

Unfiltered Orange |

Weekly eDiscovery News Update – October 3, 2012

Highlighted in Forbes' Law & Technology Blog as one of [Eight Great Law & Technology Resources](#), Orange Legal Technologies' *Unfiltered Orange* Weekly eDiscovery News Update provides readers with a trusted compilation of key public domain eDiscovery news, views and events.

To receive the weekly update, sign up at: <http://bit.ly/y6y0DW>.

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eDiscovery News

Content and Considerations

- 2nd Circuit Rejects Bright-Line Test for Failure to Issue Hold Notice – <http://bit.ly/QFZK5Q> (Vivian Maese, Ben Barnett, Lindsey Stelcen)
- ABA Provides Ethical Guidance on ESI; Pennsylvania, Florida Update Procedural Rules – <http://bit.ly/Qlo7FF> (LexisNexis)
- Always Explain “Why” to the Judge – <http://bit.ly/PO0AL1> (Josh Gilliland)
- Big Data Boosters, EDD Practitioners Girding for Battle – <http://bit.ly/R2dWmZ> (Barclay Blair)
- California Electronic Discovery Act: Part Four – <http://bit.ly/QNU9KG> (Peter Bauman)
- Computers vs. Humans? Putting the TREC 2009 Study in Perspective – <http://bit.ly/QFYUpC> (Steve Green, Mark Yacano)
- Counsel’s Top Predictive Coding Concerns; Part 3 – Fear of Inadvertent Productions – <http://bit.ly/PJVBLk> (Bill Tolson)
- Courts Agree: It’s Easy to Waive Your Attorney-Client Privilege – <http://bit.ly/PreW3A> (Jason Krause)
- eDiscovery: Corporate Defendants Strike Back – <http://bit.ly/Prd6Qo> (Joseph Fogel, Todd Ohlms)
- eDiscovery Origins: Zubulake Interview Series – <http://bit.ly/PKy3Ws> (eLessons Learned)
- Every Good Document Review Starts With Human Expertise – <http://bit.ly/QG05FA> (Howard Reissner, Ian Hochman)
- Home Depot’s “Extremely Broad” Request for Social Media Posts Denied – <http://bit.ly/U2dB9X> (Doug Austin)
- Hot Topics and Recurring Issues In Recent eDiscovery Case Law - <http://bit.ly/PO880j> (James Bernard, Michael Quartararo, Jason Vinokur)
- In-Place eDiscovery and In-Place Hold in the New Exchange – Part I – <http://bit.ly/PpEqP0> (Bharat Suneja)
- In-Place eDiscovery and In-Place Hold in the New Exchange – Part II – <http://bit.ly/Pxk5r3> (Bhrat Suneja)
- Judge Whyte Applies Revised Preservation Standard On Remand, Joins Other Courts In Finding Rambus Spoliated Evidence – <http://bit.ly/U5viFr> (John Horan)
- Kleen Products Ruling Confirms Significance of Cooperation and Proportionality in eDiscovery – <http://bit.ly/PO7mAp> (Philip Favro)
- Mobile Messaging and Electronic Discovery: Part 1 of 4 – <http://bit.ly/PO55VS> (Daniel Garrie)
- On Remand, Court Finds Rambus Committed Spoliation, Will Adjust Royalty Rate as Sanction – <http://bit.ly/PvmW3I> (K&L Gates)
- Plaintiff Not a Pirate: Joint Venture Co. Downloads Files from Defendant’s Server After Dissolution <http://bit.ly/Pri2EP> (Jennifer Connelly)
- Plaintiffs Should Pay for Extensive Discovery Prior to Class Certification – eDiscovery Case Law – <http://bit.ly/QpSIHQ> (Doug Austin)

- Predictive Coding: Time, Cost and Accuracy in eDiscovery: Discussion with Howard Sklar – <http://bit.ly/PFFazC> (Lauren Everhart)
- Preparing for Data Collection in Internal Investigations – <http://bit.ly/PvonPr> (Michael Volkov)
- Spoliation: Adverse Inference Requires Bad Faith, Not Malice – Negligence, Recklessness Insufficient – <http://bit.ly/QNUUn6> (Gregory Joseph)
- The Basics of Defensible Deletion – What Every GC Needs to Know About E-mail – <http://bit.ly/QuzUSk> (Peter Buckley)
- The Many Lives of Laura Zubulake – <http://bit.ly/QInlsf> (Alitia Faccione)
- Rambus ‘Shred Days’ Ruled Spoliation, \$397M Judgment Reduced – <http://bit.ly/Pn446U> (Jan Wolfe)
- Document Retention Policy Determines Outcome of DRAM Chip Litigation – <http://bit.ly/PvrDdE> (Philip Favro)
- Two Big States, Many Big Differences in Discovery Rules – <http://bit.ly/PvrXcy> (Matt Miller)
- When Does eDiscovery Cross into the Realm of Undue Burden? <http://bit.ly/PHabmF> (Rachel Teisch)

