

Questions to Prepare for Forensic Discovery on Plaintiff's Computer in EEOC and Employment Investigations

1. Create a timeline. Important dates include:
 - a. Date of last management review
 - b. Date employee started to show concerns with job
 - c. Date employee gave notice or was terminated
 - d. Date employee had last legal access to computer
 - e. Dates of any incidents that are relevant to the matter.
2. Does management have any computer use policies signed by employee?
3. Does management have any non-compete, non-solicitation policies signed by employee?
4. Is management concerned with proprietary information theft?
5. Is management concerned with attitude and teamwork issues?
6. Is management concerned with work effort?
7. Is management concerned with pornography on the computer?
8. Are there any names of employees and/or confidantes that plaintiff might have received or sent emails discussing plaintiff's work environment?
9. Provide the names of any attorneys that should be included in a privilege log.
10. Provide the account names of any known email addresses.
11. Is management concerned with spoliation? If so, are there particular dates and documents that are of interest?
12. Is there a list of keywords that management wants investigated?
13. Is there concern that the employee is going into competition with management?