

# Unfiltered Orange |

## Weekly eDiscovery News Update – October 17, 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>.

For up to the minute news updates, visit OrangeLT on Twitter, Google+, LinkedIn, Pinterest, or RSS. (<http://www.orangelt.com>)



### eDiscovery News

#### Content and Considerations

- Are You Requesting the Best Production Format for Your Case? – eDiscovery Best Practices - <http://bit.ly/RwARtG> (Doug Austin)
- Be Concrete! Court Requires Specificity for eDiscovery in Ford's Contaminated Concrete Case – <http://bit.ly/RnqNmH> (eLessons Learned)
- Concluding Litigation Hold and Document Retention Policies are “Clearly Unacceptable,” Court Allows Depositions to Determine if Spoliation Occurred - <http://bit.ly/PBClUr> (K&L Gates)
- Court Focuses on Cooperation & Proportionality to Resolve Discovery Disputes - <http://bit.ly/Rnmecl> (K&L Gates)
- Court Orders Monetary Sanctions of \$625K For Defendant's Spoliation of Evidence – <http://bit.ly/Qm6sel> (Michael Hamilton)
- Defendant Appeals Sanctions, Only to See Sanction Amount Raised on Appeal - <http://bit.ly/QpvSbc> (Doug Austin)
- Does Your CAR (Computer Assisted Review) Have a Full Tank of Gas? - <http://bit.ly/Rwtcf3> (Ralph Losey)
- eDiscovery: Collect Metadata to Avoid ESI Headaches - <http://bit.ly/QqAM7X> (Gregory Schodde)
- eDiscovery Education? Yes! eDiscovery Certification? Maybe... <http://bit.ly/Rx2dA5> (Barry Murphy)
- eDiscovery: Four Important Lessons From The Restaurant Business - <http://bit.ly/QgB1m0> (David Reif)
- Electronic Discovery and Evidence: Explanation of Mobile Device Location Data - [@MichaelArkfeld](http://bit.ly/TmiRhS)
- E-Mails, Law Firm Billing Records Paint Sordid Picture of Eaton Corp. Attempt to Corrupt Justice – <http://bit.ly/RjSg8M> (Robert Hilson)
- Federal Judge to Be Keeper of Disputed Data in PayPal Hacking Case - <http://bit.ly/Rq5h0K> (Vanessa Blum)
- Five Steps for Selecting a Law Firm with eDiscovery Capabilities - <http://bit.ly/QgBmFa> (Todd Olms, Joseph Fogel)
- IRS Tries (Again) on eDiscovery | Discovery Advocate - <http://bit.ly/PBEIMk> (Stuart Bassin, Gil Ketelas)
- How Can Advanced Redaction Tools Help Parties Better Meet Cross-Border Privacy Requirements? <http://bit.ly/QHTyb5> (Rachel Teisch)
- How to Keep “Big Data” From Turning into “Bad Data” Resulting in eDiscovery and InfoGovernance Risks – <http://bit.ly/QkZ9DZ> (Dean Gonsowski)
- Info Governance Model Expands Privacy, Security Roles - <http://bit.ly/RyrhGT> (Evan Koblentz)
- Keep Your Social Media Discovery Targeted! <http://bit.ly/Ql6fIA> (Jennifer Walrath)
- Legal Precedents Put Computer Assisted eDiscovery on Course to Broader Enterprise Acceptance – <http://bit.ly/Qpvycr> (Charles Skamser)

