

Unfiltered Orange | Weekly eDiscovery News Update – March 20, 2013

Recognized nationally in [Forbes' Law and Technology Blog](#) as a leading source of trusted eDiscovery information, Orange Legal Technologies' [Unfiltered Orange](#) newsletter is published weekly to provide legal and technology professionals with current and relevant news and views related to the discipline of eDiscovery. With content ranging from legislation to lessons, from compliance to competitors and from social media to sanctions, [Unfiltered Orange](#) is your weekly best source for keeping up-to-date with all things eDiscovery.

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eDiscovery Updates *Considerations*

- 9th Circuit Rules Reasonable Suspicion of Criminal Activity Required for Forensic Examination of Electronic Device at Borders - <http://bit.ly/151JNVL> (@HLPrivacy)
- Advance Directly to Go, Collect \$200: But Not Before You Meet and Confer - <http://bit.ly/149qBhT> (Keith Davidson)
- Bottom Line Driven Proportional Review (2013 Updated Version) - <http://bit.ly/Ydy7Et> (@RalphLosey)
- Can Touting Your New Job on Social Media Sites Violate a Non-Solicitation Agreement? <http://bit.ly/14azCaC> (@MoFoSocMedia)
- Certain Items Prepared By Expert Or Non-Attorneys Not Protected Under 2010 Amendments – <http://bit.ly/Ykd16n> (Gregory Joseph)
- Court Denies Motion for Protective Order or Cost-Shifting Related to Request to Utilize Sixty-Seven Search Terms - <http://bit.ly/15dVoGf> (K&L Gates)
- Court Rules That LinkedIn Account Belongs to Employee, not Employer - <http://bit.ly/15h4ZfE> (Jeffrey Gross)
- Did Social Media Convict the Steubenville High School Football Players? <http://bit.ly/15jobJH> (@BradleyShear)
- Discoverable Verses Admissible; Aren't They The Same? <http://bit.ly/Ys71sb> (Bill Tolson)
- Discovery Misconduct and Sanctions: There's No App for That! <http://bit.ly/YdJIDs> (David Cross)
- Does Attorney's Selection of Documents Shown to a Witness Confer Work Product Protection on the Cache of Documents? <http://bit.ly/15hcEdH> (Gregory Joseph)
- EEOC Sanctioned for Failing to Comply with Motion to Compel Production - <http://bit.ly/Ycin4y> (Doug Austin)
- EEOC Sanctioned for Failing to Produce Class Claimants' Social Media ESI and Other e-Discovery Misconduct - <http://bit.ly/151GvIa> (Littler)
- Facebook and Profile Technology, Inc. Showdown Over the Right to Use Outdated User Information – <http://bit.ly/15iqwEu> (Jacob Kaufman)
- Facebook's Newest Irritating Feature: Service Of Process? <http://bit.ly/146OxCK> (@ITLexOrg)
- Feds: No Warrant Needed to Track Your Car With a GPS Device – <http://bit.ly/15nP8Mn> (David Kravets)
- Googling Name Allegedly Caused Harm To Plaintiff's Image; Court Case Dismissal Will Probably Do The Same - <http://bit.ly/YabJfI> (@ITLexOrg)
- Is What You Post On Facebook Discoverable? The Answer Is... Maybe. <http://bit.ly/Yo18fB> (Courtney Shanney)
- JP Morgan Chase Sanctioned for a Failure to Preserve Skill Codes – eDiscovery Case Law - <http://bit.ly/147s2h3> (Doug Austin)
- Latest Ethics Opinion on Cloud Computing Emphasizes Duty of Competence - <http://bit.ly/149zbgH> (@BobAmbrogi)

- Lawyers: Do Not “Friend” or “Tweet” Jurors and Parties Represented by Counsel – <http://bit.ly/14aqimY> (Adam Cohen)
- Man Gets Over 3 Years in iPad Data Breach Case – <http://bit.ly/151LYbS> (David Porter)
- March Madness, Bracketology and the ROI of Information Governance - [@Dean_Gonsowski](http://bit.ly/146JvpN)
- No Costs for TIFF Blow Backs - <http://bit.ly/YcC0Jy> (Josh Gilliland)
- New York Court Adopts Federal Standard Regarding Initial Costs of ESI - <http://bit.ly/Y9QuKl> (Amanda Munsie)
- Order Highlights Potential Costs of Predictive Coding - <http://bit.ly/14ayFPB> (Matt Miller)
- Predictive Coding Narrative: Searching for Relevance in the Ashes of Enron (Restatement) <http://bit.ly/15iMgjK> (@RalphLosey)
- Predictive Coding: Now The Knobs Are All Behind the Curtain - <http://bit.ly/YsFjf4> (Gerald Britton)
- Privilege Logs in the ESI Age - <http://bit.ly/YtCsPX> (Jill Afro)
- Sampling Made Simple: Sampling Fundamentals in Technology-Assisted Review - <http://bit.ly/146DmKl> (Karen Baumer)
- South Africa’s Motivation for Information Governance: Privacy, Fraud and the Cloud - <http://bit.ly/15nTrqZ> (Allison Walton)
- Technology-Assisted Review Is a Promising Tool for Document Production - <http://bit.ly/15e0h2b> (Barry Kazan, David Wilson)
- Texas Appeals Court Rejects Unfettered Access to Defendants’ Hard Drives - <http://bit.ly/Yc3q2e> (David Kessler, Keith Angle, Ted Bosquez)
- Using Visualization to Transform Data into Stories - <http://bit.ly/YyLqP5> (Bob Krantz)
- Where are the eDiscovery Workflow Support Tools? <http://bit.ly/Yny4Fd> (Mikki Tomlinson)
- Who Owns Your Facebook Data After You Die? <http://bit.ly/Ydznad> (Lauren Gambino)

