

# Unfiltered Orange |

## Weekly eDiscovery News Update – October 12, 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.

To receive the weekly update, sign up at: <http://bit.ly/hbAsUJ>.

For up to the minute news updates, visit [@OrangeLT](#) on Twitter.



### eDiscovery News

#### *Content and Considerations*

- Can “Cross-Border Privacy Rules” Trump Divergent Data Protection Laws? <http://bit.ly/oozxOd> (Justin Brookman)
- Certify or Not to Certify...Here is ONE Answer – <http://bit.ly/nTFLbF> (Trent Livingston)
- Civil Advisory Rules Committee to Consider Preservation Rule in November – <http://bit.ly/o89BOD> (Robert Owen)
- Cloud Computing Case Clarifies Applicability of U.S. Privacy Law to Non-U.S. Nationals – <http://bit.ly/nPOYDx> (K&L Gates)
- Court Sanctions Defendants for Elaborate Spoliation, Declines to Sanction Misled Counsel Unaware of “What was Going on Behind the Scenes” – <http://bit.ly/pSK8S8> (K&L Gates)
- Denying Expedited Discovery – <http://bit.ly/qi2y6A> (Josh Gilliland)
- Do Social Media Policies Violate NLRA Section 7 Rights? <http://bit.ly/nWotnF> (Jeffrey Klein, Nicolas Pappas)
- ECPA Protects Non-Citizen Communications Stored in the US – *Suzlon Energy v. Microsoft* – <http://bit.ly/rrwK2n> (Eric Goldman)
- eDiscovery ‘Command’ Culture Must Collapse – <http://bit.ly/mUKabZ> (Monica Bay)
- eDiscovery from Washington to Dublin – <http://bit.ly/qkh4ms> (Chris Dale)
- Electronic Evidence Plays a Growing Part in Legal Process – <http://bit.ly/oQOLrT> (Gordon Smith)
- For the Government, No Special eDiscovery Treatment – <http://bit.ly/r1i73L> (Christopher Boehning, Daniel Toal)
- Google Your Company’s Code of Conduct – <http://bit.ly/oM3pRc> (Ryan McConnel, Margaret Mousoudakis, Katherine Southerd)
- How Do You Get Data From Cell Phone Companies in eDiscovery? <http://bit.ly/qI0p7M> (Sharon Nelson)
- If the Government Wants Your Email, It Gets Your Email – <http://bit.ly/oOtqUN> (Christopher Danzig)
- Internal Awareness, Education Among Employees Critical to Information Security, Privacy and Identity Theft – <http://bit.ly/n4HEeb> (Gary Grates)
- ISPs Win Right to Challenge Digital Economy Act Judicial Review Ruling – <http://bit.ly/r8L4Bf> (Pinsent Masons)
- Judge Rader Puts Patent Litigation on a Discovery Starvation Diet – <http://bit.ly/nBTBuc> (Joshua Kubicki)
- Native Format and Redaction Requests – Give Them What They’re Entitled To And No More – <http://bit.ly/qpJFqK> (Christine Musil)
- New Ethical Issues and Challenges in E-Discovery – <http://bit.ly/oKLAKf> (Elizabeth McGinn, Karen Morgan)
- New Model E-Discovery Order for Patent Cases Turns Fishing Expeditions into Games of ‘Go Fish’ <http://bit.ly/oavvkP> (John Tredennick)

- Nightmare on ESI Street: How to Sleep Well in a Scary Regulatory Climate – <http://bit.ly/oZoxgl> (Dean Gonsowski)
- NLRB Report on Social Media Cases Provides Guidance for Employers on Social Media Policies – <http://bit.ly/pLy0Ej> (Kristin Sostowski)
- Privacy Protections in Act Apply to all Electronic Communications Stored in the US, Court Rules – <http://bit.ly/nFayD3> (Pinsent Masons)
- Recent NLRB Complaints Puts Focus on Evolving Social Media Disciplinary Issues – <http://bit.ly/qtTZTI> (Patricia Nemeth, Erin Behler)
- Smart Sampling in E-Discovery: Reduce Document Review Costs Without Compromising Results – <http://bit.ly/nYsHTd> (Bob Ambrogi)
- Social Media Can Hurt You In A Lawsuit – <http://bit.ly/rk8fgI> (Kevin Casey)
- Spoliation of ESI Risks Criminal Prosecution – <http://bit.ly/pMGOcg> (Robert Brownstone)
- Taking Responsibility for the eDiscovery Process – <http://bit.ly/qwkbU2> (Christine Soares, Sophia Lee)
- Texas Supreme Court Dismisses Writ Regarding Facebook Discovery – <http://bit.ly/p2cX89> (Tom Crane)
- The Cloud's Promise Meets E-Discovery's Obligations – <http://bit.ly/rfje8R> (Brendan Schulman, Samantha Ettari)
- The Federal Circuit's New Model Order on eDiscovery – <http://bit.ly/qOhKY5> (Mark Sidoti)
- The Need for Pro-Active eDiscovery <http://bit.ly/mUa9h6> (Johannes Scholtes)
- We Are at the Dawn of a Golden Age of Justice – <http://bit.ly/q8xXhD> (Ralph Losey)
- When Are Text Messages Admissible? The Pennsylvania Superior Court Explains – <http://bit.ly/ooot2mr> (Mike Zabel)

