

# Unfiltered Orange | Weekly eDiscovery News Update – February 27, 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*

- A New Avenue For eDiscovery Cost Recovery - <http://bit.ly/YcSXTX> (Brendan Schulman, Samantha Ettari)
- DOJ Director Talks About Investigations And eDiscovery Technology - <http://bit.ly/XBChm4> (Allison Stanton)
- eDiscovery: If You Delay, Courts Will Make You Pay - <http://bit.ly/15MQrHC> (Joey Chindamo)
- eDiscovery in SharePoint 2013 - <http://bit.ly/XDhUVI> (Paul Olenick)
- Failure to Execute Litigation Hold Can Leave Attorneys and Their Clients Vulnerable - <http://bit.ly/Xue8hd> (Katlyn Ryan)
- Failure to Reasonably Inquire About the Completeness of Your Discovery Can Cost You - <http://bit.ly/15MOSji> (Alex Weininger)
- Facebook Posts Not “Solicitation” Under Former Employee’s Restrictive Covenant Agreement - <http://bit.ly/XE51dY> (Jay Yurkiw)
- Feedback From The Predictive Coding Trenches At LegalTech 2013: Moving From “Is It Defensible?” To “What Are Best Practices?” In 12 Months - <http://bit.ly/15MPZJr> (Warwick Sharp, Jay Leib, Tom Groom)
- If You Want to Avoid Sanctions, Hire an eDiscovery Consultant! - <http://bit.ly/YbSX6L> (Marc Hirschfeld)
- Judge Denies Right to Privacy in ‘Ping’ of Cell Phone Location - <http://bit.ly/XtKx7G> (Joel Stashenko)
- LegalTech New York Interview: eDiscovery Experts Karl Schieneman & Timothy Opsitnick from ESI Bytes - <http://bit.ly/Xuc74t> (@eDiscoveryBeat)
- Live Social Media Evidence Capture from Today’s Vegas Strip Shooting - <http://bit.ly/XssDSz> (John Patzakis)
- Must Losing Plaintiff Pay Defendant \$2.8M for Predictive Coding of One Million Docs? Court Says Yes – <http://bit.ly/15MIulO> (Doug Austin)
- Please Don’t Bates Stamp eDiscovery - <http://bit.ly/XjIrew> (Josh Gilliland)
- Predictive Coding: What It Is And What You Need To Know About It - <http://bit.ly/XBCy8z> (Lauren Aguiar, Jonathan Friedman)
- Proposed Changes to Discovery Rules of FRCP Get Everyone’s Attention - <http://bit.ly/Xrla6k> (Michael Russell)
- Quick and Dirty Guide to eDiscovery Project Management (Part 2) - <http://bit.ly/XoODOF> (Eric Robinson)
- Shifting eDiscovery Fees, Judge Orders Patent Case Loser to Pay \$2.8M Predictive Coding Tab - <http://bit.ly/Yd4tyR> (Robert Hilson)
- Social Media: From Computer To Courtroom - <http://bit.ly/XDfFBx> (Loryn Riggiola)
- Technology-Assisted Review Models: Let’s Move Forward - <http://bit.ly/15JrNHO> (Jen Wightman)
- The Case for Cooperation Revisited - <http://bit.ly/XuKt7u> (Drew Lewis)

- The Increasing Importance of Rule 26(g) to Control eDiscovery Abuses - <http://bit.ly/Xzxwtf> (Ralph Losey)
- Use of Predictive Coding in Regulatory Enforcement Proceedings – Bloomberg Law - <http://bit.ly/XDdSMP> (Jennifer Kennedy)
- Use of Technology-Assisted Review and Costs-Shifting in US Patent Case has UK Parallels - <http://bit.ly/15MIWAg> (Chris Dale)
- Use of Work Computer Results in Waiver of Marital Communication Privilege - eDiscovery Law Alert - <http://bit.ly/YcyVsW> (Kevin Walsh)