- Lyrics Website Fined \$6.6m For Copyright Infringement - <http://bit.ly/RwOLMu> (@ITLexOrg)
- Mobile Messaging and Electronic Discovery: Part 2 of 4 - <http://bit.ly/Ql0FpA> (Daniel Garrie)
- No Fishing Expeditions Allowed When It Comes to Discovery of Social Media – eDiscovery Law Alert – <http://bit.ly/QpUS20> (Mara Zazzali-Hogan)
- Predictive Coding – From the Outside In... - <http://bit.ly/Ri203w> (Drew Lewis)
- Quick Bytes: New Cases Addressing The Discovery Of Social Networking - <http://bit.ly/V2zUN2> (Michael Schmidt)
- Reading Someone’s Webmail Not A Violation of Stored Communications Act - <http://bit.ly/UXjdg> (Graham Martin)
- Reforming eDiscovery with a Bang - <http://bit.ly/ReRJ88> (Gabriela Baron)
- Responsible Data Citizens Embrace Old World Archiving With New Data Sources - <http://bit.ly/QpkdZV> (Allison Walton)
- SCOTUS Declines to Weigh In on the Taxation of eDiscovery Costs - <http://bit.ly/Re2yHH> (Carey Busen)
- “Siri®, How Much Discoverable ESI is on My Smartphone?” <http://bit.ly/PzubMg> (@LexisNexis)
- Spoliation: Negligence Suffices for, But Does Not Require, Adverse Inference in Sixth Circuit - <http://bit.ly/PBEa3G> (Gregory Joseph)
- The Email Pyramid - <http://bit.ly/RAYTUv> (Mark Mandel)
- The Use of Illegally Obtained Evidence - <http://bit.ly/Qm5r6p> (Joel Cohen)
- Technology-Assisted Review: Four Key Questions - <http://bit.ly/RxIIHA> (Joe Garber)
- Who Owns Social Media Accounts? <http://bit.ly/QH2Yn7> (Jeffrey Gross)
- Who Owns Wiki Content? <http://bit.ly/Qp59vp> (Peter Vogel)

#### *Reports and Resources*

- A Corporate End-User’s Handbook for Dodd-Frank Title VII Compliance - <http://hvr.me/P0xiwV> (Noam Noked)
- eDJ Group Releases Ground-Breaking Report on Social Media in eDiscovery - <http://bit.ly/QOh6uI> (@LegalIT)
- Executive Alert: eDiscovery and Technology Newsletter - <http://bit.ly/Qp4hHe> (Baker Hostetler)
- Identifying Threats to Digital Preservation: The SPOT Model for Risk Assessment <http://bit.ly/RAYiSE> (Sally Vermaaten, Brian Lavoie, Priscilla Caplan)
- Networked and Hyperconnected: The New Social (And Work) Operating System | Pew Research - <http://bit.ly/RIQG6s> (Lee Rainie)
- The eDiscovery Rear View Mirror on Google+: 5 Top Stories From Last Week’s Unfiltered Orange Newsletter – <http://bit.ly/QhnlQM> (@OrangeLT)
- The ‘Audience Targeting’ Test for Personal Jurisdiction in Internet Defamation Cases (PDF) - <http://bit.ly/RwBT97> (Sarah Ludington)
- The Radicati Group Releases “eDiscovery Market, 2012-2016” - <http://mwne.ws/RwBcfW> (Marketwire)

#### *Sight and Sound*

- #ACCAM12 - At A Glance | In-house Access - <http://bit.ly/QH442g> (@ACCInHouse)
- A Pinteresting Look At eDiscovery? <http://bit.ly/Qnhy2Y> (@OrangeLT)
- At the Very Least, Lawyers Better Understand the Basics of Social Media – Budget CLO Jason Romrell – <http://bit.ly/RnHwX4> (@LXBN)
- Case in Point: “Bring Your Own Device” - <http://bit.ly/Rxuc2u> (Tom Fishburne)
- Craig Ball on Special Masters in eDiscovery - <http://bit.ly/RxXwGf> (@SharonNelsonEsq)
- Dropbox is Excellent Tool for Legal Collaboration, Google Alerts for Staying Up-To-Date - <http://bit.ly/QIMQ4A> (Colin O’Keefe, David Keller)

