

# Unfiltered Orange |

## Weekly eDiscovery News Update – December 14, 2011

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.

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(<http://www.orangelt.com>)



### eDiscovery News

#### *Content and Considerations*

- A Fish Story | Ball in your Court - [bit.ly/v8HI3y](http://bit.ly/v8HI3y) (Craig Ball)
- Authentication of Internet Archive Evidence - <http://bit.ly/tNVCdn> (Gregory Joseph)
- Awash in Electronic Data, US Agencies Turn to Vendors for Help - [bit.ly/uXeQot](http://bit.ly/uXeQot) (Robert Hilson)
- Backup Tapes and Archives Bursting at the Seams? The 7 Year Itch Has Technology to Answer Scratch - [bit.ly/sOp3wP](http://bit.ly/sOp3wP) (Allison Walton)
- Balancing Automation And Hands-On Review In eDiscovery | Forbes - [onforb.es/vKplgr](http://onforb.es/vKplgr) (Jon Resnick)
- Beware Of Dupes - [bit.ly/sQay0p](http://bit.ly/sQay0p) (James Shook)
- Cross Spoliation Claims for Lost Video & Witness Statements - [bit.ly/sSXFPC](http://bit.ly/sSXFPC) (Josh Gilliland)
- Deciding Where to Review Overseas Client's Documents - [bit.ly/tqB3Hm](http://bit.ly/tqB3Hm) (Michael Gertzman)
- Delaware Federal Judge Rules Defendants Can Be Served via Email - [bit.ly/rurRpw](http://bit.ly/rurRpw) (Jeff Mordock)
- Details of EU Data Protection Reform Reveal Dramatic Proposed Changes - [bit.ly/uF0sP7](http://bit.ly/uF0sP7) (Bret Cohen)
- District of Delaware Adopts Revised Default Standards for Discovery | Electronic Discovery Law - [bit.ly/vL7Uh7](http://bit.ly/vL7Uh7) (K&L Gates)
- eDiscovery Production Without Review - [bit.ly/vqGC6W](http://bit.ly/vqGC6W) (Albert Barsocchini)
- Draft EU Data Protection Regulation Leaked - [bit.ly/ti7ASi](http://bit.ly/ti7ASi) (Dan Cooper, Kristof Van Quathem)
- eDiscovery: Automating the Litigation Process - [bit.ly/rE5GPI](http://bit.ly/rE5GPI) (James Berriman)
- Effective Project Management is Essential - [bit.ly/tSCJne](http://bit.ly/tSCJne) (Kevin Nichols)
- Federal Court Gives Metadata Experts a Break | E-Discovery Law Review - [bit.ly/sbKt9y](http://bit.ly/sbKt9y) (Lisa Myers)
- Forecasting Governance and Compliance Trends for 2012 - [bit.ly/s0GsVj](http://bit.ly/s0GsVj) (Shannon Green)
- How Digital Forensics Detects Insider Theft | Informationweek - [bit.ly/vKg0a0](http://bit.ly/vKg0a0) (Mathew Schwartz)
- In E-Discovery, Even Google Needs Help: Oracle Case is Lesson in Complexity of Privilege Search - [bit.ly/rP7t8T](http://bit.ly/rP7t8T) (Jim Eidelman, Bob Ambrogi)
- Ineffective Privilege Review Leads to Inadvertent Waiver in Rolling Document Production - [bit.ly/uDwWx7](http://bit.ly/uDwWx7) (Gibbons)
- In-House Compliance Requires Companywide Efforts - [bit.ly/u6rqPP](http://bit.ly/u6rqPP) (Catherine Dunn)
- In re Facebook Privacy Litigation – Uphill Battle for Plaintiffs | E-Discovery Law Alert - [bit.ly/uV94Wj](http://bit.ly/uV94Wj) (Gibbons)
- Inspection Demands – What is a Reasonable Inquiry? [bit.ly/uDBZw6](http://bit.ly/uDBZw6) (Katherine Gallo)
- Legal Experts: Attorneys Have an Affirmative Duty to Address Social Media Evidence - [bit.ly/rHtjiv](http://bit.ly/rHtjiv) (John Patzakis)
- Legal Outsourcing: Is the Bloom Already off the Rose? | WSJ Law Blog - [on.wsj.com/t3yBOo](http://on.wsj.com/t3yBOo) (Jennifer Smith)