*Levity*

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**“I’ve identified our productivity problem. We installed faster computers, but we forgot to install faster computer operators.”**

*Risk*

- A Checklist for International (China Too) Acquisitions – <http://bit.ly/15JqdWx> (Dan Harris)
- A Duty to Patch? FTC Settles First Case Against a Mobile Device Manufacturer – <http://bit.ly/15JNSGi> (James Denvil)
- Are You A Data Hoarder? <http://bit.ly/XDhheO> (Jeff Bertolucci)
- Collaborating within a Global Legal Department - <http://bit.ly/YefGyU> (Suchitra Narayan, Ram Vasudevan, Rees Morrison)
- Court Considers the “Persnickety, but Persistent Question” of What Qualifies as “Content” Under the SCA - <http://bit.ly/Y8FcWv> (K&L Gates)
- Cyber Attacks and Small Businesses | How At-Risk Are You? <http://bit.ly/15Js6CD> (@SpearTipLLC)
- Employees May Be a Company’s Greatest Cybersecurity Vulnerability - <http://bit.ly/XwiMLB> (Catherine Dunn)

- First-to-File Patent System Arrives March 16, 2013 - <http://bit.ly/YhRyeO> (Martin Miller)
- How to Introduce Change into Your FCPA Compliance Program (Without Blowing It Up) - <http://bit.ly/YIy9k9> (Thomas Fox)
- Individual Liability for Foreign Subsidiary Misconduct. The Logical Next Step. <http://bit.ly/XACmGB> (Santiago Cueto)
- Is Your Social Media Policy Useless? <http://bit.ly/Yeg0xN> (Gretchen Gavett)
- Reducing Corporate Risk and Expense: Employees and Elder Care - <http://bit.ly/XDdjCU> (Ben Alexander Neiberger)
- Reimbursement, Compliance And Other Challenges For Providers In Healthcare - <http://bit.ly/XDfPZH> (Matthew Bavolack, Nanette Miller)
- SDNY Finds Lack of Personal Jurisdiction in Foreign Corrupt Practices Act Claim - <http://bit.ly/XuQ6Tj> (Emily Stern, Joseph Gallo)
- Should Companies Tell Us When They Get Hacked? – Room for Debate - <http://nyti.ms/XtOLfl> (New York Times)
- Spanish DP Authority’s New Outsourcing Model Clauses for Service Providers Subcontracting Outside EEA - <http://bit.ly/Yek8xN> (Reed Smith)
- Text of New Noncompete Bill Now Available : Massachusetts Noncompete Law – <http://bit.ly/15JqDfy> (Michael Rosen)
- The Rising Threat of Trade Secrets Theft - <http://bit.ly/YbQYiJ> (Michael Volkov)
- Trust but Verify - <http://bit.ly/XDd4Yv> (Casey Flaherty)
- What to Expect When Applying for Cyberinsurance - <http://bit.ly/15BFbOg> (Judy Selby, Brian Esser)

#### *Resources*

- 2nd Annual Litigation Support Models & Structures Report - <http://bit.ly/Y83Gz6> (@TheCowanGroup)
- Considering Machine Learning: Three References - <http://bit.ly/XATPPi> (@ComplexD)
- Litigation Trends Survey Predicts a Bumpy Ride in 2013 - <http://bit.ly/XDlvmu> (Sue Reisinger)
- The Technology-Assisted Review News Pace Quickens - <http://bit.ly/IiTGtb> (@OrangeLT)

#### *Senses*

- Cartoons: Computer Experience? <http://bit.ly/Y79pFg> (@OrangeLT)
- Podcast: eDiscovery Search Terms: Are They Still Viable? <http://bit.ly/XpDBbF> (Carolyn Southerland)
- Podcast: Interview with Harriet Pearson on Cybersecurity Issues - <http://bit.ly/YekUuw> (@HLPrivacy)
- Podcast: Over Processing of ESI and The Microsoft Letter – Part 2 - <http://bit.ly/15OpmDP> (Karl Schieneman)
- Video: Ralph Losey on Outsourcing Litigation Support – <http://bit.ly/15Jq2un> (Monica Bay)

