

Unfiltered Orange |

Weekly eDiscovery News Update – September 14, 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

- Analysis of Potential Rules Governing Electronic Discovery – <http://tinyurl.com/3gsthkq> (Hubbard & Jenkins)
- An Open Letter to the Judiciary – Can We Talk? (Part One) – <http://tinyurl.com/3p8hbzp> (eDiscovery Team)
- A Timely Warning to Employees About Social Media – <http://tinyurl.com/3vjacww> (Amanda Bronstad)
- Baglow v Smith – The Increasing Importance of Context in Defamation Claims - <http://tinyurl.com/44pmecq> (Bob Tarantino)
- Connecticut Courts Weigh In on Social Media as Evidence – <http://tinyurl.com/3hgy34v> (Marie Grady)
- D.C. Federal Judge Tosses Charge in Online Sex Sting – <http://tinyurl.com/3ezqf7o> (Mike Scarcella)
- Destroying Evidence is Self-Destruction – <http://tinyurl.com/6645sga> (Gina Barbieri)
- E-Discovery Malpractice Suit Raises Concerns Over Outsourcing Document Review - <http://tinyurl.com/3fjhjzg> (Fox Rothschild)
- eDiscovery Musical Chairs; HP's Acquisition of Autonomy and What it Means for the Market - <http://tinyurl.com/3l278w2> (Tim Leehealey)
- Electronic Discovery: The Imperative of Private Clouds – <http://tinyurl.com/3j734mh> (Ben Kerschberg)
- Emails Between Lawyer and Client and the Risk of Third Party Access - <http://tinyurl.com/3e94wdw> (Niki Black)
- From Contracts to Jurisdiction, IM Creates Legal Risks – <http://tinyurl.com/42qblrg> (Craig Olsen, Jason Bonk)
- German DPA Fines Payment Transaction Provider for Unlawful Transfer of Transaction Data – <http://tinyurl.com/3e78ksr> (Hunton & Williams)
- Malevolent Hacking: How an Omniscient Internet “Sextortionist” Ruined Lives of Teen Girls - <http://tinyurl.com/3l8bz2c> (Nate Anderson)
- If Secret Email Surfaces, ABA Opinion Says Opponent Alert Isn't a Must—But Local Rules May Differ - <http://tinyurl.com/3tlafvu> (Martha Neil)
- In-House Strategies for Litigation Response - <http://tinyurl.com/4xz8ptn> (David Lat)
- Is a Client Sending You Email on a Work Computer? Duty to Warn Could Apply, ABA Opinion Says - <http://tinyurl.com/3obvu44> (Martha Neil)
- Judicial Perspective: Q&A With Ronald J. Hedges Regarding Possible Discovery Rule Changes - <http://tinyurl.com/3kj6o7s> (Matthew Nelson)
- Keep eDiscovery Costs From Torpedoing Litigation Budgets – <http://tinyurl.com/3cv564n> (Rich Anigian, Charlie Jones)
- Keywords and Cooking: an eDiscovery Parallel – <http://wp.me/p2KJ5-1vK> (Chris Dale)
- Law Firm in the Cloud - <http://tinyurl.com/3c9kdzw> (Brian Inkster)
- Let the People Decide! Rimkus and the “Clearly Established Applicable Standards” - <http://tinyurl.com/3suwbkf> (Shaun Salmon)
- ‘Massive’ Discovery Delays Former WellCare GC’s Criminal Trial – <http://tinyurl.com/3q89k9x> (Sue Reisinger)

- Native Format Productions: Getting to the Metadata – <http://tinyurl.com/3p468p4> (Mark Berman)
- Nine Points Impacting eDiscovery Costs – <http://tinyurl.com/3bb6543> (Steven Hunter)
- NLRB Reports Findings in 14 Cases of Terminations Due to Employee Use of Social Media - <http://tinyurl.com/3cs6f29> (Ruth McCambridge)
- No Consensus Reached on Preservation: Discovery Subcommittee Mini-Conference – <http://tinyurl.com/3qymbgs> (David Kessler, Emily Johnston)
- Northwestern Journal Addresses Privacy – <http://tinyurl.com/3cynmgu> (Joshua Engel)
- Rule Based Categorization – Then and Now - <http://tinyurl.com/3jl9uj6> (Greg Buckles)
- Rules of the Road for Legal Hold Memos - <http://tinyurl.com/6ckwjzx> (Ileana Blanco)
- Sedona Conference Shuffles Leadership, Expands Working Groups - <http://tinyurl.com/3s3tdo7> (Evan Koblentz)
- Senator Introduces OnlineSecurity Bill – <http://tinyurl.com/3wuvoul> (Nick Bilton)
- Special Master Considers Whether Attachments to Emails Must be Produced - <http://tinyurl.com/42mec4h> (K&L Gates)
- Surprise Videos & Initial Disclosures - <http://tinyurl.com/3ed4fz8> (Josh Gilliland)
- The Characteristics of Standalone Early Case Assessment Applications - <http://tinyurl.com/3ntz7sv> (IDC)
- The Demise of Electronic Discovery's Per-Gigabyte Price Model – <http://tinyurl.com/3qtcagb> (Ben Kerschberg)
- The Influencers on the Rising eDiscovery Costs – <http://tinyurl.com/3ph8nn8> (Scope 2.0)
- There's Hidden, and Very Hidden Data in Excel – <http://tinyurl.com/3z82hwr> (Trent Livingston)
- Truth and Defamation? Trial Court Upholds \$60K Award Against Johnny Northside – <http://tinyurl.com/4yq5bbh> (Eric Johnson)
- With Case Budgets Under Scrutiny, is Extra Expenditure on eDiscovery Tools a Solid Investment? <http://tinyurl.com/3r4n3sj> (Rob Jones)