- Litigants Beware: Create Reasonable Document Requests or Else You Might Be Paying for it in the Future - [bit.ly/rOLE6j](http://bit.ly/rOLE6j) (Mike Hamilton)
- More “Top” Predictions: Top Ten eDiscovery Predictions for 2012 - [bit.ly/rRX8nt](http://bit.ly/rRX8nt) (Dean Gonsowski)
- ‘Pippins v. KPMG’ Order Highlights Preservation Burdens - [bit.ly/rZdOj8](http://bit.ly/rZdOj8) (Christopher Boehning, Daniel Toal)
- Sanctions Ordered for Failure to Adequately “Preserve, Search and Collect Potentially Relevant Information” - [bit.ly/t3yZay](http://bit.ly/t3yZay) (K&L Gates)
- Secrets of Search – Part One | E-Discovery Team - [bit.ly/vNegoK](http://bit.ly/vNegoK) (Ralph Losey)
- Should Freedom of Information Requests Extend to Technology and Software Systems? [onforb.es/tSCHU3](http://onforb.es/tSCHU3) (Ben Kerschberg)
- Singapore: Electronic Discovery And Inspection Of Compound Documents (PDF) [bit.ly/tpIeZT](http://bit.ly/tpIeZT) - (Rajah Tann)
- Still No Bright-Line Rules on Spoliation Sanctions - [bit.ly/uvTHmG](http://bit.ly/uvTHmG) (Keith Brandofino, Ian Goldrich)
- The Debate Continues: Should Preservation Rules Be Changed? - [bit.ly/s9NNn8](http://bit.ly/s9NNn8) (Robert Owen)
- The Fifth Annual Gibbons eDiscovery Conference Closes With Helpful Guidance On Drafting Records Management Policies - [bit.ly/t8jVU3](http://bit.ly/t8jVU3) (Gibbons)
- The Myth Of eDiscovery Commoditization: How To Move From Good To Great Vendors - [bit.ly/uJDfhF](http://bit.ly/uJDfhF) (George Kiersted)
- Utah Discovery Rule Changes: Proportionality - <http://tinyurl.com/82t4ool> (Bentley Briggs & Lynch)
- Why Not Move Your eDiscovery to the Cloud (Part 2) – [bit.ly/tgtEHv](http://bit.ly/tgtEHv) (Greg Buckles)
- Wood Carves Out 2012 Document Review Trends - [bit.ly/vsiBTQ](http://bit.ly/vsiBTQ) (Evan Koblentz)
- You Do Want To Know What eDiscovery / eDisclosure Is Costing You, Surely? [bit.ly/sW2Z2y](http://bit.ly/sW2Z2y) (Chris Dale)

### *Reports and Resources*

- A New Objective Electronic Discovery Resource - <http://bit.ly/uooaZA> (Sharon Nelson)
- A Portal to In-House Technology in 2012 - [bit.ly/rvTExa](http://bit.ly/rvTExa) (Michael Roach)
- CSC Cloud Usage Index – Survey of over 3.5K Cloud Users Internationally (PDF) [bit.ly/tfqFES](http://bit.ly/tfqFES) (CSC)
- Case Law Update and Trends - [bit.ly/uGuRaf](http://bit.ly/uGuRaf) (Kroll Ontrack)
- Fortune 500 and Social Media: Have America’s Largest Companies Reached a Social Media Plateau? (PDF) [bit.ly/ubVWqj](http://bit.ly/ubVWqj) (Nora Barnes, Justina Adonian)
- Text REtrieval Conference (TREC) Call For Participation in TREC 2012 - [1.usa.gov/rLOluI](http://1.usa.gov/rLOluI) (NIST)

