

ComplexDiscovery | Weekly eDiscovery Top Story Digest

June 12, 2013



Compiled by [@ComplexD](#) from online public domain resources, provided for your review/use is this week's update of key industry news, views, and events highlighting key electronic discovery related stories, developments, and announcements.

An information source for eDiscovery and information management professionals since 2010, the *eDiscovery Top Story Digest* is published weekly on the [ComplexDiscovery](#) blog and is also available via [email subscription](#).

Weekly eDiscovery Top Story Digest Update

eDiscovery Issues

- A Guide for the Enterprise on the Law of Social Media - <http://bit.ly/17oM2gE> (@DavidHorrigan)
- Amendments Should Safeguard Meta-Discovery - <http://bit.ly/1bnrrXj> (Craig Ball)
- Biomet a BioMess? Predictive Coding Litigation Podcast - <http://bit.ly/10U0p8Y> (Karl Schieneman)
- Can eDiscovery Violate Due Process? Part 1 - <http://bit.ly/11mmNU1> (John Beisner, Jessica Miller, Jordan Schwartz)
- Can eDiscovery Violate Due Process? Part 2 - <http://bit.ly/11mO1d0> (John Beisner, Jessica Miller, Jordan Schwartz)
- Changes to Federal eDiscovery Rules Are One Step Closer – eDiscovery Trends - <http://bit.ly/11qzJIm> (Doug Austin)
- ‘Cleansing’ of Records by Company Lawyers Brings Mistrial, Sanctions and Grief in Ohio - <http://bit.ly/16MSDly> (@ACEDSonline)
- Court Relies on Proportionality to Deny Inspection of Defendant’s Computers, Cell Phones and Email Accounts - <http://bit.ly/16Sx0jT> (Jay Yurkiw)
- Decryption, Self-Incrimination, And A Whole Lot Of Reversals | @ITLexOrg – <http://bit.ly/11rll2y> (Joy Chindamo)
- Drunks, DNA and Data Transfer Risk in eDiscovery - <http://bit.ly/13dbsb6> (@ComplexD)
- ED RedZone – Reporting from the Georgetown eDiscovery Academy - <http://bit.ly/18WEvWI> (Tom O’Connor)
- E-Mail: Not Dead, Evolving – Harvard Business Review - <http://bit.ly/10VmMLd> (Barry Gill)
- FINRA Proposes Discovery Guide Amendments Concerning eDiscovery, Product Cases, and Document Search Affirmations - <http://bit.ly/11npV1O> (John Snyder, Matthew Applebaum)
- GC’s Beware: Internal Communication Breakdowns Lead to eDiscovery Sanctions - <http://bit.ly/11x4AY3> (Mike Hamilton)
- Hot Topics in Electronic Discovery | Minnesota Lawyer - <http://bit.ly/192hq55> (Correy Stephenson)
- InfoGraphic: Pillay v Millard – Failure to Halt Scheduled Destruction Leads to Adverse Inference - <http://bit.ly/11FhHWY> (@LucidDataInc)
- Is E-Discovery Due Process Argument Just Predictive Coding in Hiding? <http://bit.ly/11qGsIE> (Ron Friedmann)