#### *Technologies*

- Apple Fixes ActiveSync Bug, Blackberry Stumbles - <http://bit.ly/XtQe5s> (John Mello)
- Disruptions: Google Flu Trends Shows Problems of Big Data Without Context - <http://nyti.ms/XACTbs> (Nick Bilton)
- DMARC – Email Authentication Overview - <http://bit.ly/YiTovW> (DMARC)
- Doctors Prescribe Social Network for Healthcare Pros - <http://bit.ly/YbYFFK> (Alison Diana)
- GSA Releases Guidelines to Measure Social Media Impact - <http://bit.ly/Xp5O2d> (@NextGov)
- IP Address Management as a Service on the Cloud - <http://bit.ly/Yh59mB> (Hanieh Taipalus)
- IT Security Understaffing Worries CISOs - <http://bit.ly/15MJTc7> (Mathew Schwartz)
- Microsoft: Outlook Making Progress Vs. Gmail - <http://bit.ly/YbW66p> (Michael Endler)
- Owning Your Online Presence – <http://bit.ly/15Jr1KQ> (Adrian Dayton)
- Proposes Tax Credit to Support Investment in Cybersecurity Industry - <http://bit.ly/11ZKNTi> (Trent Dykes)
- Six Ways Business Software Will Change in 2013 – <http://bit.ly/Y8mgHm> (Jason Maynard)
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#### *Vendors*

- 5 Underlying Trends Supporting Guidance Software, Inc. (GUID) - <http://bit.ly/Xubzfa> (The Motley Fool)
- ACEDS eDiscovery Conference Speakers (Feb. 28 – Mar. 2, 2013) <http://bit.ly/15OqpDH> (ACEDS)
- A Look at Increased Document Transmission Speeds with Terminal Services Architecture - <http://bit.ly/XkJFC3> (@OrangeLT)
- Alon Israely, Esq., CISSP of BIA – eDiscovery Trends - <http://bit.ly/XubOXv> (Doug Austin)
- Box Receives “Strong Positive” Rating in Gartner MarketScope for Enterprise File Synchronization/Sharing - <http://mwne.ws/Xsseje> (Marketwire)
- BP Oil Spill Plaintiffs Successfully Deploy iCONNECT Review Platform - <http://bit.ly/XtPWvs> (Press Release)
- Catalyst Participates in EDI-Oracle Computer Assisted Review Study - <http://bit.ly/Wf2wyr> (Bob Ambrogi)
- Catalyst: Predictive Coding Helps Companies Reduce eDiscovery Costs – <http://bit.ly/15MN3wf> (Bob Ambrogi)
- Chalk Talk: Index Engines Catalog Engine – YouTube - <http://bit.ly/YdUOYP> (@IndexEngines)
- CommVault Selected by Northgate Managed Services to Provide Management for European Education Cloud - <http://bit.ly/Xswqzq> (Press Release)
- CommVault Simpana 10 Delivers an Exponential Leap in Data and Information Management - <http://bit.ly/15MILoS> (Press Release)
- Concept Searching Survey Finds Intelligent Migration a Key Priority for 2013 - <http://bit.ly/Xrjk5u>(PR Web)
- Contract Express: Avoid Mistakes And Save Legal Review Costs – Use State-Of-The-Art Contract Management – <http://bit.ly/15MHb6h> (Andrew Wishart)
- Control Risks Survey: Organisations Seek Out eDiscovery Support to Prepare for Regulatory Scrutiny – <http://bit.ly/15MKOZT> (PR Web)
- eDiscovery Journal Profile Series: Kerry-Ann Reid-Brown, Outten & Golden Litigation Support Coordinator - <http://bit.ly/15KyUQi> (Babs Deacon)
- eDJ To Expand Coverage Of “Social” Information - <http://bit.ly/Xp5rVk> (Barry Murphy)
- Epiq Systems Expands Asian Operations - <http://bit.ly/15MNzuf> (Press Release)
- Equivio to Host Educational Seminar on Predictive Coding for Litigators and eDiscovery Specialists - <http://prn.to/YdV8Xv> (PR Newswire)
- Exterro Named to KM World’s List of 100 Companies That Matter in Knowledge Management - <http://yhoo.it/XAWfxb> (Marketwire)
- FireEye and Guidance Partner to Deliver Integrated Cyber Attack Detection and Incident Response - <http://mwne.ws/15JNbN6> (Marketwire)
- First Responders: Initial Results of 120-Second Provider Predictive Coding Survey - <http://bit.ly/XirAVh> (@ComplexD)
- George Socha of Socha Consulting LLC – eDiscovery Trends - <http://bit.ly/XAIKO5> (Doug Austin)
- GGO to Share eDiscovery Predictive Analytics at ACEDS Conference - <http://bit.ly/YbUCt7> (Press Release)
- Huron Legal Hosts Post-LegalTech Discussion in London – e-Disclosure Information Project - <http://bit.ly/YbS0ey> (Chris Dale)
- Information Governance Reshaping eDiscovery Landscape: A Major Theme at LTNY 2013 | Parity Research - <http://bit.ly/XskOMI> (Gary MacFadden)
- Integreon Ranked on 2013 Global Outsourcing 100 List® of the World’s Best Outsourcing Service Providers - <http://bit.ly/XsiHbW> (PR Web)
- Kiersted Systems Achieves kCura’s Relativity Best In Service Designation - <http://bit.ly/XrmeY0> (Metropolitan Corporate Counsel)
- Kiersted Systems: Litigation Technology: A Key Player In Government Actions – <http://bit.ly/Xrn2My> (George Kiersted)
- LDM Global Appoints New Director of Sales for EMEA - <http://bit.ly/15JpgNG> (PR Web)
- LitWorks & Espion Launch Litigation Support Training Program in the UK - <http://bit.ly/YbVApe> (Press Release)
- Rational Retention Appoints Charles Skamser as Vice President of Sales and Marketing - <http://bit.ly/YbTF3R> (PR Web)
- Recommind: On-Demand E-Discovery Service: Customized Access And Cost Certainty - <http://bit.ly/XDsImK> (Drew Lewis)
- Relativity and the Newest Microsoft Releases Part II - <http://bit.ly/Yc1zdc> (@kCura)