### *Technology and Tactics*

- 8 Most Notorious Cybercrime Busts Of 2011 - [bit.ly/tjgel7](http://bit.ly/tjgel7) (Ericka Chickowski)
- A Case for Forensic Polygraph Testing in New Jersey - [bit.ly/v5fvOb](http://bit.ly/v5fvOb) (Ken Blackstone)
- Congress Should Not Weaken Video Privacy Protection Act to Benefit Netflix & Facebook - [bit.ly/vmHkNU](http://bit.ly/vmHkNU) (Bradley Shear)
- Create SharePoint Checklists to Boost Firm Efficiency - [bit.ly/uDi6Iy](http://bit.ly/uDi6Iy) (Mark Gerow)
- Disruptions: Privacy Fades in Facebook Era - [nyti.ms/ta7VZx](http://nyti.ms/ta7VZx) (Nick Bilton)
- Does a Naked Retweet Carry an Endorsement by a Lawyer or Law Firm? [bit.ly/uxH6Qd](http://bit.ly/uxH6Qd) (Kevin O’Keefe)
- Does a PIN Prevent Someone From Accessing Your Phone’s Data? [bit.ly/sd4J63](http://bit.ly/sd4J63) (Sharon Nelson)
- Does New Missouri Law Muzzle Teachers on Facebook? [bit.ly/rv4wHV](http://bit.ly/rv4wHV) (Vivian Berger)
- Exchange 2010 SP2: Hybrid Configuration Wizard Makes It Easier To Adopt The #Cloud - [bit.ly/sGFkxS](http://bit.ly/sGFkxS) (Paul Robicheaux)
- Four Prerequisites of an Enterprise Cloud-based Backup Provider | DCIG - [bit.ly/uyODzo](http://bit.ly/uyODzo) (Jerome Wendt)
- Get Ready for Forrester’s Social Thunderstorms | Tech Europe WSJ - [on.wsj.com/s5d7db](http://on.wsj.com/s5d7db) (Neil McIntosh)
- How to Create and Implement an Information Management Policy - [bit.ly/s3Bxhk](http://bit.ly/s3Bxhk) (Tom Turner)
- How To Spot Malicious Insiders Before Data Theft – [bit.ly/tlmcZe](http://bit.ly/tlmcZe) (Mathew Schwartz)
- IIROC Updates Social Media Guidelines - [bit.ly/ukURyG](http://bit.ly/ukURyG) (Chad Bockius)
- Judge Hits Blogger with \$2.5 Million Charge for Not Being a Journalist - [on.mash.to/scFwQ2](http://on.mash.to/scFwQ2) (Peter Pachal)
- Legislation Lags Location-Based Data Tracking - [bit.ly/uzlrBQ](http://bit.ly/uzlrBQ) (Michelle Manafy)

- Lexis Says Social Networking Lags at Large Firms - [bit.ly/ubFQFV](http://bit.ly/ubFQFV) (Evan Koblenz)
- Mapping the Cloudscape I Slaw - [bit.ly/tapxzX](http://bit.ly/tapxzX) (Jack Newton)
- New Data Protection Board to Co-ordinate EU-wide Enforcement, says Commissioner - [bit.ly/sAXS4Z](http://bit.ly/sAXS4Z) (Pinsent Masons)
- No Email at Work? Inconceivable! [bit.ly/rAiq38](http://bit.ly/rAiq38) (Casper Manes)
- Privacy Update at Google and Microsoft - [bit.ly/u3BfNB](http://bit.ly/u3BfNB) (Peter Vogel)
- Your Ethical And Legal Duties When Using Wireless Networks I Forbes - [onforb.es/s3Lqa3](http://onforb.es/s3Lqa3) (Ben Kerschberg)

### *Twitter Hashtags of the Week*

- [#eDiscovery](#)
- [#eDisclosure](#)
- [#LTNY](#)