Reports and Resources

- Gone but Not Forgotten: When Privacy, Policy and Privilege Collide - <http://tinyurl.com/3gxdr97> (Louise Hill)
- How Do Roles Generate Reasons? An Essay on the Methods of Legal Ethics - <http://tinyurl.com/3prf4fz> (Stephen Galoob)
- The 451 Group – E-Discovery and E-Disclosure 2011: Crossing Clouds and Continents (Executive Summary) <http://tinyurl.com/3p93gor> (The 451 Group)
- Recent Court Decisions – September 2011 – <http://tinyurl.com/436qaga> (Kroll Ontrack)
- Stop Your Honking! The IBM 2011 Global Commuter Study – <http://tinyurl.com/3cf8cn2> (Todd Watson)
- IDC MarketScape: Worldwide Standalone Early Case Assessment Applications 2011 Vendor Analysis - <http://tinyurl.com/3k9bg2m> (IDC)
- UK Trust Index Shows Finance Organisations Most Trusted by UK Public with Personal Info - <http://tinyurl.com/3pt8ruh> (Symantec)
- UK: The Impact of Data Protection on the Development of 'Ethical' Regulation in Social Science - <http://tinyurl.com/3fkercz> (David Erdos)

Technology and Tactics

- Are E-Mail's Days Numbered? <http://tinyurl.com/3cz2qb3> (Jack Newton)
- CIOs: Real-Time Messages Will Overtake Classic Email In The Workplace - <http://tinyurl.com/42y8pr8> (Mitch Betts)
- Cloud Computing is the Future of Telecom - <http://bit.ly/qjvOIB> (Michael Hugos)
- Cyber Crime Costs Companies Millions Every Year – <http://tinyurl.com/43nrth4> (Eric Sinrod)
- Data Explosion Lifts the Storage Market – <http://tinyurl.com/3zsu85f> (Steve Lohr)
- Dates Vanish From Texas County's Court-Docketing System – <http://tinyurl.com/3tmf52v> (Angela Morris)
- Facebook is Not Trusted to Provide Government ID System – <http://tinyurl.com/3wz8hbz> (Kathleen Hall)
- Facial Recognition Technology May Get it Wrong – <http://tinyurl.com/3u2qo5h> (Trent Livingston)
- HP Launches Cloud Service Beta - <http://tinyurl.com/3tmy668> (Joab Jackson)

- ILTA 2011: 10 Reasons ILTA May Well be “the Best Legal Tech Event in the Known Universe” - <http://tinyurl.com/3cla39h> (Inside Legal)
- Internet Tops For Communicating With Government – <http://tinyurl.com/3ctmp4c> (Elizabeth Montalbano)
- Is The Cloud Safe For Health Apps? <http://tinyurl.com/3wyl3pm> (Marianne Kolbasuk McGee)
- Legal Technology at a Customization Crossroads – <http://tinyurl.com/4ygd7v3> (Evan Koblentz)
- Making Email Pleasant Again - <http://tinyurl.com/3ehhbev> (Jeff Orloff)
- Microsoft’s Cloud Briefly Evaporates, Leaves Up To 365 Million Users Without Access For Four Hours - <http://tinyurl.com/4ykyjux> (Matt Burns)
- Most Health IT Pros Use Social Media – <http://tinyurl.com/3k3rhv6> (Nicole Lewis)
- New EU Agency to Manage Large IT Systems with Citizen Data – <http://tinyurl.com/3clr9bo> (Jennifer Baker)
- LexisNexis Open Sources Code for Hadoop Alternative (The High Performance Computing Cluster) <http://tinyurl.com/4xm82gn> (Derrick Harris)
- Outsourcing And How It Maybe Won’t Totally Ruin Your Life - <http://tinyurl.com/3bqglge> (Elie Mystal)
- Social Media is a Key Financial Marketing Tool for the Future — Just Comply! <http://tinyurl.com/3scjqc7> (Tom Groenfeldt)
- The Enterprise Social Market Enters Teen Years – <http://tinyurl.com/3hxy44e> (Rob Koplowitz)
- The Truth About Cloud - <http://tinyurl.com/3cysst6> (George Colony)
- Twitter Becomes Latest Tool for Hedge Fund Managers – <http://tinyurl.com/3glylxd> (Andy Bloxham)
- UK: Facebook Banned in Government Department – <http://tinyurl.com/3unztx4> (Pinsent Masons)
- VMware’s Socialcast Strides Into Social Project Management – <http://tinyurl.com/3lgrhxn> (David Carr)