Levity

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**“I’m no expert, but I think it’s
some kind of cyber attack!”**

Risk

- At Optimer Pharmaceuticals, FCPA and Conflict Problems Topple Top Management and General Counsel - <http://bit.ly/15nSHC9> (Richard Cassin)
- Compliance Programs: What's the Gold Standard? <http://bit.ly/Ycj6T8> (Tom Fox)
- Costa Rica Imposes 5-Day Breach Notification Obligation and Other Data Protection Requirement - <http://bit.ly/149oXgh> (@Hunton_Privacy)
- Cybercommuting for Employers - <http://bit.ly/149iSAE> (Lisa Lawson)
- Cybersecurity in the EU: New Compliance Requirements in the Spotlight - <http://bit.ly/151P2EM> (Nora Wouters, Orestis Omran)
- Demand for Cyber Insurance up by One Third in 2012, says Leading Broker - <http://bit.ly/15h9Q09> (Pinsent Masons)
- FERC Lacked Jurisdiction to Fine Amaranth Trader Hunter \$30 Million - <http://bit.ly/149qmDM> (Noy Davis)
- FTC Report Issues Recommendation on Mobile Payments - <http://bit.ly/YcDJyM> (Richard Santalessa)
- FTC Updates its .COM Disclosures Guidance – Focus on Mobile and Space-Constraints - <http://bit.ly/151KC0L> (James Rubin)
- Five Reasons Most Companies Fail At Social Media Compliance - <http://bit.ly/146D3PG> (Devin Redmond)
- Four Questions Answered by the IRS Whistleblower Proposed Rules - <http://bit.ly/15gW65v> (Scott Oswald)
- Hotspots and Security – 5 Simple Steps to Keep Your Data Secure - <http://bit.ly/YyLL47> (Peter Coons)
- I've Got This Doctor You Gotta See! Resolving Discovery Disputes - <http://bit.ly/15j9AOp> (KatherineLGallo)
- Looking Back On The Eckhardt Amendment - <http://bit.ly/151Cg9o> (Mike Koehler)
- Massachusetts Allows Actions for Violation of Privacy Rights Based on Collection of ZIP Codes - <http://bit.ly/151NkmM> (@MoFoSocMedia)
- Media Making Fewer Challenges to Government Secrecy in Federal Court - <http://bit.ly/YdtOZE> (The FOIA Project)
- One-Click App Installation May Not Be Enough to Amount to Personal Data Processing Consent - <http://bit.ly/15h5k1O> (Pinsent Masons)
- Online Advertising Guidance Updated by FTC - <http://bit.ly/YxGBFz> (K&L Gates)
- Outcry Over Computer-Crime Indictment of Matthew Keys - <http://nyti.ms/146EaP6> (Amy Chozick, Charlie Savage)
- Pharma, Biotech IP Counsel Expect a Litigious Year - <http://bit.ly/Ys6aYC> (Lisa Shuchman)
- Regulatory: In-house Counsel Must Become Actively Involved in Privacy Matter – Part 2 – <http://bit.ly/YnX4vV> (Marc Roth)
- SEC Speaks 2013: Waiting for the New Guard - <http://hvrld.me/YdwlJR> (@HarvardCorpGov)
- UK ICO issues Guidance on BYOD for Organizations - <http://bit.ly/149rjf4> (@Hunton_Privacy)
- U.S. Supreme Court Confirms 5-Year Limitation Period for Government Enforcement Proceedings - <http://bit.ly/151QIUk> (Carole Piovesan)
- Why are Cyber Attacks on Law Firms Such a Significant Threat - <http://bit.ly/15dV1fl> (Trey Tramonte)