- Judicial Conference Proposes Proportional Discovery Through Amendments to the FRCP - <http://bit.ly/19p2zBS> (Carey Busen)
- Legal Challenge in NSA's Verizon Phone Record Scandal Would Be Very Difficult—Andrew Hinkes | LXBN - <http://bit.ly/10W6e5F> (Colin O'Keefe)
- May Edition of Notable Cases and Events in eDiscovery (PDF) <http://bit.ly/15RPM6Z> (Sidley Austin)
- Modernizing Collections for More Cost-Effective eDiscovery - <http://bit.ly/11FhTWh> (Andrew Bartholomew)
- Motion to Compel Dismissed after Defendant Agrees to Conditional Meet and Confer - <http://bit.ly/11sN82D> (Doug Austin)
- Ninth Circuit Keeps Cards Close in Google Street View Case - <http://bit.ly/116l7Bf> (Scott Graham)
- Plain Spoken Form of Production - <http://bit.ly/18WyzdZ> (Josh Gilliland)
- Plaintiff Wins Defamation Suit, Can't Get Defamatory Content Removed From Web - <http://bit.ly/10SCdDG> (@ITLexOrg)
- Predictive Coding at DESI V, the Oracle-EDI Study and Other TAR Sources - <http://bit.ly/14wlUx1> (@ChrisDaleOxford)
- Proposed Federal eDiscovery Rules Approved for Public Comment - <http://bit.ly/11qV2cX> (@BobAmbrogi)
- Proposed Discovery Amendments Move to Public Comment - <http://bit.ly/1baaUpL> (Henry Kelston)
- Report and Analysis of Inconsistent Classifications in Two Predictive Coding Reviews of 699,082 Enron Docs - <http://bit.ly/13yaiXX> (@RalphLosey)
- Roitblat: Debunking a Sample of Myths about Random Sampling in Predictive Coding (PDF) <http://bit.ly/113zpE3> (Herb Roitblat)
- Special Master Analyzes Privilege Search Terms, Addresses Objection That They Were Overbroad - <http://bit.ly/14jJ8Xq> (K&L Gates)
- Technology-Assisted Review in June – Five New Articles/References - <http://bit.ly/177MNe1> (@ComplexD)
- Teo Wai Cheong v Credit Industriel et Commercial [2013] SGCA 33 – Case Commentary - <http://bit.ly/1bci6S2> (@LitigationEdge)
- Time is Money: What In-House Counsel Should Know - <http://bit.ly/13z5pxL> (Gabriela Baron)
- When Does a Company Have a Duty to Preserve Evidence? <http://bit.ly/16ZNfTA> (Tracey Turnbull, Peg Koesel)
- When Obligations Collide: Compliance and eDiscovery – a Recipe for Risk - <http://bit.ly/11rDMs5> (Thomas Barnett)

Corporate Risk

- 5 Data Breach Risks You Can Prevent – <http://bit.ly/11FuwAN> (Clark Schweers, Jeffrey Hall)
- 5th Circuit Affirms \$44.4M Jury Award for Misappropriation of Software Developed for Oil/Gas Industry - <http://bit.ly/10CEX8a> (Jay Yurkiw)
- Acquiring a U.S. Company with Overseas Operations: Some Tips for the In-House Practitioner - <http://bit.ly/10W50fF> (Robert Looney)
- Bad Patents Do More Harm Than Trolls - <http://bit.ly/114Vsdz> (Cheryl Milone)
- Be Cautious About Trademark Protection On Social Media - <http://bit.ly/11qHoX9> (Lisa Shuchman)
- Big Changes at the Company? Expect Employee Misconduct - <http://bit.ly/11sMH8s> (Shannon Green)
- Burdensome Data Protection Reforms Would Impact Upholding Of Privacy Rights, Says Watchdog - <http://bit.ly/1bnP7uT> (Pinsent Masons)
- Cost of a Data Breach: US\$136 Per Compromised Record (Infographic) - <http://bit.ly/18ZNpTv> (Elaine Burke)
- Cyber Security is Not a Game - <http://bit.ly/15RRkOy> (Rob Jones)
- Does Privacy Matter? The Dark Side of the Force - <http://bit.ly/1bnLifA> (@ComplexD)
- Email: Addressing Modern Day Threats - <http://bit.ly/17BQnN6> (Jeff Orloff)
- Employee Social Media Accounts are Private—Sometimes - <http://bit.ly/195dRLE> (Shannon Green)
- Federal Agencies Graded On Cybersecurity – <http://ubm.io/1btvtO3> (Elena Malykhina)
- FINRA: Broker-Dealer Email Systems Must Keep Pace with Firm Growth - <http://hvrd.me/13uB5UZ> (Daniel Nathan)
- New gTLDs & The Trademark Clearinghouse: Four Tips for Brand Owners - <http://bit.ly/14uoofy> (James Stewart)

