

Unfiltered Orange | Weekly eDiscovery News Update - March 23, 2011

Compiled by [Orange Legal Technologies](#) from online public domain resources, *Unfiltered Orange* is a weekly newsletter designed to inform and educate legal professionals on key stories, developments, and announcements in the electronic discovery field. For up to the minute news updates, visit [@OrangeLT](#) on Twitter.



eDiscovery News *Content and Considerations*

- Agent's Spoliation Results in Serious Sanctions - <http://tinyurl.com/4k7ct6u> (K&L Gates)
- Another "Fox Guarding the Hen House" Case Shows the Dangers of Self-Collection - <http://tinyurl.com/4kvo7mx> (Ralph Losey)
- Bad Faith or Culpability 'May Not Mean Evil Intent, May Simply Signify Responsibility and Control - <http://tinyurl.com/4as7vsw> (K&L Gates)
- Calendar Snafu Leads to Default Entered Against Wachovia in Securities Case - <http://tinyurl.com/49ooena> (Bruce Carton)
- Canadian Law and Policy: Reasonable Expectation of Privacy in Work Computer? Yes - <http://tinyurl.com/4gmagua> (James Morton)
- Case Summary: Nissan N. Am; Court examines Collection Protocol and Request for Protective Order - <http://tinyurl.com/4o977m3> (Roland Bernier)
- Companies are Potentially Liable for Losing the Personal Information of Their Employees - <http://tinyurl.com/4mmukax> (Patrick Zeller)
- Computing: Ethical Shades of Gray - <http://tinyurl.com/5tacxz2> (Devika KewarIramani)
- Deciding On the Importance of Metadata: A Forgone Conclusion? <http://tinyurl.com/4etxhue> (Sarah Rogers)
- DOJ Weighs Supreme Court Challenge in GPS Surveillance Dispute - <http://tinyurl.com/4m2bo2b> (Mike Scarcella)
- eDiscovery Best Practices: What is "Reduping?" <http://tinyurl.com/4kpxqo9> (Doug Austin)
- eDiscovery Field Reaches Historic Milestone - <http://tinyurl.com/4up6e4p> (ACEDS)
- Ex-Employee's Blogs Can't Be Stopped Absent Extraordinary Circumstances, New York Court Rules - <http://tinyurl.com/4vokpaq> (Joseph Lazzarotti)
- EU May Mandate the 'Right to Be Forgotten' <http://tinyurl.com/4bamqnc> (Robert McGarvey)
- Facebook Collections - <http://tinyurl.com/479jtqe> (Debora Motyka Jones)
- Government Appeals ND/LON Metadata Case – Does FOIA Trump the FRCP? <http://tinyurl.com/4gu7m7m> (Dean Gonsowski)
- How Social Media Infiltrates the Practice of Law - <http://tinyurl.com/474w3rv> (Gina Rubel)
- Lawyers Replaced by Computers for eDiscovery Search – a Retrospective - <http://tinyurl.com/4hoqozb> (Chris Dale)
- Leaked Government Documents Reveal Weakening of U.K. Bribery Act - <http://tinyurl.com/45cu96a> (Chris Johnson)
- Litigation Claims Trends: Errors and Insights - <http://tinyurl.com/465r2ma> (Dan Pinnington)
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Now That Everything Is Collected, What Manner and Form to

Produce It? <http://tinyurl.com/4749woc> (Mark Berman, Anne Takack, Aaron Zerykier)