- Analyzing Civil Claims Under the Computer Fraud and Abuse Act (CFAA) <http://bit.ly/Q14cEx> (Richard Rayman, Peter Brown)
- As U.S. Waits for FCPA Guidance, UK Bribery Act Gets an Update – <http://bit.ly/PntvcW> (Catherine Dunn)
- Browser Tools Can Help Block Tracking by Social Networks - <http://nyti.ms/Qp2hP6> (Somini Sengupta)
- Canadian CRTC Issues Compliance and Enforcement Information Bulletins - <http://bit.ly/Q12TW0> (Mark Hayes)
- Could Your Law Firm Seize Your LinkedIn Account? <http://bit.ly/Qp2UrS> (Kevin O’Keefe)
- Data Protection Reforms: Privacy Body Seeks Changes To The Definition Of Personal Data - <http://bit.ly/RwGfgs> (Pinsent Masons)
- Discharge Over Facebook Posting Lawful - <http://bit.ly/Q1ZC92> (Adam Santucci)
- Emerging Cyber-Security Threats and Implications for the Private Sector - <http://bit.ly/RwBYJQ> (Sophia Bekele)
- Employers Can No Longer Require Access To Your Social Media Accounts - <http://bit.ly/RfEC6D> (Walther Haines)
- EPIC – FBI Exempts Massive Database from Privacy Act Protections - <http://bit.ly/RIQu7c> (Sabrina Pacifici)
- Exterro Fusion(R) E-Discovery Platform Advances With Predictive Technologies Across the EDRM – <http://yhoo.it/PBQJvO> (Marketwire)
- EU Data Law Could Hamper International Arrests - <http://reut.rs/Qp8A5h> (Claire Davenport)
- Gartner Spells Out Magic Behind Quadrants - <http://bit.ly/PzvoTW> (Simon Sharwood)
- How to Wipe Company Data on Employees’ Mobile Devices while Leaving Personal Data Alone - <http://bit.ly/RISeXn> (Joshua Konkle)
- Huron Consulting Group Adds E-Discovery Expert to Huron Legal - <http://bit.ly/QR2ikn> (Business Wire)
- IBM’s New Privacy Chief Calls Data Privacy ‘Cornerstone of Trust’ - <http://bit.ly/QOBLih> (Catherine Dunn)
- Is An Email Contract Binding? <http://bit.ly/QK7Tnn> (@FredAbramson)
- Law Firm Strategic Planning Still Driven by Managing Partners According to ALM Survey - <http://bit.ly/QqyJzk> (@LegalIT)
- LinkedIn Endorsements: What Should You Do? <http://bit.ly/QOFhJK> (Sarah Carter)
- Managing Mobile Risk - <http://bit.ly/Qqud3Q> (Sean Martin)
- Microsoft Re-releases RUs for Exchange 2007 and 2010 - <http://bit.ly/QHGEdq> (Casper Manes)
- Preemptive Strikes Against a Competitor’s Patent Application Preissuance Submissions (Part 2 of 2) <http://bit.ly/RxILUP> (Martin Miller)
- Social Media Carries Regulatory Risk - <http://bit.ly/R1ZZDz> (Taylor Provost)
- Social Media Upending Privacy in Real World - <http://nyti.ms/QGTrwc> (Nick Bilton)
- The “E’s” of Predictive Coding – Part One - <http://bit.ly/TiUt0J> (Karl Schieneman)
- The High Costs of Manual Incident Response - <http://bit.ly/QvVyTD> (Anthony DiBello)
- The Real Reason Walmart’s Social Media Policy Survived and Costco’s Didn’t (Hint: It’s Not “Defamation”) <http://bit.ly/QK2LzD> (Brian Wassom)
- Using Search Analytics To See Into Gartner’s \$232B BigData Forecast – <http://onforb.es/Rx8HPP> (Louis Columbus)

## Vendor Views

### Industry Landscape

- Addition of Legal Tech Veteran Scott Woodworth Enhances OrangeLT™ eDiscovery Reach and Expertise - <http://bit.ly/RC1jIj> (@OrangeLT)
- Aderant CRM4Legal 2011 Version 5.1 – Substantial Marketing and Business Development Enhancements – <http://bit.ly/RxiWTR> (Press Release)
- Analysis: Transperfect Acquires Digital Reef - <http://bit.ly/TgpK4c> (Barry Murphy)
- Arsenal Recon Launches Revolutionary Computer Forensics Solution - <http://on.mktw.net/QHKYZN> (Marketwire)
- Australian Startup Offers eDiscovery for SMEs - <http://bit.ly/RiScpO> (Image and Data Manager)