### **Vendor Views**

#### *Industry Landscape*

- AccessData(R) Named SC Innovator for Second Year by SC Magazine – MarketWatch [bit.ly/sN1jTe](http://bit.ly/sN1jTe) (Business Wire)
- ASG Software Solutions Acquires Data Management Software Firm Atempo I MarketWatch - [bit.ly/tfbwPX](http://bit.ly/tfbwPX) (Business Wire)
- Autonomy Positioned in Leaders Quadrant of 2011 Magic Quadrant for Enterprise Information Archiving - [prn.to/sPH9bN](http://prn.to/sPH9bN) (PR Newswire)
- Cisco CloudVerse: Build One Private Cloud, Multiple Hypervisors - [bit.ly/vX9Hym](http://bit.ly/vX9Hym) (Charles Babcock)
- Daegis Reports Fiscal 2012 Second Quarter Financial Results - [bit.ly/sXohDo](http://bit.ly/sXohDo) (Business Wire)
- Digital Reasoning Gets More Dough For Big Data Intelligence Push - [bit.ly/tADnwN](http://bit.ly/tADnwN) (Barb Darrow)
- From ABBYY to ZL Technologies: What's in a Name, Part II - [bit.ly/vIIqed](http://bit.ly/vIIqed) (Brendan McKenna)
- Happy Holidays: The Gift of Project Management - [bit.ly/sJcg17](http://bit.ly/sJcg17) (Orange Legal Technologies)
- HP Announces Autonomy's Software Will be Integrated Across All Products - [bit.ly/tpPY8V](http://bit.ly/tpPY8V) (Jasmine Aston)
- Huron Legal Adds Digital Evidence Services to its eDiscovery Offerings I e-Disclosure Information Project - [bit.ly/v343Zw](http://bit.ly/v343Zw) (Chris Dale)
- Interlegis Offers Free eDiscovery Technologies - <http://bit.ly/rxkB0O> (Press Release)
- IPRO Tech, Inc. Announces Release of eCapture 6.0 - [bit.ly/vYzeuy](http://bit.ly/vYzeuy) (Marketwire)
- kCura Selected as a 2011 Best and Brightest Companies to Work for National Winner - [bit.ly/sFx6bZ](http://bit.ly/sFx6bZ) (Press Release)
- KPMG Reports FY 2011 Revenue of \$22.7B - [reut.rs/syalDr](http://reut.rs/syalDr) (Reuters)
- Kroll Ontrack Announces Ten Data Recovery Stories You Have To See To Believe - [bit.ly/rCN1OY](http://bit.ly/rCN1OY) (Press Release)
- Kroll Ontrack Sees Data, Guidance, Pricing Among 2011 EDD Struggles - [bit.ly/tp0hEP](http://bit.ly/tp0hEP) (Evan Koblenz)
- LDiscovery Announces Release of RCMgr 3.0 - [bit.ly/v3I8Bm](http://bit.ly/v3I8Bm) (PR Newswire)
- Legal Talk Network Releases Digital Detectives Podcast: "The Future of E-Discovery" - [bit.ly/rHxv9f](http://bit.ly/rHxv9f) (Digital Samurai)
- LexisNexis puts MarkLogic to work in Big Data Makeover - [bit.ly/vNAwOE](http://bit.ly/vNAwOE) (Barb Darrow)
- Nextpoint Introduces Saved Search Functionality Across Technology Platform: <http://bit.ly/vctmzA> (Press Release)
- OpenText Positioned as an Enterprise Content Management Leader by Two Independent Research Firms - [prn.to/tTeYVY](http://prn.to/tTeYVY) (PR Newswire)
- Revintex RevOS 4.0 Bridges the Physical-Virtual Gap with All-in-One Solution - [bit.ly/ulIHG7](http://bit.ly/ulIHG7) (DCIG)
- Search Software Indexes Social Feeds, Gmail I InformationWeek – <http://bit.ly/tHBKWC> (David Carr)
- Sensei Enterprises Announces New Pricing Structure for Computer Forensics and eDiscovery - [bit.ly/rVVnta](http://bit.ly/rVVnta) (Sensei Enterprises)
- Sonian Positioned in 2011 Magic Quadrant for Enterprise Information Archiving - [bit.ly/vW9fiM](http://bit.ly/vW9fiM) (Marketwire)

- Stroz Friedberg Opens New Office and Digital Forensics Lab in Seattle - [prn.to/rUMmcN](http://prn.to/rUMmcN) (PR Newswire)
- TERIS Named Relativity 'Best in Service' Partner - [bit.ly/uFGR54](http://bit.ly/uFGR54) (PR Web)
- Thomson Elite Plans Acquisitions for 2012 - [bit.ly/sXYOcb](http://bit.ly/sXYOcb) (Evan Koblenz)

## **eDiscovery Events**

### **DECEMBER**

IQPC: 12th eDiscovery Conference  
December 14-16, 2011  
New York, NY

Virtual LegalTech  
December 15, 2011  
Online

### **JANUARY**

LegalTech New York 2012  
January 30 – February 1, 2012  
New York, NY

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>.
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