### ***Reports and Resources***

- Account Deactivation and Content Removal: Guiding Principles and Practices (PDF) <http://bit.ly/reTyOX> (Erica Newland, Caroline Nolan, Cynthia Wong, Jillian York)
- Fair Use and Your Blog: The Bloggers' FAQ On Intellectual Property – <http://bit.ly/pKgd9z> (Electronic Frontier Foundation)
- Fulbright Forum: 8th Annual Litigation Trends Report – What's Trending, What's Not in Dispute? <http://bit.ly/q1UD5I> (Fulbright)
- Socially Aware: The Social Media Law Update (PDF) <http://bit.ly/mQIDCt> (Morrison & Foerster)
- Six Provocations for Big Data – <http://bit.ly/nZh1pb> (Danah Boyd, Kate Crawford)
- The History of Digital #Storage [INFOGRAPHIC] <http://on.mash.to/purTmv> (Matt Silverman)
- The Sequence and Chronology of Meet and Confer – <http://bit.ly/p2OPIS> (Orange Legal Technologies)
- Tracking the Trackers: Where Everybody Knows Your Username – <http://bit.ly/okutPE> (Jonathan Mayer)

### ***Technology and Tactics***

- 5 Ways Your Site is Probably Breaking the Law Right Now – <http://bit.ly/qBnnSh> (Jonathan Bailey)
- After A Big Public Fight With Salesforce, Larry Ellison Went And Unveiled A Direct Competitor – <http://read.bi/p0Pc4S> (Matt Rosoff)
- Alleged Hackers Fail to Disrupt NYSE – <http://bit.ly/qWtinF> (Tom Steinert-Threlkeld)
- Alternative Business Structure Launched Under U.K. Legal Services Act – <http://bit.ly/mVBLn1> (Sofia Lind)
- Big Data in the Dirt (and the Cloud) <http://nyti.ms/oBFzUs> (Quentin Hardy)
- Cloud Services Not Driving Big Money Into Channel, Yet – <http://bit.ly/qWPo8p> (Andrew Hickey)
- Cloud Standards Customer Council Seeks To Guide Deployments, Standards – <http://bit.ly/r3pTZf> (Andrew Hickey)
- Companies That Outsource Face New Legal Risk – <http://bit.ly/rI8KEu> (Marie Grady)
- Constitutionality of Facebook Threat Charges Challenged – <http://bit.ly/q60dns> (Shannon Duffy)
- Done Deal: EU Approves Microsoft's \$8.5 Billion Acquisition Of Skype – <http://tcrn.ch/oIvAZU> (Leena Rao)
- Feds Accelerate Data Center Consolidation – <http://bit.ly/pjPNEI> (Elizabeth Montalbano)
- Free Texts Pose Threat to Carriers – <http://nyti.ms/o8onS7> (Jenna Wortham)
- Frictionless eDiscovery; Social Media Addicts Beware... <http://bit.ly/qPvTCB> (Bill Tolson)

- Four PowerShell Resources for Office 365 – <http://bit.ly/p2HbRz> (Casper Manes)
- Google Introduces Cloud Database <http://bit.ly/q2RFPP> (Thomas Claburn)
- Google Launches Dart Programming Language – <http://bit.ly/nOXcha> (Thomas Claburn)
- How the Amazon Fire Compares to the iPad – <http://bit.ly/pMMdsC> (Marla Korolov)
- ICO Repeats Need to Encrypt Personal Data on Devices – <http://bit.ly/nrZM7W> (Pinsent Masons)
- Kentucky Man Sues Facebook Over Tracking Web Habits – <http://bit.ly/pkSQLP> (Brett Barroquere)
- NYTimes Sues Federal Govt For Refusing To Reveal Secret Interpretation Of PATRIOT Act – <http://bit.ly/pCKiNo> (Mike Masnick)
- Restored: BlackBerry Blackout in Europe and Mideast – <http://on.ft.com/oIYZHE> (Paul Taylor)
- Second Circuit Rules That FINRA Lacks Authority to Sue for Disciplinary Fines – <http://bit.ly/oMD9yj> (Fulbright)
- SSL Hacked! Are Web Communications Safe? <http://bit.ly/okTUXH> (Steve Roosa)
- The Unstructured World – <http://bit.ly/quPpt8> (Mark Breeding)
- U.S. Marshals Service Invests In IT, Then Faces Cuts – <http://bit.ly/p0esjG> (John Foley)