Reports and Resources

- Announcing EDBP.com, a New Website of Best Practices For Attorneys – <http://bit.ly/QFkr1M> (Ralph Losey)
- Cloud Maturity Study Reveals the Top 10 Issues Eroding Cloud Confidence – <http://bit.ly/PvCi8f> (Press Release)
- DHS Privacy Policy for Operational Use of Social Media – <http://bit.ly/PFDTZi> (Sabrina Pacifici)
- LTN – Digital Edition for October 2012 – <http://bit.ly/PsGohi> (Law Technology News)
- Notable Cases and Events in eDiscovery (October 2012) PDF – <http://bit.ly/PJTJIG> (Sidley Austin)

Sight and Sound

- Best Practices: How to Draft a Formidable Clawback Agreement (Video) <http://bit.ly/OrHoWd> (Alvin Lindsay)
- Cross-Border Discovery: In-Country Data Review (Podcast) <http://bit.ly/QuI2SL> (Nigel Murray)
- eDiscovery: Best Practices and Trends (CIO Talk Radio) – <http://bit.ly/U5yIYL> (Vivian Tero)

Technology and Tactics

- \$29.99 vs. \$10k Max. Statutory Penalties Imposed to Deter Illegal Access to Satellite Television – <http://bit.ly/R2eWaF> (Catherine Kiernan)
- Acquire and Administer Immediately: Legal Hold and Remote Collection – <http://bit.ly/IJljzZ> (@OrangeLT)
- Big Data Squeezes Legacy IT Spending: IDC – <http://bit.ly/Prh7nQ> (Kevin Fogarty)
- Business Critical Applications Changing the Requirements of Tomorrow’s Private Clouds – <http://bit.ly/PrfV3N> (Jerome Wendt)
- California Moves to Protect Privacy of Social Media Accounts – <http://bit.ly/U28GWn> (Michael Epshteyn)
- Compliance With Both Antibribery and New Data Privacy Regulations - <http://bit.ly/PFGvGG> (Erika Brown Lee, Elaine Lawson)
- Defending Big Data – <http://bit.ly/Ovp4g2> (Monica Bay)
- FTC Clarifies “Investment Only” Exception to HSR Reportability – <http://bit.ly/PvspHE> (Crowell & Moring)
- Gartner Magic Quadrant for ECM 2012: What to Expect? <http://bit.ly/QNYmyd> (Hemant Prasad)
- HBR Consulting Survey Shows Law Department Spending Is Up – <http://bit.ly/QNXdXg> (Monica Bay)
- Hong Kong Privacy Commissioner Publishes Revised Guidance on Collection of Fingerprints – <http://bit.ly/QuAKhS> (Gabriela Kennedy)
- Lawyers Slow To Warm Up To The Cloud – <http://bit.ly/PO4oMe> (IT-Lex)
- Lessons For Every Company From The TYCO FCPA Settlement – Export Compliance Matters <http://bit.ly/PO64VT> (Doreen Edelman)
- Microsoft Bakes Data Protection into Exchange Server – <http://bit.ly/PJV5Nb> (Tony Bradley)
- Negotiating Software Contracts for Enterprise Resource Planning – <http://bit.ly/OqO5SI> (Peter Vogel)

- Practical Pointers Following Recent Decision On Investigation Confidentiality – <http://bit.ly/QFmaUX> (Ellen Rosen Rogoff)
- Portugal: File-Sharing For Personal-Use Is Legal – <http://bit.ly/U5x2P9> (IT-Lex)
- Right To Be Forgotten and Data Security – <http://bit.ly/QuBaos> (Winston Maxwell)
- State Tort and CFAA Claims Survive Motion to Dismiss In Ohio Employee Cyberhacking Case – <http://bit.ly/U6lxH6> (Brian Hall)
- The CIO Survey: Big Data Is Hotter Than You Might Think – <http://bit.ly/PJTxTI> (Chuck Hollis)
- Third-Party Intermediaries: Managing Global Corruption Risk - <http://bit.ly/PFDG8i> (Marc Miller)
- Tyco to Pay \$26 Million to Resolve FCPA Allegations – <http://on.wsj.com/QeNNnl> (C.M. Matthews)
- What Is A New gTLD And Why You Should Care: A gTLD Primer For Brand Owners – <http://bit.ly/PFDzK2> (Andrea Calvaruso, Nancy Lutz)