Resources

- Chambers Global Data Protection Overview: Global-Wide Law Firms - [@ChambersGuides](http://bit.ly/Ysz7ni)
- Constitutional Reasoning in the European Court of Justice – SSRN - <http://bit.ly/151N9bh> (Giulio Itzcovich)
- eDisclosure Systems – Buyers Guide 2013 Edition (PDF) [@AndrewHaslam](http://bit.ly/YbmTQT)
- New Ponemon Institute Study Shows Cloud Security Still A Mixed Bag - <http://bit.ly/YdvH8Q> (David Strom)
- Teens and Technology 2013 - <http://bit.ly/YbgS6v> (Pew Research Center's Internet & American Life Project)
- The eDiscovery Journal 2013 Research Agenda - <http://bit.ly/147rTdr> (Barry Murphy)
- The State of the News Media 2013 – Annual Report on American Journalism - <http://bit.ly/15hJIY0> (Pew Research)

Senses

- Unfiltered Orange – Cartoons: The Flip Side of BYOD - <http://bit.ly/YmJn0b> (@OrangeLT)
- Video: John Mayer on Computer-Assisted Education - <http://bit.ly/15jbcAT> (Monica Bay)
- Video: Neeraj Rajpal on MoFo's IT Overhaul - <http://bit.ly/149ocnx> (Monica Bay)

Technologies

- 7 Best Practices for SMTP/TLS - <http://bit.ly/Yo1va7> (Casper Manes)
- 7 Tech Trends CIOs Call Overrated – <http://ubm.io/146LiuQ> (Chris Murphy)
- Credit Cards Security in the Cloud - New Clarity? <http://bit.ly/15IT1kO> (Peter Vogel)
- Google Preps \$7 Million “Wi-Spy” Case Settlement - <http://bit.ly/Y8ec9W> (Matthew Schwartz)
- How Server-Side Storage Memory Impacts VDI Costs - <http://bit.ly/YdxgUb> (George Crump)
- HTML5 Can Solve BYOD App Mess, Sencha Bets - <http://bit.ly/YxA25N> (Michael Endler)
- Nathan Myhrvold's Intellectual Ventures Sues Symantec for Second Time - <http://bit.ly/15IRtHF> (Taylor Soper)
- States Generate Taxing Situation for Cloud Services – <http://bit.ly/149nWF2> (Tam Hebert)
- The End of Google Reader Sends Internet Into an Uproar - <http://nyti.ms/YuC113> (Nick Bilton)
- The Rise And Stall Of Social Media Listening - <http://ubm.io/149liz0> (Seth Grimes)
- Why Disk Has Forever Replaced Tape as a Primary Backup Target - <http://bit.ly/15jaryA> (Jerome Wendt)
- Why Exchange Online Hates Journal Mailboxes - <http://bit.ly/Yctf2j> (Tony Redmond)

Vendors

- A Near Instantaneous Document Presentation Drives Acceptance of OneO Discovery Platform for eDiscovery Review <http://bit.ly/15IOmiK> (PR Web)
- AccessData Announces Expanded China Market Expansion through Partnership with Ryan Security - <http://reut.rs/YdAKWJ> (Reuters)
- AccessData Investment from Sorenson Capital, Additional Funding through Silicon Valley Bank - <http://bit.ly/15dVRsb> (Business Wire)
- Advanced Discovery Announces Preston Johnson as Director of Operations, Managed Review - <http://bit.ly/149wziT> (PR Web)
- BackOffice Associates(R) Announces Premier Sponsorship at 2013 Gartner Master Data Management Summit - <http://on.mktw.net/15h9iYe> (Business Wire)
- Berkeley Research Group Forms Alliance with Nuix to Offer eDiscovery and Investigation Services - <http://on.mktw.net/149wFqV> (Business Wire)
- Beth Israel Deaconess Medical Center Standardizes on CommVault Simpana Software – <http://bit.ly/14az9Ff> (Press Release)
- BlackBag Technologies Announces BlackLight 2013 R1 Mac OS X, iPhone, and iPad Forensics Software Release - <http://bit.ly/149IVZo> (PR Web)
- Case Study: Social Media eDiscovery Services Delivered as SaaS - <http://bit.ly/148kfzm> (John@Patzakis)
- Conference: Innovate | October 17-18, 2013 – IT-Lex – <http://bit.ly/Yy4YCV> (@ITLexOrg)
- Cozen O'Connor Selects Recommind For Enterprise Search – <http://bit.ly/13bbPrC> (Press Release)
- Dissecting Technology-assisted Review (Scalpel Not Required) <http://bit.ly/15h7ui0> (Michelle Lange)
- eDiscovery Merger, Acquisition and Investment Update - <http://bit.ly/W2Ys6b> (@ComplexD)
- Erado Announces the Latest Addition to Their Social Media Compliance Solution, Salesforce Chatter - <http://yhoo.it/15nR47B> (PR Newswire)
- First To File Provides Advantage as New AIA Rules Become Effective - <http://bit.ly/YdCteH>(Press Release)
- Flash Data Solutions Chooses Venio Systems Integrated E-Discovery Platform - <http://bit.ly/149IIFE> (PR Web)
- FTI Technology Named to 100 Companies That Matter in Knowledge Management List - <http://bit.ly/Ybrv9q> (Press Release)
- GGO to Contribute to eDiscovery Education, Share eDiscovery Software at Levin College of Law - <http://bit.ly/1479CwV> (PR Web)
- Ganfer & Shore, LLP Partner Appointed Co-Chair of Social Media Committee - <http://yhoo.it/YmVFFW> (PR Web)
- Hall of Fame Honors 11 Entrepreneurs | Andrew Sieja - <http://bit.ly/147Rkvq> (Jeffron Boynes)