### ***Twitter Hashtags of the Week***

- [#ACCAM11](#)
- [#ARMA11](#)
- [#eDiscovery](#)
- [#eDisclosure](#)

### **Vendor Views**

#### ***Industry Landscape***

- 10 Questions for Wave Software CFO Walter Willey – <http://bit.ly/r1wkBb> (Nancy Weil)
- Beyond the Arc Taps Gnip to Fuel Social Media Data Mining – <http://bit.ly/q0s6i3> (Business Wire)
- Cataphora Tackles Big Data Intelligence and Analytics With Executive Hire – <http://bit.ly/pxkwqA> (Business Wire)
- Digital Reef Debuts Free ECA Service – <http://bit.ly/r2Qe1g> (Evan Koblenz)
- EMC Expands SMB Channel Storage Push With DD160 Dedupe Appliance – <http://bit.ly/rgBvOR> (Joe Kovar)
- Epiq Systems Third Quarter 2011 Earnings Results to be Announced October 27 – <http://bit.ly/nOmmSI> (Press Release)
- ESG Lab Poised for Continued Growth, Completes 250th Validation Milestone – <http://bit.ly/qKqoQj> (Business Wire)
- Facebook Acquires Social Q&A Service Friend.ly – <http://tcrn.ch/qOKZtr> (MG Siegler)
- Fish & Richardson Installs Relativity Enterprise Wide – <http://mwne.ws/pnOQIX> (Marketwire)
- GCE Launches Cloud Solution For Litigation Support – <http://bit.ly/p2rrgB> (PR Web)
- Hawaiian Electric Company Chooses LexisNexis CounselLink Software – <http://bit.ly/oArvMe> (Market Wire)
- KPMG Buys IT Consultancy Xantus – <http://bit.ly/qjzvCZ> (Manchester Evening News)
- Kroll COO Shares Best Tips for Data Breach Notification – <http://bit.ly/mXz6ts> (Catherine Dunn)
- Kroll Ontrack Survey: 65% of Organizations Experiencing Frequent Data Loss From Virtual Environments – <http://bit.ly/p1JPcX> (Business Wire)
- NetX Information Systems Announces Expansion and Master Partner Specialization in Enterprise Vault – <http://prn.to/os1YX0> (PR Newswire)
- Nextpoint Announces Data Import Enhancements in Discovery Cloud and Trial Cloud Applications – <http://bit.ly/qiqqWz> (PR Web)
- Novell Patches Critical Issue in Groupwise – <http://bit.ly/pm3Ttl> (Casper Manes)
- Orange Legal Technologies Ranked As Contender In IDC MarketScape Report On Early Case Assessment – <http://bit.ly/rbm5IP> (Press Release)
- Passware Enables Forensics to Extract Passwords from Seized Computer Registries – <http://yhoo.it/nNv1dA> (PR Newswire)
- RIM Buys Cloud Platform Firm NewBay – <http://bit.ly/oykUR7> (Alan Reiter)

- Quest Software Meets the Need for Serious Virtual Data Protection – <http://bit.ly/nOIwYV> (Business Wire)
- Sonian Announces Support for OpenStack Cloud Environments – <http://mwne.ws/owOa6w> (Marketwire)
- Symantec Introduces Intelligent Authentication to Combat Evolving Threats – <http://bit.ly/qSWrEu> (Marketwire)
- UBIC launches the “UBIC Legal Cloud Service” – Supports Lit i View eDiscovery Software – <http://bit.ly/o0vYO9> (PR Web)
- WestView Capital Partners Leads Recapitalization of LDiscovery – <http://bit.ly/nm1irE> (Press Release)

## **eDiscovery Events**

### **OCTOBER**

Storage Networking World  
October 10-13, 2011  
Orlando, FL

LITCON 11  
October 16, 2011  
Washington, DC

Gartner Symposium/ITxpo  
October 16-20, 2011  
Orlando, FL

Argyle Executive Forum  
October 18, 2011  
New York, NY

ACC Annual Meeting  
October 23-26, 2011  
Denver, CO

15th Annual IT.CAN Conference  
October 27-28, 2011  
Toronto, Canada

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>.

- For additional information on Orange Legal Technologies, visit: <http://www.orangelt.com>.