Twitter Hashtags of the Week

- [#ACCAM11](#)
- [#CCFE](#)
- [#eDiscovery](#)
- [#IEDC11](#)

Vendor Views

Industry Landscape

- AccessData eDiscovery Selected as a KMWorld Trend-Setting Product of 2011 - <http://tinyurl.com/6gahf47> (Business Wire)
- Acuity Legal Review and Technology Offering Named a Trend-Setting Product of 2011 - <http://tinyurl.com/3zq98rg> (PR Newswire)
- Bond, Schoeneck & King Picks Ipro eCapture – <http://tinyurl.com/3slecm7> (Brendan McKenna)
- C2C: Archiving Data Prior to Migrating to MS 2010 Reduces the Cost and Complexity of eDiscovery - <http://mwne.ws/pktpWW> (Marketwire)
- CambridgePartners Introduces Discovery Assist Program to Bridge Gaps in Legal Discovery Process - <http://tinyurl.com/43br8ca> (PR Newswire)
- Clifford Chance Deploy IntApp Wall Builder for Information Barriers on the Ground and inCloud - <http://tinyurl.com/3zc5u43> (Press Release)
- Compushare, Inc. Announces the Release of ItsCloud Based Compliance Management Solution - <http://tinyurl.com/3t2x8p8> (Marketwire)
- Denner Returns to HBR Consulting Information Lifecycle Group – <http://tinyurl.com/3ctsgtm> (Evan Koblentz)
- DLA, Squire Sanders Representing Alexander Gallo in Bankruptcy – <http://tinyurl.com/3mnpkqk> (Brian Baxter)
- DocAuto’s New Predictive Solution for E-Mail Management - <http://tinyurl.com/3wkh3kc> (Press Release)
- Experts to Help Legal and IT Professionals “Manage Mountains of ESI” at eDiscovery Conference – <http://tinyurl.com/3sq2826> (Business Wire)
- Globanet Introduces eDiscovery Practice, Offers Clearwell eDiscovery Platform - <http://tinyurl.com/3crvlev> (PR Web)
- HP Extends \$11.2 Billion Autonomy Offer – <http://tinyurl.com/3pxnt2p> (Reuters)

- Integreon Announces Cutting Edge Electronic Evidence Lab in Atlanta – <http://tinyurl.com/4ylne39> (Press Release)
- NY State Bar Association President Announces New, Best-of-Breed Search Capabilities - <http://bit.ly/r7yvRf> (Vincent Doyle)
- Orange Legal Technologies: E-Discovery Moves to the Cloud – <http://tinyurl.com/3h2jrdz> (Ben Kerschberg)
- Perimeter E-Security Unveils Compliance and Continuity Suite for Microsoft Office 365 - <http://tinyurl.com/4yn4eaj> (PR Newswire)
- Proofpoint Selects ISYS Document Filters to Enhance Email Security and Compliance Solutions - <http://bit.ly/qpJN7Z> (Business Wire)
- SaaS Startup Simplifies Post-Breach Compliance – <http://tinyurl.com/65n3bwr> (Kelly Higgins)
- Sonian Expands Its International Presence With New Office in the UK - <http://tinyurl.com/3wovzr4> (Marketwire)
- TCDI® Named by Court in World Trade Center Disaster Site Litigation - <http://tinyurl.com/3ecqt3k> (PR Newswire)
- The Disrupter: David Perla, Pangea3 - <http://tinyurl.com/3bcwer8> (Rachel Zahorsky)

eDiscovery Event Update



Intermountain eDiscovery Conference 2011 is a one-day legal technology conference designed to provide electronic discovery practitioners with information on the latest tools, techniques, and practices of eDiscovery. With practical educational sessions delivered by eDiscovery experts, the Intermountain eDiscovery Conference can help legal professionals more efficiently “manage the mountains of ESI” in their audit, investigation, and litigation activities.

Conference Quick Facts

- Date: September 22, 2011
- Time: 8:30AM MST- 3:00PM MST – Lunch Provided
- Location: Hilton Salt Lake City Center
- CLE: Up to 5 Hours Continuing Legal Education (Utah State Bar Association)
- Fee: \$50 (Materials/CLE/Lunch Inclusive)
- Registration: Online Pre-Registration Required (<http://tinyurl.com/3v3goyj>)
- Twitter Hashtag: [#IEDC11](#)

For Information Visit: <http://tinyurl.com/3v3goyj>

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.

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



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