

# Unfiltered Orange |

## Weekly eDiscovery News Update – June 8, 2011

Compiled by Orange Legal Technologies (<http://www.orangelt.com>) 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 <http://www.twitter.com/OrangeLT>.



### eDiscovery News

#### *Content and Considerations*

- A Rookie's Perspective on the Future of eDiscovery – <http://tinyurl.com/3g8lkfr> (Evan Koblentz)
- Aggressive Search Engine Marketing and Trademark Law – <http://tinyurl.com/3eh9box> (Lionel Frank, Richard Catalina)
- Assessing The Risk And Setting Strategy – The True North Of Document Review – <http://tinyurl.com/4yys96t> (Thomas Svoboda)
- Collaboration: A Requirement For Successful eDiscovery – <http://tinyurl.com/4yhwpp6> (Manfred Gabriel)
- Court Shifts Half of Cost of Forensic Search to Producing Party in eDiscovery Case – <http://tinyurl.com/3zvpby> (Jonathan Rodgers)
- Creating Creative Online Defamation Settlements – <http://tinyurl.com/3gn9wwr> (Omar Ha-Redeye)
- Damaging Discovery – <http://tinyurl.com/3lz87j2> (Clair Zillman)
- DeDuping E-mail Conversations – <http://tinyurl.com/3dn4prf> (Alex Schiller)
- Do GPS Tracking Devices Violate the Fourth Amendment? <http://tinyurl.com/3gfhd68> (Laurie Levenson)
- Do Not Forward This Article! – <http://tinyurl.com/3eetmbh> (Anthony Dreyer, Lauren Aguiar)
- Double Exposure? <http://tinyurl.com/3tdvzfy> (Craig Ball)
- Facebook Used by Courts to Find Those Who Are 'Only Online' – <http://tinyurl.com/3tbn3ub> (Heather Smith)
- For Discovery Violation of "Exotic Magnitude", Court Denies Reconsideration of Order Compelling Production and Finding that Objections were Waived – <http://tinyurl.com/3wpgscq> (K&L Gates)
- Greene: Court Slaps Plaintiff's Counsel for ESI Sanctions – <http://tinyurl.com/44mk6sq> (Joe Howie)
- How Legal is Content Scraping? <http://tinyurl.com/3q44rwe> (Ropers, Majeski, Kohn & Bentley)
- How to Make Sure That 'Redacted' Document You Uploaded to PACER Is Really Redacted – <http://tinyurl.com/44mrwh4> (Bruce Carton)
- Is the Plaintiff Required to "Friend" the Defense? Not in this Courtroom – <http://tinyurl.com/3jzg8vf> (LLM)
- Minimize eDiscovery Costs and Risks Using Rule 26(f) – <http://tinyurl.com/3h3xxqt> (Robert Berezin, Carmen Bremer)
- NLRB Says Comments On Facebook Constitute Protected Activity – <http://tinyurl.com/4yg3ajp> (Kevin Leblang, Robert Holtzman)
- Recommend Intends to Flex Predictive Coding Muscles – <http://tinyurl.com/3r8n557> (Evan Koblentz)
- Sanctions for Back-Up Tapes & Reasonableness in Preservation – <http://tinyurl.com/3s6yrdx> (Josh Gilliland)
- Seeking Symbiosis: Expert Researchers Combine Human and Computer Skills for Best Search Results – <http://tinyurl.com/3r4kyym> (Alvin Podboy)
- Thanks to eDiscovery, Auxiliaries under Various Names are Becoming Commonplace in Litigation – <http://tinyurl.com/3qf5s4t> (Robert Hilson)
- The Cost Of eDiscovery: What Drives It, How To Reduce It – <http://tinyurl.com/42clvtb> (Howard Sklar)
- The False Declaration of Dismissal – <http://bit.ly/j6HrDv> (Josh Gilliland)
- The Multi-Faceted Evolution Of eDiscovery – <http://tinyurl.com/43gso2y> (Sandra Tvarian)

