

Unfiltered Orange |

Weekly eDiscovery News Update – May 16, 2012

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.

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eDiscovery News

Content and Considerations

- 175+ Thoughts On Predictive Coding? Technology Assisted Review Backgrounder - bit.ly/IiTGtb (@OrangeLT)
- ABA Commission Proposes Ethics Rule Requiring Adequate Data Security - bit.ly/LEqLBX (Scott Loughlin)
- Are Predictive Coding Disclosures Required? A Proportional Answer - bit.ly/IFLZNY (Gerard Britton)
- Are You Ready for the Next Step in Document Review Technology? bit.ly/K08f5j (Michelle L'Hommedieu)
- Blogging, Proportional Review and Predictive Coding - bit.ly/JbCFQs (Ralph Losey)
- Budgeting for E-Discovery: The Big 5 Expenses - bit.ly/K06hSw (Bill George)
- Car 'Black Box' Recorders Provide Evidence for Personal Injury Suits - bit.ly/IUCYAL (Thomas Scheffey)
- Communication is King in E-Discovery Matters - <http://bit.ly/ISDly8> (Daniel Garrie)
- Court Denies Criminal Defendant's Attempt to Quash Twitter Subpoena - bit.ly/IMEOaw (Doug Austin)
- Da Silva Moore Plaintiff's Accuse Judge Peck of 'Naked Retaliation' - bit.ly/M4K5ef (ACEDS)
- Da Silva Moore' Plaintiffs Continue Discovery Objections - bit.ly/J3PY5b (Sean Doherty)
- Da Silva Moore: Plaintiffs File Reply in Support of Motion for Recusal or Disqualification - bit.ly/JYD5LY (K&L Gates)
- Delaware Court Issues Guidance about M&A Confidentiality Agreements - hvrld.me/KNX8vC (Eduardo Gallardo)
- Discovery Planning Example/Agreement: Great Canadian Gaming Corporation v 1632842 Ontario Limited - (CanLII) bit.ly/JQgJyF (Peg Duncan)
- Do Litigators Need to Understand Predictive Coding Theory? bit.ly/INcG7c (Charles Skamser)
- eDiscovery Case Law: Defendant Responds to Plaintiffs' Motion for Recusal in Da Silva Moore - bit.ly/KnyPcm (Doug Austin)
- EDRM and Statistical Sampling - bit.ly/J8fKJ6 (Doug Austin)
- Email Admissibility: Double Hearsay Satisfied by (1) Business Record Incorporating (2) Admission - 801(d)(2)(B) Does Not Require Employee Have Ability to Bind Employer - Junior Status of Employee Goes to Weight - bit.ly/JoVpyC (Gregory Joseph)
- Enterprise Search and Information Access: Revisited - bit.ly/M4M6qM (Gary MacFadden)
- ESI Guidelines for the Bankruptcy Case: Bankruptcy Working Group Interim Report - bit.ly/L263ze (Christopher Albanese)
- Failing to Cooperate in Preservation Disputes May Bear a Hefty Price Tag - bit.ly/JoUJt4 (David Lender, Jason Bonk)
- 'Fowl Play' in E-mails Between Maryland Governor and Perdue GC? - bit.ly/JNeaL9 (Sue Reisinger)

