
- “Do it Yourself” ESI Collection—Risky Business for Clients and Counsel
- Computer Forensics Best Practices In the Healthcare Industry
- Computer Forensics Best Practices
- To SaaS or not to SaaS?

## **2009**

- Hit the Road Jack: Secure Mobile Computing
- Capturing Quicksilver: Records Management for Blogs, Twittering and Social Networks
- Dancing in the Minefield: Outsourcing EDD Review Abroad
- Big Time Blunders: Mistakes in Managing IT
- Why Lawyers Shouldn’t Use the iPhone: A Security Nightmare
- The Legal Implications of Social Networking
- Legal Marketing in Turbulent Times: Keeping Your Practice Afloat
- The Nuremberg Courtroom: The Triumph of the Rule of Law
- How Good Lawyers Survive Bad Times: Legal Marketing in a Down Economy
- Protect Yourself and Your Clients—Best Practices for Securing Documents
- Decoding Computer Investigation Vendors: How to Avoid Mistakes and Headaches
- Batman’s Belt for Attorneys—Top 5 Utilities

## **2008**

- Stop the Bleeding: Cost Containment in Electronic Discovery
- It’s Not Your Father’s Oldsmobile—or Courthouse—Anymore: Fairfax Courthouse Goes High Tech
- Watching the Digital Radar: Google News Alerts
- The Rise and Fall of Eliot Spitzer: The Power of Electronic Evidence
- How Do You Find Relevant Electronic Evidence? Search me.
- Optimizing Your Web Site: The ABCs of SEO
- The Growing Phenomenon of Spyware
- Legal Tech: Looking Backward and Forward With Andy Adkins
- Three Strikes and You’re Out: Judges Talk About Technology in the Courtroom
- Tomorrow in Legal Tech
- Where Angels Fear to Tread: Electronic Data Search Protocols
- Adultery in the Electronic Era: Spyware, Avatars and Cybersex
- Ghost in the Machine: Busting Forensic Image Misconceptions
- Quick E-Evidence Tips for Family Law Practitioners
- The Electronic Peephole: E-Evidence in Family Law Cases

- Electronic Discovery in Everyday Cases: Practical Guidance is an Antidote to Fear!
- Electronic Evidence Best Practices

## **2007**

- Data Breaches: Damage Control After the Dam Bursts
- When the Bell Tolls for Thee: Disaster Recovery in the Digital Age
- Cyberinsurance: Singing in the Rain
- Legal Talk Radio on Demand: Podcasting for Lawyers—Past, Present and Future
- Safer Networks: Keeping the Security Willies at Bay
- Ethics in the Electronic Era: Avoiding the Icebergs
- Cool Technology for Hot Lawyers
- Metadata: What You Can't See CAN Hurt You
- No Longer Over the Horizon: VISTA!
- Electronic Discovery Comes of Age: The Fulbright Jaworski Study
- The Browser War That No One Came to: The Easy Conquest of Internet Explorer
- Smoke and Mirrors: The Fabrication and Alteration of Electronic Evidence
- Electronic Marketing: Harnessing the Web's Whizbang
- "She Stole Our Company Data—She Hid it in Her Underwear!"

## **2006**

- Security on the Go
- Running For the Roses: Electronic Filing in Federal Courts
- Countdown to Zero: The New Federal Rules of Civil Procedure
- Held Hostage by Technology? Get Unwired
- Finding Wyatt Earp: Your Computer Forensics Expert
- Status Report: Electronic Filing in the Federal Courts 2006
- Unified Threat Management: To Dream the Impossible Dream?
- Disgruntled Employees in Your Law Firm: The Enemy Within
- Floods, Fires and Firebombs: Can Your Law Office Recover From Disaster?
- Disaster Preparedness: What's Reasonable?
- D'OH!!!! The Dumb Things Lawyers Do With E-Mail
- "Daddy, Can You Go My Bail?" Forensic Experts in the FBI's Crosshairs
- Finding and Securing Electronic Evidence

