Evidence Integrity Cost Analysis

Case law consequences and cost comparisons for evidence integrity failures

THE COST OF GETTING IT WRONG

Zubulake v. UBS Warburg (S.D.N.Y. 2004)

Landmark ESI preservation case. Court ordered adverse inference instruction after employer failed to preserve backup tapes. Jury awarded $29.3 million. Lesson: failure to preserve ESI when litigation is anticipated triggers severe consequences.

Allied Concrete Co. v. Lester (Va. 2012)

Attorney and client sanctioned $542,000 for spoliation of Facebook evidence. Attorney disbarred for five years. Lesson: spoliation sanctions can be career-ending, not just expensive.

Guarisco v. Boh Bros. Construction (E.D. La. 2009)

Louisiana federal case. Court imposed sanctions for failure to preserve text messages and emails. Lesson: preservation obligations extend to all forms of ESI, including communications.

Victor Stanley v. Creative Pipe (D. Md. 2010)

$1.1 million in sanctions for intentional spoliation. Court found willful destruction of ESI. Lesson: courts impose severe monetary sanctions proportional to the severity of destruction.

Lorraine v. Markel (D. Md. 2007)

Seminal ruling on digital evidence authentication. Court rejected evidence for failure to properly authenticate under FRE 901. Lesson: even legitimate evidence can be excluded without proper authentication procedures.

THE COST COMPARISON

Risk	Typical Cost
Spoliation sanction (adverse inference)	**$50,000 to $29+ million**
Spoliation sanction (monetary)	**$100,000 to $1.1+ million**
Foundation witness per hearing	**$3,000 to $5,000**
Authentication challenge per incident	**$2,000 to $10,000**
Enterprise e-discovery platform	**$25,000+/year**

Attorney disciplinary proceedings	**Career-ending**

Attested Professional: $199/month ($2,028/year)

For less than the cost of a single foundation witness appearance, Attested provides:

- SHA-256 integrity verification on every file
- Automated access audit trail for every view
- FRE 902(13) self-authenticating certificates
- Viewer identity watermarking with attribution
- Recipient identity verification
- Discovery production tracking with Bates-numbered logs
- Litigation hold capability

THE BOTTOM LINE

$199/month is not a technology expense. It is insurance against spoliation sanctions, authentication challenges, and the cost of proving evidence integrity in court. Every case that goes to trial requires evidence authentication. Attested automates that process for less than most attorneys bill in a single hour.