- RSA Conference to Cover Legal Issues of Retaliatory Hacking - <http://bit.ly/15DGvQJ> (Evan Koblentz)
- RSD Releases New Version of Information Governance Solution RSD GLASS - <http://bit.ly/YiRWd4> (PR Web)
- Strong Managed Services Offerings Helps TERIS Secure National Account with Top US Healthcare Firm – <http://bit.ly/XDh8aY> (PR Web)
- The Oliver Group Provides eDiscovery Services to Financial Services Firms as Part of LIBOR Investigations - <http://bit.ly/15PFchq> (PR Web)
- UBIC Establishes New Research and Development Center to Incubate Advanced Technology - <http://bit.ly/XDgfiK> (PR Web)
- UBIC to Speak on International Cross-Border Panel and Host Tech-Assisted Review Pavilion at ACEDS Conference - <http://bit.ly/XrpouI> (PR Web)
- ZyLAB appoints new Sales Director for United Kingdom - <http://bit.ly/YdTS6N> (PR Log)

## 2013 Events

### MARCH

#### HIMSS Annual Conference & Exhibition

March 3-7, 2013  
New Orleans, LA

[Click here for more information.](#)

#### Legal IT Business Show 2013

March 5-6, 2013  
London, United Kingdom

[Click here for more information.](#)

#### Second Annual ASU-Arkfeld eDiscovery and Digital Evidence Conference

March 13-15, 2013  
Tempe, AZ

[Click here for more information.](#)

#### 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

#### 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

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

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.](#)



## 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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