## **2005**

- From the Bench: Judges Talk Candidly About Courtroom Technology
- Spyware: When You Look at Your Computer, Is it Looking Back at You?
- Spy v. Spy: Electronic Snooping by Husbands, Wives and Lovers
- Ghostbusters: "Who You Gonna Call?" Finding a Computer Forensics Expert
- Finding the Best E-Evidence Technology Expert
- Drafting Electronic Evidence Protocols: Staying Out of the Briar Patch
- Computer Forensics: An Attorney's Primer

## **2004**

- Building Better Fences: Security for Small and Mid-Size Law Firms
- E-Mail Management: Taming the Hydra
- Status Report: Electronic Filing in the Federal Courts: 2004

- Wireless Networks in Law Firms: Riding the Waves Without a Wipeout
- Computer Forensics for Legal Support Staff
- Document Retention Policies
- Spoliation of Electronic Evidence: This Way be Dragons
- Computer Forensics: The Basics for Support Staff
- Electronic Evidence: The Ten Commandments for Corporate Counsel
- Electronic Discovery: Is it Better to Give or Receive?

### **2003**

- Wireless Security for Law Firms
- Shackled to Microsoft: What it Means to the Legal Profession
- “May I have My Electronic Discovery in Paper Please?” Lawyers Inch Their Way Toward a Paperless Practice
- Bringing the Bench and Bar Online
- Canning Spam: Unclogging Law Firm Mailboxes
- Law Firm Document Retention Policies: “The Future Ain’t What it Used to Be”  
Yogi Berra

### **2002**

- Law Office Security: Building the Castle Moat
- The State of Court E-Filing in the States
- Status Report: Electronic Filing in the Federal Courts
- Electronic Evidence: The Ten Commandments
- Fourth Circuit Explores Privacy and Public Access Issues
- Electronic Filing: Using Technology to Balance the Competing Rights of Public Access and Privacy
- Disgruntled Employees in Your Law Firm: The Enemy Within
- Takedowns: Legendary Successes in Computer Forensics

### **2001**

- Fairfax County Unplugged: The Scourge of Nimda
- Hacked! Court Web Sites Under Assault
- Legal Road Warriors Come of Age: Remote Access Solutions
- ASPs: Why Lawyers Should Beware Their Bite
- Tech Troubleshooting for the Technology-Impaired
- The House of Horrors: Moving Your Law Firm
- Special Report: The Seventh Annual Court Technology Conference
- A Glimpse Into the Future—Developments in Courtroom Technology
- E-Filing Primer
- Illegal Software in Law Firms (“Bad boys, bad boys, whatcha goin’ do when they come for you”)
- Big Brother is Watching: Monitoring and Filtering Employees’ E-Mail Use
- Electronic Filing in the Federal Courts: 2001
- The State of Electronic Filing in the States: 2001
- Mel Gibson Proves That You Should Be Wary of Electronic Evidence!

## **Seminars and Presentations**

Mr. Simek, in conjunction with Ms. Nelson, Sensei's President, is a frequent speaker for such groups as the American Bar Association, American Lawyer Media, American Legal Administrators, American Records Management Association, the Air Force Defense Counsel, the Alaska State Bar Association, the Community Associations Institute, the Fairfax Bar Association, the Fourth Circuit Judicial Conference, George Mason University, the Georgia Institute of Continuing Legal Education, Girl Scouts of the Nation's Capitol, the International Judiciary Academy, the National Capital Area Paralegal Association, the National Association of Bar Related Insurance Companies, the National Association of Regulatory Utility Commissioners, North Carolina Bar Association, the Oklahoma State Bar, the Private Investigators Association of Virginia, the Pennsylvania Bar Institute, the South Carolina Bar Association, the University of Rhode Island, the Virginia Bar Association, the Virginia Circuit Court Clerk's Association, Virginia CLE, the Virginia Coalition for Open Government, the Virginia Electronic Commerce Technology Center, the Virginia Local Government Management Association, the Virginia State Bar, Virginia Tech, the Virginia Trial Lawyers Association, the West Virginia Association for Justice, the West Virginia Bar Association and the Wyoming Lawyer.