- Recent Decisions Help Clarify Govt's Preservation and Production Obligations - <http://tinyurl.com/4tp5vht> (Norman Simon, Brendan Schulman, Samantha Ettari)
- SCOTUS Holds Corporations Do Not Qualify for Personal Privacy Exception Under the FOIA - <http://tinyurl.com/4gvpp8v> (Christopher Cobey)
- Search Terms Are More Than Mere Words - <http://tinyurl.com/4ddzf85> (David Kessler, Robert Owen, Emily Johnston)
- SEC Issues Final Rule for Standards and Disclosure for Due Diligence for Registered Securitizations - <http://tinyurl.com/458o5q4> (K&L Gates)
- Social Media Policy After NLRB, Facebook Settlement - <http://tinyurl.com/4uty4h7> (Walter Stella, Jessica Boar)
- Stupid Mistakes that Lawyers Make with Technology - <http://tinyurl.com/498ayzq> (Sharon Nelson, John Simek)
- The Debate that Divides Us: Is it 'E-Discovery' or 'Ediscovery'? <http://bit.ly/gICcf3> (Bob Ambrogi)
- The Lawyer's Great Debate: E-Disclosure - <http://tinyurl.com/4mbj983> (Catrin Griffiths)
- The Rising Tide of Sanctions for #eDiscovery Failures - <http://tinyurl.com/4gu8ned> (Mara Zazzali-Hogan)
- U.S. Social Networks Will Face EU Privacy Rules - <http://tinyurl.com/6glrjmt> (Alex Hania)
- Web Host Held Liable for Contributory Infringement - <http://tinyurl.com/46w4uo8> (Sheri Qualters)
- What Do Wikileaks and E-Discovery Have in Common? <http://tinyurl.com/4tkjxgk> (Tim Leehealey)
- What's Hot in the Legal Profession Today - <http://tinyurl.com/4jhh8et> (Robert Denney)
- You Know Those Files I Gave You Earlier? Yeah... Can You Not Look At Them, Please? <http://tinyurl.com/4gy8ksv> (William Brennan)

Reports and Resources

- ACEDS 2011 Live Conference Video - <http://ustre.am/w6vk> (ACEDS)
- Annual Study 2011: U.S. Cost of a Data Breach (PDF) <http://tinyurl.com/4hprqtk> (Ponemon Institute)
- Ayers on Legal Ethics and Lawyer's Reasons - <http://tinyurl.com/4vdlsnk> (Andrew Ayers)
- Cloud Computing in Simple Terms - <http://tinyurl.com/4uvrnts> (Charles Skamser)
- Hage on a Model of Legal Acts & Computational Systems - <http://tinyurl.com/4toqgct> (Lawrence Solum)
- It Pays to Fight SEC & FINRA, Study Says - <http://tinyurl.com/4p8j974> (Tom Steinert-Threlkeld)
- Massachusetts Judicial Committee Requests Comments on Proposed Electronic Discovery Rules - <http://tinyurl.com/4sbfnp2> (Nelson Kinder Mosseau & Saturley)
- Open Letter to FINRA - <http://bit.ly/fSmXlb> (Kailash Ambwani)
- Survey: More Than 60% of U.S. Small Businesses in Danger of Losing Critical Emails - <http://tinyurl.com/4v83t6r> (Business Wire)
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Ten Key E-Discovery Issues to Watch in 2011 (PDF) <http://tinyurl.com/4bm8483> (David Lender, Hon. Andrew Peck)