- C2C Maximizes eMail Archiving Flexibility and Control With Support for the Hybrid Cloud – <http://on.mktw.net/Qm1te2> (Marketwire)
- Catalyst Releases High-Fidelity, Tokenized Predictive Coding Services to Japanese Market – <http://yhoo.it/QhTpej> (Marketwire)
- CommVault Integrates Modern Data Management for Windows Server 2012, Hyper-V and Windows Azure – <http://bit.ly/RjMjc1> (Press Release)
- Copy Secure Inc. Chooses Level Review 3.0 to Level the eDiscovery Playing Field in Philadelphia – <http://bit.ly/TgFGUc> (Business Wire)
- Daegis Releasing Predictive Coding Feature - <http://bit.ly/RAEUoW> (Evan Koblentz)
- Dickstein Shapiro Launches ESI Predict; New E-discovery Tool Significantly Reduces Costs - <http://bit.ly/RjX2De> (Press Release)
- Elluma Discovery: Computer Forensic Analyst Sherry Katz Helps Clear California Political Consultant of Charges - <http://bit.ly/Tk7hE5> (Eric Robi)
- Endeca Competitor Attivio Raises \$34M in First Outside Investment – Boston Business Journal – <http://bit.ly/Qm1RsZ> (Kyle Alspach)
- eTERA Consulting Announces Formal Launch of Partner Program - <http://bit.ly/Qqw48Z> (PR Web)
- From CAR to TAR with Backstop through ZyLAB: 20+ “Technology Assisted Review” Providers - <http://bit.ly/HKRvOE> (@ComplexD)
- FTI Consulting Bolsters Health Solutions Team - <http://on.mktw.net/Ri2u9P> (PR Newswire)
- Guidance Software Releases EnCase® Forensic v7.05 - <http://yhoo.it/Ri3cUp> (Business Wire)
- Hanzo Archives: Financial Services Web Archiving: The Growing Need - <http://bit.ly/RIWTiN> (Jim Donahue)
- Herbert Smith Freehills Installs Relativity in Their Australian Offices - <http://bit.ly/PBD8ES> (Press Release)
- IBM Q3 Earnings - <http://read.bi/PBF3cC> (Mathew Boesler)
- iCONNECT and EMC (@Kazeon) Create Seamless Workflow Integration - <http://bit.ly/RiRnxu> (PR Web)
- Iron Mountain Confirms 2012 Target; Declares Special Dividend – Quick Facts - <http://bit.ly/RIU9Ss> (NASDAQ)
- Legal Holds in Office 365 - <http://bit.ly/RB7d6x> (Greg Buckles)
- Legal IQ in Washington – Covering Every eDiscovery Subject in One Place - <http://bit.ly/RnlxzG> (Chris Dale)
- Legal Technology “Tech Circuit” <http://bit.ly/RwH7Sp> (Monica Bay)
- Lone Star Settles Patent Infringement Claims With eDiscovery Providers - <http://bit.ly/QvRnas> (Evan Koblentz)
- Mindseye Introduces Full Production Capabilities and Storyboards with TunnelVision v3.4 – <http://bit.ly/PBE0cD> (PR Web)
- OpenText Appoints James Mackey as Senior Vice President of Corporate Development - <http://bit.ly/Qm2fHP> (PR Newswire)
- Platform Story: Fios Redaction Assistant - <http://bit.ly/RhZSZF> (Fios)
- Modus Early Insight™ Delivers Unprecedented eDiscovery Cost Control to Corporations and Law Firms – <http://bit.ly/QILWF3> (Business Wire)
- Nuix and RSD Partner to Locate and Govern Corporate Records - <http://bit.ly/QOHDYY> (Press Release)
- OpenText - New Cloud-Based Services Enable Secure and Effective Information Exchange – <http://on.mktw.net/RBdTlj> (PR Newswire)
- Precise, Inc. Becomes Viewpoint E-Discovery Software Provider - <http://bit.ly/RAZLby> (Press Release)
- Slaughter and May Deploys Recommind’s Decisiv Search – <http://bit.ly/RBevHJ> (Press Release)
- Some eDiscovery Vendors Settle ‘Patent Troll’ Lawsuits, But Catalyst Fights On - <http://bit.ly/QqwA6Q> (Bob Ambrogi)
- Venio Systems - “The Benefits of an Integrated E-Discovery Solution: Determining the Value Proposition” – <http://bit.ly/RB05r0> (PR Web)
- Xerox Declares Dividends - <http://bit.ly/Qqxksx> (Press Release)
- Xerox Develops Automatic Redaction Tool - <http://bit.ly/OVGAu5> (Evan Koblentz)

## 2012 eDiscovery Events

### OCTOBER

#### **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

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**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

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**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>.