### **2011**

- Perry Mason Goes Digital: Electronic Evidence in Family Law
- Legal Technology and Trends: What They Mean to Your Firm
- Hot Issues in Legal Technology
- Hot Topics in Legal Technology
- Lockdown: Securing Your Law Firm's Data
- Data Security for the Health Profession
- Firestorm: Social Media in E-Discovery
- WAFE Management of Social Media
- Security on Steroids
- 60 Tips in 60 Minutes
- Computer Forensics and E-Discovery Collections
- Taking Your Practice Into the Cloud
- Security
- Computer Forensics for Paralegals
- Protecting Your Family Law Clients From Spying, Hacking and Invasion of Privacy
- The Complexities of E-Discovery Processing: New Pricing, Methodologies and Technologies
- Where Angles Feat to Tread: Defensible, Transparent and Tested Searching
- Merlin's Magic: The Fabrication and Alteration of Electronic Evidence
- Anatomy of EDD Disasters: Sanctions, Sanctions, Sanctions
- Technology in Fairfax Courtrooms: Come Kick Our Tires!
- Social Media: Uses, Abuses and Risk Management
- Protecting the Crown Jewels: Securing Your Law Firm's Data

- Ethics in the Electronic Era: Avoiding the Icebergs

## 2010

- The Legal Implication of Social Networking
- Setting the Stage: Early Case Assessment
- Where's Waldo? Finding the Electronic Evidence
- Dancing On A Tightrope: Transparent, Defensible and Tested Searching
- The Final Act: Processing, Reviewing and Producing the Data
- When the Bell Tolls for Thee: Disaster Recovery in the Electronic Era
- What's Hot in Legal Tech
- Anatomy of a Law Practice Audit
- Courtroom Technology Tips: Enhancing Your Case
- Ethics & Social Networking: Headlines from Recent Disasters
- 60 LPM Tips in 60 Minutes
- Social Media: Ethical, Compliance, E-Discovery and Liability Implications
- Get a Grip on Social Media in the Workplace: Best Practices for Legal Departments
- Social Media and Ethical Quagmires
- Social Media and E-Discovery Riches and Risks
- Hot Topics in E-Discovery
- Protecting the Crown Jewels: Your Law Firm's Data
- Electronic Discovery: Mistakes to Avoid, Best Practices and Cost Containment
- Dancing in the Minefield: Ethics and E-Discovery
- Ethics in the Electronic Era: Avoiding the Icebergs
- E-Discovery in Small Cases
- VADER Software Training
- The Legal Implications of Social Networking
- Electronic Evidence in Family Law Cases
- Carrying Water and Cutting Wood: The Practical Side of E-Discovery
- Cell Phone Forensics
- Computer Forensics: The View From 10,000 Feet
- Computer Forensics Techniques and Tools
- What the Courts Are Saying About Computer Forensics
- Go Where the Gold Is: E-Mail Forensics
- Social Networking: Gold Mine or Quicksand?
- Technology in Fairfax Courtrooms: Come Kick Our Tires!
- Solo/Small Firm Technology From Soup to Nuts
- The Computer Forensics Primer for Attorneys
- Cost Containment in E-Discovery
- Tales From the Trenches of Computer Forensics and E-Discovery—and Lessons Learned
- Fasten Your Seat Belts: 60 Law Practice Management Tips in 60 Seconds
- Securing Your Data on the Road
- Security on Steroids: Controlling and Securing Data
- The 2010 Solo and Small Firm Legal Technology Guide
- Marketing and Tech Tips for Lawyers
- How Good Lawyers Survive Bad Times