- New UK Press Self-Regulation – With a Small Blog Exemption – Socially Aware Blog - <http://bit.ly/18WE4vz> (Susan McLean, Emma Muncey)
- Oil and Gas Giant Total S.A. Pays Fourth Highest Penalty In FCPA Enforcement History - <http://bit.ly/15MQvqb> (Gabriel Colwell)
- Outside Law Firm Cybersecurity Under Scrutiny - <http://bit.ly/17r7qSs> (Catherine Dunn)
- Phishing: What Will Your Users Do? <http://bit.ly/13xpcC8> (Jeff Orloff)
- Prepare for Product Labeling Class Action Now, Part II - <http://bit.ly/1aZQIa1> (Kristen Polovoy)
- Privacy in the Cloud? <http://bit.ly/16ZNBm2> (Peter Vogel)
- Repeat After Me: Compliance Is Sexy - <http://bit.ly/138OOAH> (Vivia Chen)
- Retaliation Gets A Broader View - <http://bit.ly/11sQ1R6> (Kevin Hyde)
- Social Media and Brokers: FINRA Wants Broker-Dealers to be “Friends” with their Employees - <http://bit.ly/11FhmUK> (Gustav Schmidt)
- Strategic Legal Technology – Legal Outsourcing Widely Accepted but Not All that Popular - <http://bit.ly/1b7AJqn> (Ron Friedmann)
- Sweden Fined for Delaying Implementation of the Data Retention Directive - <http://bit.ly/11jyywr> (@Hunton_Privacy)
- The SEC Gets Tough – NASDAQ to Pay Record \$10M Fine to Settle Facebook IPO Allegations – <http://bit.ly/192hD8w> (Robert White)
- UK: New Guidance Issued on ‘Identity Proofing’ and Verification – <http://bit.ly/195bkRC> (Pinsent Masons)
- What Is A Board’s Responsibility For Compliance? <http://bit.ly/17Evvhx> (Thomas Fox)
- What to Do About High Data Breach Costs - <http://bit.ly/1bpx6wa> (Judy Selby)

Technology Considerations

- A Dark Side Of Big Data Reveals Itself - <http://bit.ly/13uAhj3> (@ChuckHollis)
- 3 Roles For Tape In The Cloud – <http://ubm.io/11IECIZ> (George Crump)
- Amazon Revolutionizes Book Publishing - <http://bit.ly/1brPpAH> (Mansur Hasib)
- Amid Data Controversy, NSA Builds Its Biggest Data Farm – NPR – <http://n.pr/14ulgAs> (Howard Berkes)
- Building Your Own Web Site, Free - <http://nyti.ms/15RN3uv> (Azadeh Ensha)
- Europe Still Wrangling Over Online Privacy Rules - <http://nyti.ms/14lb9Op> (James Kanter, Somini Sengupta)
- Facebook Unveils Presto Engine For Querying 250 PB Data Warehouse - <http://bit.ly/11xaJDA> (Jordan Novet)
- Highlights and Analysis From Apple’s Conference Keynote - <http://nyti.ms/1brLioh> (Nick Bilton)
- How to Pick the Best Cloud – <http://bit.ly/11FulW0> (John Edwards)
- It’s Update Time Again – Exchange 2010 SP3 RU1 Is Out - <http://bit.ly/1bnrZg1> (Casper Manes)
- kCura’s Sieja Scores with Legal Software Relativity - <http://bit.ly/11qy31q> (Steve Hendershot)
- One-Third of Americans Now Own Tablet Computers - <http://nyti.ms/1brLaF1> (Amy O’Leary)
- LinkedIn: When To Say No To Connecting - <http://ubm.io/11qA9yw> (Debra Donston-Miller)
- Man vs. Machine – Rewriting the Movie Script - <http://bit.ly/16a4dUg> (Derek Schueren)
- Moving to the Cloud Creates Efficiencies | With Alon Israely - <http://bit.ly/14lekpo> (Liz McMillan)
- NSA Prism: Inside The Modern Surveillance State - <http://ubm.io/191f91F> (Mathew Schwartz)
- Pew Research Center: Smartphone Ownership – 2013 – (PDF) <http://bit.ly/15NmiY4> (Aaron Smith)
- Prime Stakes – <http://bit.ly/11qwz7F> (Kenneth Jones)
- Speeding Up Police Forensic Investigations And Reducing Bail Periods - <http://bit.ly/111EWRS> (@ChrisDaleOxford)
- Surveillance, PRISM, Booz Allen, Cybersecurity, IBM’s Watson, Privacy ... Oh, My What a Cast! <http://bit.ly/1bnWr9E> (@ProjectCounsel)
- The Global Information Technology Report 2013 (PDF) <http://bit.ly/15JQdAr> (Benat Bilbao-Osorio, Soumitra Dutta, Bruno Lanvin)
- The Pros and Cons of Vectoring - <http://bit.ly/17rRShp> (Paul Budde)
- Time for IT to Audit the Healthcare System - <http://bit.ly/19lhGfO> (Rasheen Whidbee)
- Time Tracking Made Simple, Flexible and Free – <http://bit.ly/11qNF5j> (@BobAmbrogio)
- UNESCO Director-General on Linguistic Diversity on the Internet: Main Challenges Are Technical – <http://bit.ly/113AVWA> (@CircleID)