- The Social Media/First Amendment Face Off – <http://tinyurl.com/3bf27w8> (Joshua Engel)
- Thoughts on Gartner’s Magic Quadrant Report: Customer Service as a Differentiator - <http://tinyurl.com/6a2nsds> (Daryl Shetterly)
- Use a Scalpel, Not a Net: Be Precise in eDiscovery Motions to Compel - <http://tinyurl.com/3lglcqb> (Drew Manaray)
- Use Of Employer-Owned Computers: When Is Attorney-Client Privilege Waived? <http://tinyurl.com/3bsf5sk> (Kevin Leblang, Robert Holtzman)

### *Reports and Resources*

- ARMA / MER 2011 Conference Podcasts – <http://tinyurl.com/44zbgur> (ARMA)
- Bytes in Brief – June 2011 - <http://tinyurl.com/4ydr9r> (Sharon Nelson, John Simek)
- ‘Convenience as a Critical Factor in Information-Seeking Behaviors (PDF) – <http://tinyurl.com/3es497d> (Lynn Connaway, Timothy Dickey, Marie Radford)
- Digital Future Project Study Finds Concern About Corporate Intrusion In Personal Lives - <http://tinyurl.com/3eqvpwb> (USC Anneberg)
- eDiscovery Basics: Legal Holds (Vol. 1, No. 4) <http://tinyurl.com/3j6mjnz> (Gareth Evans, Charles Nierlich, Farah Pepper, Jennifer Rearden)
- Enterprise Social Networking Buyers’ Guide – <http://tinyurl.com/43p3rks> (Jim Rapoza)
- Graphic: The Sequence and Chronology of Meet and Confer – <http://tinyurl.com/3zggpmwq> (Orange Legal Technologies)
- ILTA 2011 Conference Program Available – <http://tinyurl.com/3wls4ca> (ILTA)
- IP Rights In the Digital Era - <http://tinyurl.com/5u93nlj> (Robert Morgan)
- June Edition of Notable Cases and Events in eDiscovery – <http://bit.ly/liVlq7> (Sidley Austin)
- New Online Learning on eDiscovery Released – <http://tinyurl.com/443vetp> (Jeffrey Ritter)
- Privacy Leakage vs. Protection Measures: The Growing Disconnect (PDF) <http://tinyurl.com/3mxdgae> (Balachander Krisnamurthy, Konstantin Naryshkin, Craig Wills)
- Social Media Briefing Papers - <http://tinyurl.com/3dy9ldz> (Connie Crosby)
- The eDiscovery Month in Review – May 2011 – <http://tinyurl.com/3f223nu> (Orange Legal Technologies)
- Unisphere/MarkLogic Survey: “Post-Relational” Era Arrives, Unstructured Data driving Big Data – <http://bit.ly/kpAGFP> (Thomas Wilson)