- Management and Finance Tips for Lawyers
- Computer Forensics: Sherlock Holmes Goes Digital
- Essential Law Practice Management Tips to Power and Protect Your Practice
- Sherlock Holmes Goes Digital: Electronic Evidence

## **2009**

- Stop the Bleeding: Cost Containment in E-Discovery
- Digital Detectives: Computer Forensics War Stories
- Technology in Fairfax Courtrooms: Come Kick Our Tires!
- How Good Lawyers Survive Bad Times: The View From 10,000 Feet
- How Good Lawyers Survive Bad Times: Management
- How Good Lawyers Survive Bad Times: Finance
- Stop the Bleeding: How Small Firms Contain Electronic Discovery Costs in Today's Economy
- Fasten Your Seat Belts: 60 Law Practice Management Tips in 60 Minutes
- Taming the Paper Tiger: Taking Your Law Firm Paperless
- How Good Lawyers Survive Bad Times: Technology
- Technology in Your Law Practice
- Better, Faster, Cheaper: Saving Money and Time With Legal Technology
- Sherlock Holmes Goes Digital: Computer Forensics for Lawyers
- Privacy, Security and Professional Responsibility in the Online World
- The Latest on E-Discovery and E-Preparation of Litigation Files
- Indispensable Legal Technology for Tough Economic Times
- It's a Small World After All: The Legal Implication of Social Networking
- Carrying Water and Cutting Wood: The Practical E-Discovery Implications of the FRCO Changes for Paralegals
- Navigating the Metadata Minefield: Tales From The Files of Digital Detectives
- Electronic Evidence in Everyday Cases
- Managing Your Caseload in the Cloud
- Dancing in the Minefield: The Admissibility and Authentication of Electronic Evidence
- The Men (and Women) in Black Speak: Leading Electronic Evidence Cases
- Smoke and Mirrors: The Fabrication and Alteration of Electronic Evidence
- Best Bang for the Buck: Technology for the Solo Practitioner
- Electronic Evidence in Family Law
- Technology for the Solo Practitioner
- Making the Technology Monster Work for You!
- Best Practices for Lawyers Webinar
- Migrating to Vista: Necessary Trip or Dangerous Detour?
- Between a Rock and a Hard Place: Small Firms Migrate to Vista
- Capturing Quicksilver: EDD & Web 2.0
- Ethics in the Electronic Era: Avoiding the Icebergs
- E-Discovery For the Rest of Us: What You Need to Know Now
- Electronic Evidence: Report From the Battlefield
- Electronic Evidence Investigations for Bar Counsel

## **2008**

- The Men (and Women) in Black Speak: Leading Electronic Evidence Cases

- Electronic Evidence: Sherlock Holmes Goes Digital
- Espionage in Family Law: The Use and Abuse of Electronic Surveillance
- Best Practices in Addressing Electronic Communications
- The Soaring Costs of EDD: Pandora's Box is Open
- Electronic Evidence for Family Law Practitioners
- Disgruntled Employees in Your Law Firm
- That ^#\*\*(%\$R Computer!
- Technology and Your Law Practice
- Dancing in the Minefield: The Admissibility and Authentication of Electronic Evidence
- Fasten Your Seat Belts: 60 Law Practice Management Tips in 60 Minutes
- Ethics in the Electronic Era: Avoiding the Icebergs
- Electronic Evidence in Family Law
- Law Students—Need a Job? Market Yourself Online!
- Smoke and Mirrors: The Fabrication and Alteration of Electronic Evidence
- Merlin's Magic: The Fabrication and Alteration of Electronic Evidence
- Electronic Evidence: Mythbusters
- E-Discovery From the War Room!
- When the Bell Tolls for Thee: Preparing for Disasters
- Sherlock Holmes Goes Digital: A Judge's Guide to Electronic Evidence
- Electronic Evidence: Report From the Battlefield
- Computer Forensics Protocols
- The Ethical Perils of Electronic Discovery
- Ethics in E-Discovery: Staying Out of the Briar Patch
- CSI, for Real: The Science of Computer Forensics
- Anatomy of a Law Firm Data Breach: The Threat is Real
- VoIP: Should I Convert and What's It Going to Cost Me?
- Where Worlds Collide: Information Security and Risk Management
- A Smart Kid's Guide to Staying Safe on the Internet
- The New Federal Rules and Electronic Evidence: A Report From the Battlefield

