

## Business Technology

# The Digital Detective

### Clients range from disaster victims to lawyers

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By CHERYL HALL / The Dallas Morning News

GRAND PRAIRIE – Calls from San Antonio streamed into TLSI Inc. as soon as the South Texas floodwaters subsided.

Unfortunately, many of the businesses that were desperate to save soaked hard drives had already made a fatal mistake. They dried out their computers, wiping out any shot John Wiechman and his crew might have had to recover their data.

"It's like retrieving undersea artifacts," explains Mr. Wiechman. "You have to keep it wet because the plates that store the information are made of iron ferrite that turns to rust when it dries out."

The counterintuitive answer, says TLSI's 52-year-old owner, is to put the soaking wet hard drive in a sealed baggie and ship it to a full-time data-recovery company like his.

These days, a different type of disaster is lighting up the 16-year-old company's phone lines. The seven-person company has developed an expertise in computer forensics.

Just as TV's medical examiner Quincy used forensic sleuthing, these digital coroners perform hard-drive "autopsies" to detect and intricately piece together e-mails, word processing files and computerized calendars.

Data discoveries are being used as evidence in cases involving employee sabotage, intellectual piracy, embezzlement and even murder.

### 'Delete' isn't the end

"People think when they hit the delete key that the data is gone. It isn't even close to being gone," Mr. Wiechman says. "We can go back and tell what you did, when you did it and how you did it."

Just ask the analysts who thought they got rid of e-mails at Merrill Lynch & Co. or the Arthur Andersen folks who shredded Enron documents.

"The joke in our business is that they would have been better off taking a hammer to the hard drives and leaving all that paper," Mr. Wiechman says of the Andersen trial. "No. 1, it made them look guilty, even if they weren't. And No. 2, there were literally thousands and thousands of pages of data that were 'lost' that have been found."

In lay terms, hitting the delete key simply tells the computer that this tiny bit of storage space on the hard drive is now available.

But most computers today have such huge capacity it could take years before the data is actually overwritten, if ever. And even then, only parts of that file might disappear from the hard drive.

Since its inception, TLSI has fixed hard drives and restored data for major corporations such as American Airlines Inc., Exxon Mobil Corp., Frito-Lay Inc., Texas Instruments Inc. and Microsoft Corp.

Major insurance companies know about TLSI's capabilities, so a number of computer innards damaged in New York on Sept. 11 and by the tornadoes in Fort Worth two years ago made their way to its laboratory and repair facility on North Belt Line Road.

"The average computer when we started out in 1986 had 20 megabytes [of] hard-drive storage," says Mr. Wiechman, noting that that's equal to about 1,000 sheets of paper. New desktops often have 20 gigabytes of hard-drive memory, enough to store a million pages of info.

When asked whether TLSI is retrieving some of the Andersen-Enron evidence, Mr. Wiechman answers indirectly, trying to maintain client confidentiality. "We are big and popular enough in this arena that when big things happen, we get phone calls."

Computer forensics is TLSI's growth line: The company has picked up 10 new cases in just the last two weeks.

One of those was a panicked local law firm. A disgruntled worker wiped out a directory containing 10 years of pleadings, case folders and court schedules. The firm not only wants to restore the vital information, it wants to nail the person who did it.

Dozens, perhaps hundreds, of forensic companies are popping up on the Internet, say lawyers who've used this type of service.

But they also note that it's one thing to retrieve data and quite another to recover it in a totally clean forensic environment with set procedures that can stand up in court. There's also the tough task of understandably explaining it so that it will sway the verdict.

Maintaining the integrity of computer evidence was key in Dallas lawyer Mike Wright's decision to hire Mr. Wiechman in a breach of contract case. "John has such a tight system

and process in place I knew that the evidence was never going to be questioned," says the partner with Winstead Sechrest & Minick.

Mr. Wright was right. He obtained a "very favorable settlement" for his client, the employer, in a he-said, they-said case by retrieving deleted files from the employee's laptop.

Mark Burge, a principal in the Fort Worth law firm Bodoin Burnside & Burge PC, says Mr. Wiechman was "absolutely critical" last year in obtaining a \$1.4 million jury award for his client who had been falsely accused of child pornography by his former partner.

The jury bought Mr. Wiechman's evidence and expert testimony that the partner had planted the kiddie porn on the plaintiff's computer.

"The really cool thing," Mr. Wiechman says, "is we did such a good job, they didn't even appeal."

### **Damaging evidence**

Mr. Wiechman started doing legal forensic work about five years ago when he was hired by a defendant in a murder case. Ironically, the information he unearthed actually convicted his client.

The defendant had faked evidence intended as his alibi, not realizing that deleted files proving the contrary were still in the computer.

"You can hire us, but you can't buy us," Mr. Wiechman says. "We'll give you anything that's on that hard drive, but we ain't lying about it. If it turns out you're guilty, we'll make that public, too."

For this former Marine and Vietnam veteran, the funky line of computer work allows him to be part sleuth, part expert witness, part repair guy and big-time geek – all of which plays to his independent personality.

Since returning from Vietnam in 1970, he's hawked vacuum cleaners door-to-door, managed restaurants and tried his hand at accounting and restoring antiques before finding his passion in 1985, when he earned an associate degree in computer science from North Lake Community College.

"After three months of programming, I discovered I didn't like sitting in a 4-by-6 cube like Dilbert," he says. "But I also discovered I was very good at hacking into systems and disassembling games. And I was technically proficient at servicing and repairing computers."

That was the foundation for TLSI, which started out rebuilding hard and floppy drives. By 1991, the company was churning out 1,000 rebuilt drives a month for Texas Instruments and Tandy alone.

Then, in mid-1994, a new generation of hard drives came to market that were cheaper and faster with many times the storage capacity – but also with a tendency to crash more frequently. Within a year, recovering data accounted for two-thirds of TLSI's revenue.

It costs between \$150 to retrieve data from a diskette to \$20,000 for extensive recovery work on high-end storage servers.

Painstaking forensic work costs \$250 an hour and can quickly mount into thousands of dollars.

A nasty divorce case Mr. Wiechman is working on is apt to run between \$20,000 and \$50,000 "depending on how much digging I have to do." He's hunting for e-mails, calendar entries and financial statements to prove the husband had extramarital affairs and stripped assets from the couple's company.

This year, TLSI will bring in \$2 million in revenue, 40 percent of it from data recovery and 60 percent from forensics work. That's a complete switch from this time last year.

"Computer forensics will become the DNA of criminal investigations," predicts Mr. Wiechman, who owns TLSI outright after buying out two original partners a number of years ago. He figures that forensics will account for up to 90 percent of his business in less than two years as more lawyers learn how powerful this evidence can be in court.

### **Helping get rid of files**

Another interesting piece of business has cropped up as more companies learn that deleted doesn't mean departed.

"Now companies want to make their data *really* go away," he says, adding that there's nothing necessarily nefarious in these requests.

A major Dallas law firm, for example, routinely donates older computers to charitable organizations, not realizing that confidential information was still sitting in the computer. TLSI is cleansing the hard drives for about \$100 apiece before they get recycled.

One of his toughest challenges as a small business is to stay on top of technology, he says. "We'll spend 100 to 200 man-hours per year on additional outside training for each technician." The bill last year for hardware upgrades was \$100,000.

"I have no idea where this business is going," Mr. Wiechman says. "I grabbed a tiger by the tail nearly 20 years ago, and I've been hanging on for dear life ever since."