Technology and Tactics

- 5 Reason Why Google Uses Tape for Disaster Recovery - <http://tinyurl.com/4stevdl> (B&L Blog)
- 5 Reasons Why Hackers Want to Break into Your Email Server - <http://tinyurl.com/4zaymrq> (Paul Mah)
- Actionable Information Governance - <http://tinyurl.com/4la5rer> (Steve Bennett)
- Astroturfing the Message Boards - <http://tinyurl.com/4g28lct> (Ron Miller)
- Biles' Hierarchy of Disaster Recovery Needs - <http://tinyurl.com/4v9bbuc> (Simon Biles)
- Demystifying Cloud Forensics - <http://tinyurl.com/6gw67zn> (Melisa Labancz-Bleasdale)
- Email Protection Tips for Small and Medium Scale Businesses - <http://tinyurl.com/4fhlls2> (Mike Wheatley)
- Getting Ready for Exchange? Check out the Exchange Pre-Deployment Analyzer - <http://tinyurl.com/6542db3> (Ed Fisher)
- Lawyerist Sues TechnoLawyer to Invalidate Its BigLaw and SmallLaw Trademarks - <http://tinyurl.com/4rg99gr> (Sam Glover)
- Mozilla Launches Firefox 4 Browser - <http://tinyurl.com/4skjqqh> (Nancy Blair)
- News Flash: LinkedIn is for Networking - <http://bit.ly/exDDwP> (Bob Ambrogi)
- New SharePoint Outlook Function - <http://tinyurl.com/4nyf8px> (Torben Ellen)
- Nomenclature and Basic Functions of Twitter - <http://tinyurl.com/49onjch> (Tanya Coyle)
- Social Networking Risks Not Fully Understood - <http://bit.ly/eWuxl6> (Megan Gidley)
- Social Networks Will Change Product Innovation - <http://tinyurl.com/4aujgfe> (Andrei Haglu)
- The Deplorable State of Law Firm Security (Podcast) <http://tinyurl.com/4zrxab6> (Sharon Nelson, John Simek)
- Time to Get Your Clouds in Order - <http://tinyurl.com/48c6ghd> (Mary Jander)
- Troubleshooting Exchange Information Store Startup - <http://tinyurl.com/4fvts5s> (Mike Rede)
- Twitter Enables "Always Use HTTPS" Setting - <http://tinyurl.com/4txqu8b> (Alexia Tsotsis)
- Twitter Nixes Alternative Interfaces - <http://tinyurl.com/45lp5zu> (Michael Bennett Cohn)
- Twitter Turns 5 - The Embracing (or Not) of Twitter by the Legal Community - <http://tinyurl.com/4nwhq42> (Brendan McKenna)
- Understanding Advanced Persistent Threats - <http://tinyurl.com/4k835y3> (Jart Armin)
- What's Hot in KM? <http://tinyurl.com/4qlhsby> (Ron Friedmann)
- What's The Impact of Facebook Comments on Legal Publishers and Bloggers? <http://tinyurl.com/48u5e69> (Kevin O'Keefe)
- Your Social Media Programs Are Global - Whether You Want Them To Be Or No - <http://tinyurl.com/4l4z8nu> (Nate Elliot)

Twitter Hashtags of the Week

- [#ABATechShow](#)
- [#ACEDS2011](#)

- [#eDiscovery](#)

Vendor Views *Industry Landscape*

- Avoiding the "Fox Guarding the Hen House" <http://tinyurl.com/2amvwxc> (Orange Legal Technologies)
- BIA's Lisa Prowse Certified as E-Discovery Specialist by Successfully Passing CEDS Examination - <http://tinyurl.com/6bdlnw2> (Press Release)
- C2C ArchiveOne CloudDR Gets the Job Done at Employment Hamilton - <http://tinyurl.com/5tam4rb> (Marketwire)
- Cernam: Business Records Online: Facing the Reality of End-User Adoption - <http://tinyurl.com/4d8dt9x> (Karen Reilly)
- Clearwell Adds AEGON UK to Client Roster for In-House E-Discovery - <http://tinyurl.com/63d2att> (Press Release)
- Control Risks Appoints Industry Leaders To Global eDiscovery Team - <http://tinyurl.com/4pbytu8> (PR Newswire)
- eDiscovery In The New York Times - <http://tinyurl.com/499yrh9> (Aaref Hilaly)
- eMag Solutions and EMC Partner to Provide Enhanced eDiscovery Services Onsite or Via the Cloud - <http://tinyurl.com/46mmrk7> (Press Release)
- EMC's Anti-Hacking Division Hacked - <http://tinyurl.com/6flgjhe> (Associated Press)
- FTI Technology: Running Rings Around eDiscovery - <http://tinyurl.com/49osluo> (David Hill)
- Gardere Partner Peter Vogel Helps Establish American College of e-Neutrals - <http://tinyurl.com/4btqyra> (Press Release)
- Informative Graphics' Content Sealed Format (CSF) Achieves FIPS 197 Certification Benchmark - <http://tinyurl.com/4lvpeve> (Press Release)
- Iris Data Services Expands China Facilities-Litigation Support Company Moves to New Offices in Nanjing - <http://tinyurl.com/4mrkrx8> (PR Web)
- ISYS Search Tags the Equivio Account - <http://tinyurl.com/472yk82> (Michael Cory)
- Law Professor Kirke Snyder Joins OLP Board of Governors - <http://ow.ly/4fQFb> (Press Release)
- Microsoft Pushes Private Cloud Computing Forward With System Center 2012 - <http://tinyurl.com/5vp9rdu> (PR Newswire)
- Milberg LLP Adopts Method for Legal Hold Management - <http://tinyurl.com/4a9frhq> (Marketwire)
- National Association of Freelance Legal Professionals Doubles in Size - <http://tinyurl.com/4g86k7f> (Chere Estrin)
- New Kroll Ontrack Inview 7.0 Continues a Trend - <http://tinyurl.com/4rrqkrp> (Sean Doherty)
- Nuix's Big eDiscovery Upgrade for Lotus Notes Software Users - <http://tinyurl.com/4hojqh> (Legal IT Professionals)
- OpenText Announces Application Governance & Archiving for Microsoft SharePoint 2010 - <http://tinyurl.com/67shnk7> (PR Newswire)
- Pinnacle Capital Mortgage Corporation Keeps Inboxes Safe With Proofpoint - <http://tinyurl.com/6598pz5> (Marketwire)
- Proofpoint Puts Security In The Cloud, On Mobile Devices - <http://tinyurl.com/4hb74p8>