## **2007**

- Electronic Evidence for Family Law Practitioners
- How to Produce Electronic Data Under the New Rules: Pointers and Pitfalls
- Ensuring Your E-Discovery Procedures Are in Compliance With the New Rules
- Conducting Forensic Analysis Under the New Rules
- Recent Decisions in E-Discovery That Affect All of Us
- Sherlock Holmes Goes Digital: Electronic Evidence
- Electronic Evidence in Everyday Cases
- First Day in Practice—Technology in Your Practice
- Smoke and Mirrors: The Fabrication and Alteration of Electronic Evidence
- Ethics in the Electronic Era: Avoiding the Briar Patch
- Presenting the Electronic Case
- How NOT to Commit Malpractice in the Electronic Era
- Making It Rain: Electronic Marketing
- The Best Bang for Your Buck in Law Office Technology
- Hot Technology for 2008

- No Limits! What a Young High Tech Firm Could REALLY Look Like!
- Using Tech in Typical Cases
- Security Overview: Backups, Removing Metadata, Digital Signatures, Secure Email, Handling Spam, Fraud and Other Tips
- E-Discovery for the Rest of Us: Essential Small Firm Primer
- Digital Abuse of Women: How to Combat Spyware, Cyberstalking, Cyberbullying and Cyberharassment
- The New Federal Rules & Electronic Discovery: A Report From the Battlefield
- Nuts & Bolts of E-Discovery
- The Pain of E-Discovery
- Electronic Evidence for Divorce Attorneys
- E-Discovery for Paralegals
- E-Discovery & Beyond: Harnessing the Power of Collaboration
- Online Cheating & Spyware: Their Impact on Today's Divorce
- Making it Rain: Electronic Marketing for Solos & Small Firms
- It's Day in Court: Trends in Law for Electronic Records
- How Your Data Leaves Home: A Witch's Brew
- Security and Law Firms
- Public Access v. the Right to Privacy
- 60 Practice Management Tips in 60 Minutes
- Electronic Evidence Tips
- A High Tech Lawyer: What Clients Need to Know About Electronic Evidence and Retention
- The New Game in Electronic Discovery: New Federal Rules of Civil Procedure

## **2006**

- E-Discovery in Patent Litigation: New Rules, New Tools
- Emergency Preparedness/Disaster Management
- Cool Tech for Hot Lawyers: What's Coming Next in Office Tech
- Electronic Secrets & Evidence: Sherlock Holmes Goes Digital
- Technology and Your Practice
- Countdown to Zero: The New Federal Rules of Civil Procedure
- An Electronic Evidence and Computer Forensics Primer
- Security and Privacy in an Unsecure World
- Electronic Evidence: Best Practices
- Finding Wyatt Earp: Your Computer Forensics Expert
- Electronic Discovery Comes of Age
- Forensic Analysis
- Computer Forensics FAQs
- Finding and Securing Electronic Evidence
- Takedowns: Legendary Successes in Computer Forensics
- Electronic Evidence: The Ten Commandments
- The Gold in Them Thar Hills
- Mel Gibson Proves That You Should be Wary of Electronic Evidence
- Spoliation of Electronic Evidence: This Way be Dragons
- Electronic Discovery in Everyday Cases
- Electronic Discovery: Charting Your Course