### *Technology and Tactics*

- 4 Considerations for Cloud Based Email - <http://tinyurl.com/3qoo52q> (Jeff Orloff)
- 5 Email Management Benefits – <http://tinyurl.com/42662g2> (Mike Rede)
- 5 Most Common ‘Oops!’ Moments with Email – <http://tinyurl.com/4x6k763> (Paul Mah)
- Building Safety into the Cloud - <http://tinyurl.com/3duegr7> (Deb Radcliff)
- Cernam Analysis: New Facebook Messages: Top 5 Things You Need to Know - <http://tinyurl.com/3gag8af> (Owen O’Connor)
- Data Grows, and So Do Storage Sites - <http://tinyurl.com/3gcmuvs> (Verne Kopytoff)
- Disgruntled Former Worker Who Hijacked Network Must Pay City \$1,485,791 - <http://tinyurl.com/3lhbhfq> (Yosie Saint-Cyr)
- EEF Publishes Study On Browser Fingerprinting – <http://tinyurl.com/44s36wy> (Slashdot)
- EU Commission Examines Hard Drive Mergers – <http://tinyurl.com/422bca5> (Pinsent Masons)
- Facebook Changes Privacy Settings to Enable Facial Recognition - <http://tinyurl.com/3kwzubs> (Nick Bilton)
- Facebook Forensic Examiner Calls Contract ‘Amateurish Forgery’ – <http://tinyurl.com/3vu9snz> (Carolyn Thompson)
- Facial Recognition: The One Technology Google Is Holding Back – <http://tinyurl.com/3dynkxz> (Bianca Bosker)
- Following the Ebb and Flow of Fair Use Limitations on Copyright – <http://tinyurl.com/3dpvu44> (Lora Bentley)
- Hacker Group Claims Responsibility for New Sony Break-In – <http://tinyurl.com/3zfqg5r> (Riva Raymond)
- How Effective Are Mobile Security Policies? <http://tinyurl.com/3qebg44> (Upasana Gupta)

- How To Become SaaS Savvy - <http://tinyurl.com/4xfy4bb> (Beth Schultz)
- IDC Q1 Worldwide Storage Software Revenue Rises 12.4% – <http://tinyurl.com/3qnfrsk> (FinanzNachrichten)
- Pushing Back Against Legal Threats by Putting Fair Use Forward – <http://tinyurl.com/3uj3adw> (Jeffrey Young)
- Schema.Org: Creating And Supporting A Common Vocabulary For Structured Data Markup on Web Pages - <http://tinyurl.com/3djmrk6> (Google)
- Tape’s Role In Big Data - <http://tinyurl.com/3zq8kw3> (George Crump)
- Text Analytics and Sentiment Analysis - <http://tinyurl.com/4y85ffu> (Seth Grimes)
- The Costs of Bad Security - <http://tinyurl.com/4x2vpoo> (David Talbot)
- The Near Future of GPS-Enabled Crowdsourcing – <http://tinyurl.com/3p2rqrw> (Jorge Roques)
- Why Collaboration Should Center Around Email – <http://tinyurl.com/3kywnm9> (Michael Healey)
- Yahoo! Expands Policy on Maintaining User Data – <http://tinyurl.com/3mz23ty> (Drew Sorrell)

#### *Twitter Hashtags of the Week*

- [#eDiscovery](#)
- [#eDisclosure](#)
- [#Cloud](#)
- [#ILTA11](#)