(Andrew Dickey)

- RiverGlass Announces Next Generation Semantic Technology - <http://tinyurl.com/4zy6c3w> (Marketwire)
- Seagate Unveils Enterprise SSDs - <http://tinyurl.com/4lo38ks> (Antone Gonsalves)
- Spectra Logic Now Providing High-Level 'Data Integrity' for Tape Storage - <http://tinyurl.com/4oc3cky> (Chris Preimesberger)
- StoredIQ Launches eDiscovery Risk Assessment Service for SharePoint - <http://tinyurl.com/4cz3rhr> (Business Wire)
- Symantec to Release End-to-End Cloud Management Software - <http://tinyurl.com/486l3zg> (Lucas Mearian)
- Tests Establish Lateral Data's Viewpoint 5.0 eDiscovery Uniquely Suited For Cloud-Based Processing - <http://tinyurl.com/4zw8lpw> (PRNewswire)
- TransCanada Selects Recommind's Axcelerate eDiscovery - <http://tinyurl.com/4h9cpx9> (Marketwire)

eDiscovery Events **March ACED Annual E-Discovery Conference** March 23-25, 2011 Hollywood, FL [Click here for more information](#). **April ILTA - INSIGHT 2011** April 5, 2011 London, UK [Click here for more information](#). **13th Annual Sedona Conference on Complex Litigation - The Future of Civil Litigation 2** April 7-8, 2011 Del Mar, CA [Click here for more information](#). **ABA TECHSHOW** April 11 - 12, 2011 Chicago, IL [Click here for more information](#). **The Computer Forensics Show** April 19-20, 2011 New York, NY [Click here for more information](#). **May DoDIIS Worldwide Conference** May 1-5, 2011 Phoenix, AZ [Click here for more information](#). **2011 World Technology Law Conference & Annual Meeting** May 12-13, 2011 San Francisco, CA [Click here for more information](#). **CEIC 2011 Computer Investigations Conference** May 15-18, 2011 Orlando, FL [Click here for more information](#). **LegalTech West** May 17-18, 2011 Los Angeles, CA [Click here for more information](#) **11th Annual Inside Counsel Super Conference** May 23-24, 2011 Chicago, IL [Click here for more information](#). **ACC Europe - Annual Conference** May 29-31, 2011 Berlin, Germany [Click here for more information](#). For Complete Events Calendar Visit - [Click here](#).



About Orange Legal Technologies OrangeLT™ is a leading provider of electronic discovery litigation, audit, and investigation services for law firms and corporations. OrangeLT™ offers a complete suite of electronic discovery services to include collection, analysis, processing, review and production of digital and paper-based information. OrangeLT™ is enabled by the OneO® Discovery Platform – an integrated, web-accessible electronic discovery platform that provides online analysis, processing, and review of unstructured data from the security of a hosted centralized repository.

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