Vendor News

- eDiscovery: A Quick Merger, Acquisition and Investment Update – <http://bit.ly/W2Ys6b> (@ComplexD)
- Vendor Clips Weekly Update for Week Ending June 11, 2013 - <http://bit.ly/19mm8e5> (@ComplexD)

2013 Events

JUNE

International Conference on Artificial Intelligence and Law

June 10 – 14, 2013

Rome, Italy

[Click here for more information.](#)

E-Discovery for Corporate Market Conference

June 11-12, 2013

Chicago, IL

[Click here for more information.](#)

7th Annual Governance and eDiscovery Summit

June 12-13, 2013

Sydney, Australia

[Click here for more information.](#)

The 5th Annual Sedona Conference International Program On Cross Border Discovery and Data Protection

June 19 – 20, 2013

Zurich, Switzerland

[Click here for more information.](#)

The 3rd International Litigation Support Leaders Conference

June 20 – 21, 2013

Miami, FL

[Click here for more information.](#)

San Diego eDiscovery Retreat

June 30 – July 1, 2013

San Diego, CA

[Click here for more information.](#)

JULY

6th Annual Forensics and Incident Response Summit

July 9 – 10, 2013

Austin, TX

[Click here for more information.](#)

E-Discovery for Corporate Market Conference

July 17 – 18, 2013

New York, NY

[Click here for more information.](#)

Laguna Beach eDiscovery Retreat

July 28 – 29, 2013

Laguna Beach, CA

[Click here for more information.](#)

AUGUST

American Bar Association Annual Meeting

August 8-13, 2013

San Francisco, CA

[Click here for more information.](#)

ILTA 2013 Annual Conference

August 18-22, 2013

Las Vegas, NV

[Click here for more information.](#)

SEPTEMBER

E-Discovery for Corporate Market Conference

September 17 – 18, 2013

Houston, TX

[Click here for more information.](#)

2013 Conference on Preservation Excellence

September 18-19, 2013

Portland, OR

[Click here for more information.](#)

Hosting and Cloud Transformation Summit North America

September 23 – 25, 2013

Las Vegas, NV

[Click here for more information.](#)

Fifth Annual Intermountain eDiscovery Conference – 2013

September 26, 2013

Salt Lake City, UT

[Click here for more information.](#)

OCTOBER

Relativity Fest

October 6-8, 2013

Chicago, IL

[Click here for more information.](#)

Gartner Symposium/ITxpo

October 6-10, 2013

Orlando, FL

[Click here for more information.](#)

EDRM 2013-2014 Midyear Meeting

October 9-11, 2013

Saint Paul, MN

[Click here for more information.](#)

ACEDS 2013 Corporate E-Discovery Summit

October 10-11, 2013

San Francisco, CA

[Click here for more information.](#)

2013 EDI Leadership Summit
October 15 – 17, 2013
Santa Monica, CA
[Click here for more information.](#)

Innovate
October 17-18, 2013
Orlando, FL
[Click here for more information.](#)

LawTech Europe Congress 2013
October 21 – 22, 2013
Prague, Czech Republic
[Click here for more information.](#)

ACC 2013 Annual Meeting
October 27-30, 2013
Los Angeles, CA
[Click here for more information.](#)

NOVEMBER

KMWorld 2013
November 6-8, 2013
Washington, DC
[Click here for more information.](#)

The Advanced eDiscovery Institute
November 21-22, 2013
Washington, DC
[Click here for more information.](#)

DECEMBER

E-Discovery for Corporate Market Conference
December 11 – 12, 2013
Los Angeles, CA
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