- How to Make your Third-Party Provider a True Partner - <http://bit.ly/YdRJrP> (Bill Moore)
- IDC Case Study Profiles Data Management Strategies Used in Complex Multi-District Litigation - <http://bit.ly/15nFZTU> (PR Web)
- Integreon Extends Business Services Engagement with SNL Financial - <http://prn.to/15h8Au5> (PRNewswire)
- Interview: Global Relay CEO Warren Roy on CKNW CEO Series with Bill Good – March 14, 2013 - <http://bit.ly/YcEw2w> (@GlobalRelay)
- Maricopa Integrated Health System Chooses HP Autonomy to Streamline Data Backup and Recovery - <http://bit.ly/149m5ju> (Press Release)
- MicroTech CEO Delivers Keynote Address at Guidance Software Federal Summit - <http://bit.ly/YcE5Wb> (@MicroTechBuzz)
- Nextpoint Discovery Cloud™ Enhanced Review Metrics for eDiscovery Review Projects - <http://yhoo.it/149jTsk> (PR Web)
- OpenText InfoFusion Now Available, Delivers Upon EIM Strategy to Migrate, Aggregate and Integrate - <http://bit.ly/Y9QjyN> (Press Release)
- OrcaTec Granted Patent on Language Modeling Concept Search - <http://bit.ly/149Jwct> (PR Web)
- RenewData® Awarded New Patent, Reinforcing eDiscovery Technological Leadership Position - <http://bit.ly/Yjeiuv> (Business Wire)
- Sprechen sie deutsch? Parlez-vous français? You do now! <http://bit.ly/YdwdDP> (Sandra Serkes)
- Symantec 4.0: A New Strategy - <http://bit.ly/YdAnvg> (David Hill)
- Tapes and Data: The Oliver Group is Quietly Storing Information in Securely Managed Vaults - <http://bit.ly/YdxXg7> (PR Web)
- Tech Circuit: Washington to Los Angeles to Hong Kong Edition - <http://bit.ly/15jTowj> (Monica Bay)
- UBIC North America, Inc. Congratulates Its Advisory Board Member on Receiving Prestigious Award - <http://bit.ly/YbwGGx> (PR Web)
- UBIC North America, Inc. to Participate in The Sedona Conference® Living on E-Discovery's Cutting Edge - <http://yhoo.it/149jNRE> (PR Web)
- Vaporstream Industry Experts Host Discussion on the Importance of Secure Messaging - <http://bit.ly/Ybsgzp> (Press Release)
- Wolters Kluwer Divests Its Minority Interest in AccessData Group - <http://mwne.ws/YxJ03c> (Marketwire)

2013 Events

MARCH

AIIM Conference

March 20-22, 2013

New Orleans, LA

[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

Electronic Discovery for the Small and Medium Case

Levin College of Law, University of Florida and EDRM

April 4-5, 2013

[Click here for more information.](#)

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.](#)

LawTech Futures

April 30, 2013
London, UK

[Click here for more information.](#)

MAY

Information Governance & eDiscovery Strategy Exchange

May 5-7, 2013
San Diego, CA

[Click here for more information.](#)

EDRM 2013-14 Kickoff Meeting

May 7-9, 2013
St. Paul, MN

[Click here for more information.](#)

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.](#)

AUGUST

ILTA 2013 Annual Conference

August 18-22, 2013
Las Vegas, NV

[Click here for more information.](#)

SEPTEMBER



Fifth Annual Intermountain eDiscovery Conference – 2013

September 26, 2013
Salt Lake City, UT

[Click here for more information.](#)

OCTOBER

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.](#)

For Complete Events Calendar Visit – [Click here.](#)

**About Orange Legal Technologies**

OrangeLT™ is a leading provider of electronic discovery litigation, audit, and investigation technology and services for law firms and corporations. Having served over 1,000 clients since inception and with over 250 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 technology and 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.

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