#### **Vendor Views**

##### *Industry Landscape*

- 10 Questions for KCura CFO Steve Robertson – <http://tinyurl.com/3d2o8m6> (Nancy Weil)
- 40+ Of The Leading Archiving Vendors – <http://tinyurl.com/43p9u7x> (ComplexDiscovery)
- AccessData Group Named Visionary in Analyst Firm’s Inaugural eDiscovery Magic Quadrant Report - <http://tinyurl.com/3m6sj2u> (Business Wire)
- Actiance Unveils LinkedIn Static Content Pre-Approval Workflow Capabilities - <http://tinyurl.com/3gqvppf> (Press Release)
- American Portfolios Financial Services Joins Lead in Social Media Adoption with Socialware (PDF) <http://bit.ly/j2XZht> (Socialware)
- Apersee Offers Software to Navigate eDiscovery Products – <http://tinyurl.com/3zg4p75> (Michael Kozubek)
- Ballard Grabs Dechert’s Yanella as “eDiscovery” Boss – <http://tinyurl.com/3rtbbch> (Joseph DiStefano)
- CaseCentral Names Rob Fisher as Vice President of Sales and Field Operations - <http://tinyurl.com/3bja4dz> (Business Wire)
- CliCKS Announces the Launch of Venio FPR™ for Early Data Assessment - <http://tinyurl.com/3c5qy2t> (PR Web)
- CodeGuard Is A Simple Time Machine For Your Website – <http://tinyurl.com/44u4dad> (MG Siegler)
- Crowley Fleck PLLP Selects Autonomy iManage WorkSite – <http://tinyurl.com/3tnmdh3> (PR Newswire)
- Daegis Positioned in Niche Players Quadrant of the Magic Quadrant for eDiscovery Software - <http://tinyurl.com/3pbkqpa> (Business Wire)
- Digital One Legal Solutions Chooses Trial Solutions as Technology Partner in eDiscovery - <http://tinyurl.com/3vgcd2y> (PR Web)
- DTI Chief Financial Officer Chris Henderson Named CFO of the Year by the Atlanta Business Chronicle - <http://tinyurl.com/3kzplym> (PRLog)
- Ernst & Young Buys Cataphora’s eDiscovery Division – <http://tinyurl.com/42t3cws> (Evan Koblentz)
- Fully Integrated . Delivered Online . Complete eDiscovery. <http://tinyurl.com/2f3rbvc> (Orange Legal Technologies)
- FTI Consulting Recognized as a Leader in the 2011 Magic Quadrant for eDiscovery Software Report - <http://tinyurl.com/4xavhd3> (PR Newswire)
- iControl ESI Partners w/Mindseye Solutions to Deliver Early Cost Analysis, Detail Driven eDiscovery - <http://tinyurl.com/3tt5vxd> (PR Web)
- Industry Analyst Firm Positions Actiance as Visionary in the Secure Web Gateway Magic Quadrant - <http://tinyurl.com/3ncym89> (Press Release)

- kCura Rolls New Relativity 7 ‘Back to the Review’ – <http://tinyurl.com/3oeqx92> (Sean Doherty)
- My Take on Symantec’s Acquisition of Clearwell – <http://tinyurl.com/3jbtben> (Tim Leehealey)
- Nextpoint Preserves Websites and Social Media for the Record – <http://tinyurl.com/3vwz3ad> (Jason Krause)
- NightOwl Adds Equivio to Its eDiscovery Arsenal – <http://tinyurl.com/42uyorm> (PR Newsire)
- Planet Data Releases Exego™ Version 2.0 - <http://tinyurl.com/4xdz5pd> (PR Web)
- Popular ‘EDDToolkit’ #eDiscovery App Now Web-Based – <http://tinyurl.com/3ugx6vo> (PR Web)
- PowerSearch Launches Option for Searching and Collecting Relevant Documents for eDiscovery - <http://tinyurl.com/3sadpvx> (Press Release)
- Quest Software Continues Investment in Identity and Access Management with Latest Acquisition - <http://tinyurl.com/3f8rdyb> (Business Wire)
- Recommind Patents Predictive Coding – <http://tinyurl.com/3ffkg8y> (Marketwire)
- Reveal Data Corporation Announces InControl(TM) 3.1; Completes Installation at Navigant London - <http://tinyurl.com/3uydodq> (PR Web)
- Timothy M. Opsitnick Selected as a Founding Advisory Board Member of ACESIN - <http://tinyurl.com/3r6uj6j> (PR Web)
- Use of Smarsh for Social Media Archiving – <http://tinyurl.com/3ftuh3d> (Doug Austin)

## eDiscovery Events

### June

#### **ICAAIL 2011: The Thirteenth International Conference on Artificial Intelligence**

June 6-10, 2011

University of Pittsburgh School of Law  
Pittsburg, PA

### JULY

#### **Carmel Valley eDiscovery Retreat**

July 17-21, 2011

Carmel, California

#### **Organization of Legal Professionals – Annual Conference**

July 17-21, 2011

Carmel, California

For Complete Events Calendar Visit: <http://www.orangelt.us/info/events/>.



### **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.

- To sign up for our weekly updates, visit: <http://tinyurl.com/258nzu5>.
- For additional information on Orange Legal Technologies, visit: <http://www.orangelt.com>.