Vendor Views

Industry Landscape

- A Defensible, Secure And Fixed-Cost Managed Review Solution – <http://bit.ly/Pvm5A5> (John Thatcher)
- ACC 2012 Annual Meeting – Meet Orange Legal Technologies (Booth 422) – [@OrangeLT](http://bit.ly/P5wXnY)
- AccessData Releases Summation 4.1 and AD eDiscovery 4.0 – <http://bit.ly/PvmGBO> (Business Wire)
- Alicia Den Beste Joins Epiq Systems as Senior Director, Business Development – <http://bit.ly/PH9rhw> (Press Release)
- Applied Discovery Showcases Predictive Coding at ACC Annual Meeting – <http://mwne.ws/QFIUVJ> (Marketwire)
- Bridgeway Rolls Out New Law Department Maturity Model – <http://bit.ly/PH5adJ> (Press Release)
- CDS Legal Appoints Nicole Gable as Director of Business Development for the Chicago Office – <http://on.mktw.net/QsbbOI> (Press Release)
- D4 Deepens Service Offerings with the Addition of a Cloud-based Document Repository Solution – <http://bit.ly/PH5Ako> (PR Web)
- Drinker Biddle Forms an eDiscovery Subsidiary – <http://bit.ly/QuqxC2> (Gina Passarella)
- EnCase eDiscovery v5 Empowers Legal Departments with Comprehensive eDiscovery Process Oversight – <http://yhoo.it/U1RPD8> (Business Wire)
- E-Discovery Services Company Further Expands New York City Presence – <http://bit.ly/PO2k70> (PR Web)
- Enterprise Vault 10.0.2 Brings Archiving Enhancements to SharePoint, Exchange and Clearwell eDiscovery – <http://bit.ly/PpCmqc> (Symantec)
- Exterro Expands Integrations With Enterprise IT Systems to Unify Management of eDiscovery – <http://on.mktw.net/PGdNoZ> (Marketwire)
- FTI Consulting Boosts Team of Anti-Corruption and Compliance Experts in Europe – <http://bit.ly/QuyBmk> (Press Release)
- Guidance Software Announces EnCase eDiscovery 5.0 – <http://bit.ly/PNZsH1> (Evan Koblentz)
- HP Using Autonomy IDOL To Supercharge Document Management – <http://bit.ly/Quz483> (Kevin McLaughlin)
- Integreon Adds Staffing Service for On Location Document Review – <http://bit.ly/PGekr2> (PR Web)
- KPMG Announces Discovery Radar® Updates With Enhanced Concept Clustering, Filtering And Review – <http://prn.to/QuxFyh> (PR Newswire)
- KrollOntrack Closing Three Review Centers – <http://bit.ly/QNQZXq> (Evan Koblentz)
- Kroll Ontrack Study Reveals Nearly 50% Organizations Experienced E-Mail and Doc Data Loss in Past Year <http://bit.ly/QmvfSg> (Business Wire)
- Legacy Backup Tape Remediation Chalk Talk (Video) – <http://bit.ly/PrgSJj> (Index Engines)
- Logikcull: Test Driving a New E-Discovery Tool – and Liking It! <http://bit.ly/PJYzPP> (Sharon Nelson)
- MerlinCryption Announces Encrypted Authentication For Protecting The Legal Industry – <http://bit.ly/Prgcnq> (PR Web)
- Modus Offers EarlyInsight to Categorize Litigation Data – <http://bit.ly/PJXebI> (Michael Roach)
- New Data Sources Drive Innovative eDiscovery Forensics (Millnet) – <http://bit.ly/QWticE> (Chris Dale)
- NightOwl Adds Legal Hold System to Managed Services Offering – <http://bit.ly/OrwhMT> (Press Release)