- Setting the Stage: Managing Data Before it is Evidence
- The Game's Afoot: Electronic Discovery
- The Curtain Goes Up: The New Federal Rules of Civil Procedure
- Has My Electronic Evidence Gone Bad? Hot Topics in E-Discovery and Spoilation
- Best (and Most Ethical) Practices for Electronic Evidence (Document Retention, E-Discovery, Litigation Holds, Spoilation and Sanctions)
- Hot Tips Session-Computer Security
- Fighting Law Office Sea and Sand: Disaster Recovery and Computer Forensics for Lawyers
- Discovering Electrons: E-Discovery Survival Guide for Every Lawyer
- 50 + Hot Legal PC Tips, Gadgets, and Websites in 50 Minutes
- The Top 20 Mistakes Lawyers Make in Electronic Marketing
- Successfully Growing Your Practice and Maintaining Balance
- Legal Ethics and Professionalism: The Impact of the Evolving Law of Disaster Preparedness on Professional Conduct
- Ask the Information Security Experts
- Beyond ROI: Achieving Excellence as a Law Firm
- FAQs: Computer Forensics and Electronic Evidence
- Information Security for Lawyers and Law Firms
- Consumer Electronics: Cost Effective Tools for the Law Office
- Computer Security and Ethics for Business Lawyers
- Tech Tips for Bar Presidents
- Facts & Fiction, Threats & Response: Network Security in Practice

## **2005**

- Where Worlds Collide: Ethics and Computer Security
- Electronic Evidence: Sherlock Holmes Goes Digital
- Oyez! Oyez! The Digital Discovery Showdown
- A Lawyer's Kindergarten: The Basics of Computer Forensics and Electronic Evidence
- The E-Discovery Process: Digital is Different!
- Electronic Evidence in Everyday Cases
- Drafting and Electronic Evidence Protocol-Spoilation: This Way be Dragons
- Securing Data During E-Discovery
- Privileged Communications and Proprietary Data
- Staying Out of the Briar Patch: An Attorney's Duties During E-Discovery
- Spy v. Spy: The Use of Spyware in Real Life Cases
- Which Way Blows the Wind? The Federal Proposed Amendments to the Federal Rules of Procedure and Other Crystal Ball Predictions
- Electronic Evidence Resources Online
- Computer Forensics

## **2004**

- The Smoking Gun of Electronic Evidence: Wielding the Guns and Dodging the Evidence
- Discovery of Electronic Evidence
- Computer Information

**2003**

- Computer Forensics: Sherlock Holmes Goes Digital
- Ethics & Law for the Computer Professional
- Electronic Court Filing

**2002**

- Sherlock Holmes Goes Digital: Tracking Down Electronic Evidence
- Bringing Agencies Online—Securely
- E-Filing—Wins, Losses and Draws

**2001**

- Confidentiality and the Legal System in the Internet Age

## **Education**

<b><u>Paraben Corporation</u></b> Orem, UT <i>Certified Handheld Examiner</i>	2007
<b><u>Guidance Software</u></b> Pasadena, California <i>Encase Certified Examiner (EnCE)</i>	2002, 2004, 2006, 2008, 2011
<b><u>Lanop</u></b> Jeffersonville, New York <i>NT Certified Independent Professional</i>	2000
<b><u>Learning Tree International</u></b> Reston, VA <i>Certified Internetwork Professional</i>	1996
<b><u>Novell, Incorporated</u></b> Provo, Utah <i>Certified Netware Engineer</i>	1994-2000
<b><u>Microsoft</u></b> Redmond, Washington <i>Microsoft Certified Professional + Internet</i> <i>Microsoft Certified Systems Engineer</i>	1998
<b><u>Saint Joseph's University</u></b> Philadelphia, Pennsylvania <i>Master of Business Administration, Finance</i>	1985-1987
<b><u>United States Merchant Marine Academy</u></b> Kings Point, New York <i>Bachelor of Science, Marine Engineering with honors</i>	1973-1977