- “Redact This” – New Tool For Reliable Redaction (Fios) – <http://bit.ly/PvIUoa> (Don Whitehead, Samantha Green)
- Quality Alliance Document Solutions Chooses CloudNine Discovery as Technology Provider – <http://bit.ly/PFDfuK> (PR Web)
- RenewData Appoints Tom Shambo as Senior Vice President and Rich Cohen as Vice Chairman – <http://bit.ly/PH9aLr> (Press Release)
- RenewData Enhances Its Review Acceleration Suite with the Addition of Clearwell – <http://bit.ly/UITh8A> (Press Release)
- Selecting eDiscovery Providers: Deconstructing the Nightmare – <http://bit.ly/QqBJ2E> (Sharon Nelson)
- SFL Data Offers Equivio Zoom for Technology-Assisted Review to Corporate, Law Firm Clients – <http://bit.ly/QIL9MN> (PR Web)
- Smarsh Recognized as “Top Player” In Cloud Information Archiving by Analyst Research Firm – <http://bit.ly/OvpZwN> (Press Release)
- Symantec to Webcast Quarterly Earnings Call – <http://bit.ly/QNRp02> (Press Release)
- UBS Gains New Global eDiscovery Leader – <http://bit.ly/Qo9Kk1> (Compliance Week)

2012 eDiscovery Events

OCTOBER

Masters Conference 2012

October 8-10, 2012

Washington, DC

[Click here for more information.](#)

Storage Networking World (SNW)

October 16-19, 2012

Santa Clara, CA

[Click here for more information.](#)

EDRM 2012 – 2013 Mid Year Meeting

October 17-18, 2012

St. Paul, MN

[Click here for more information.](#)

EDI Leadership Summit 2012

October 17 – 19, 2012

Fort Lauderdale, FL

[Click here for more information.](#)

Gartner Symposium/ITxpo

October 21-25, 2012

Orlando, FL

[Click here for more information.](#)

Corporate Compliance & Ethics Forum

October 28-30, 2012

Palm Beach Gardens, FL

[Click here for more information.](#)

eDiscovery for Pharma, Biotech & Medical Device Industry – IQPC

October 29, 2012

Philadelphia, PA

[Click here for more information.](#)

NOVEMBER

eDiscovery for Financial Services & Governmental Investigations

November 5-6, 2012

New York, NY

[Click here for more information.](#)

e-Discovery & e-Investigations Forum

November 8, 2012

London, United Kingdom

[Click here for more information.](#)

Corporate Litigation Forum

November 11-13, 2012

San Antonio, TX

[Click here for more information.](#)

LawTech Europe Congress

November 12, 2012

Prague, Czech Republic

[Click here for more information.](#)

The Litigation Summit and Exposition

November 12-13, 2012

Washington, DC

[Click here for more information.](#)

The 7th Annual E-Disclosure Forum

November 15, 2012

London, United Kingdom

[Click here for more information.](#)

Information Governance & eDiscovery Strategy

November 27-29, 2012

Munich, Germany

[Click here for more information.](#)

DECEMBER

Georgetown Law – The Advanced eDiscovery Institute

December 6-7, 2013

Washington, DC

[Click here for more information.](#)

2013 Events

JANUARY

LegalTech New York 2013

January 29-31, 2013

New York, NY

[Click here for more information.](#)

FEBRUARY

ACEDS 2013 Annual Conference and Exhibition

February 28 – March 2, 2013

Hollywood, FL

[Click here for more information.](#)

MARCH

Legal IT Business Show 2013

March 5-6, 2013

London, United Kingdom

[Click here for more information.](#)

The Sedona Conference® Institute's 7th Annual E-Discovery Program: Living On E-Discovery's Cutting Edge

March 21-22, 2013

San Diego, CA

[Click for more information.](#)

APRIL

ABA TECHSHOW

April 4-6, 2013

Chicago, IL

[Click here for more information.](#)

Laguna Beach eDiscovery Retreat

April 10-12, 2013

Laguna Beach, CA

[Click here for more information.](#)

2013 ALA Annual Conference and Exhibition

April 14-17, 2013

Washington, DC

[Click here for more information.](#)

MAY

CEIC 2013

May 19 – 22, 2013

Orlando, FL

[Click here for more information.](#)

LegalTech West Coast

May 21-22, 2013

Los Angeles, CA

[Click here for more information.](#)

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. Having served over 500 clients since inception and with over 100 clients leveraging the OneO® Discovery Platform since its introduction, Orange Legal Technologies has worked with some of the world's most [well known corporations and law firms](#).

OrangeLT™ offers a complete suite of electronic discovery services, including 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>.