- Is Disclosure Part of the Answer to the Da Silva Moore Issues? bit.ly/J9p95f (Sharon Nelson)
- Is Social Media Disrupting Your Trials? Try Talking to Jurors - bit.ly/KWhdQz (Alison Frankel)
- Judge Peck Puts Freeze On Predictive Coding Protocol in Da Silva Moore Case – bit.ly/L1PL3i (Robert Hilson)
- Judge Peck Stays Defendant MSL Production in ‘Da Silva Moore’ - bit.ly/IUy8DM (Monica Bay)
- Judicial Misunderstanding of Technology and Child Pornography - bit.ly/Knywym (Jonathan Ezor)
- Morton’s Fork, Oil Filters the Nexus with Info Governance - bit.ly/INdO11 (Dean Gonsowski)
- Native Redactions – An Emerging Trend - bit.ly/JNaNnA (Brandon Hollinder)
- ‘Pippins’ and the Proportionality Debate - bit.ly/IMEkkV (Wayne Matus, John Davis, and Peter Ostrovski)
- Random Samples? Random Results? bit.ly/Jb9LGL (Mark Walker)
- Software Speeds the Job of Applying Metadata – bit.ly/KWg9vX (Image and Data Manager)
- Technology Aids in Proactively Safeguarding Against eDiscovery Spoliation Claims - bit.ly/INdyZv (Mike Hamilton)
- Technology Assisted Review, Concept Search and Predictive Coding: The Limitations and Risks - bit.ly/J88ehx (Johannes Scholtes)
- Tenth Circuit Requires Bad Faith to Support an Adverse Inference for Spoliation, Absent Rule 37 Motion – bit.ly/JQeVWq (Gregory Joseph)
- “That Federal-Court eDiscovery Breakthrough? Not So Fast...” bit.ly/JfkVdx (Alison Frankel)
- The Discoverability of Social Media in Personal Injury Litigation - bit.ly/J3OTdD (Daniel McCarthy, Brian Gross)
- The Practitioners Role in eDiscovery 2.0: Man vs. Machine or People + Technology? bit.ly/J9e6ZS (Cat Casey)
- TREC Document Review Project on Hiatus, Recommind Asked to Withdraw – bit.ly/JN7EE9 (Evan Koblentz)
- TREC Document Review Project – Recommind Asked to Withdraw – bit.ly/JYDvSs (Sharon Nelson)
- Twenty Years Jail Time for Deleting Text Messages? bit.ly/JQaSt (Gardere)
- Twitter Seeks To Quash Order Requiring Production of Account Holder’s User Information, Tweets – bit.ly/IMCMqV (K&L Gates)
- Was Samsung Deal a Watershed for Machine Translation in FTC Second Requests? bit.ly/JQnnou (Bob Ambrogio)
- When Taking Proprietary Information From Employers Isn’t a Crime - bit.ly/JfcJEw (Wendy Schwartz, Jennifer Achilles)
- Web Archiving News: ESI Metadata Required in Courts - bit.ly/JyI45D (Mark Middleton)
- Will Predictive Coding Live Up to the eDiscovery Hype? bit.ly/JbEROt (Philip Favro)
- Updated: 10 Years of eDiscovery Mergers, Acquisitions and Investments - bit.ly/y9FMKO (@ComplexD)

Reports and Resources

- Google: First Amendment Protection For Search Engine Results (PDF) bit.ly/IMF8Gm (Eugene Volokh, Donald Falk)
- Introduction to Statistical Sampling in Electronic Discovery - bit.ly/KFv17p (Apersee)
- LinkedIn Financial Advisor Survey: Trends and Opportunities - bit.ly/IFLaVq (Tim Walker)
- Manual vs. Technology-Assisted Review in eDiscovery: You Can Play Too! bit.ly/IMDyNn (PLG, University of Waterloo)
- New Order Update: Peck, Parties and Predictive Coding (1313 Pages Consolidated w/Index) bit.ly/xAztDv (@ComplexD)
- Reporting Numbers? The Data Journalism Handbook - bit.ly/Jb9vr8 (Jonathan Gray, Liliana Bounegru, Lucy Chambers)
- Short Sellers, News, and Information Processing - hvr.me/JIQXdc (Christopher Small)
- The Rear View Mirror on Google : Top 5 Stories From Last Week’s Unfiltered Orange Newsletter - bit.ly/KWfJWz (@OrangeLT)
- Three-Quarters of Smartphone Owners Use Location-Based Services | Pew Internet - bit.ly/JN8z0j (Kathryn Zickuhr)

Sight and Sound

- 25 Petabytes, By The Numbers – bit.ly/KWbwSE (ACEDS)
- Case in Point: “Carbon Paper”? bit.ly/HM288p (Tom Fishburne)
- Did You Know 92% Of The Relative Cost Of Producing ESI Is Processing And Review Related? bit.ly/JyIMzQ (@OrangeLT)
- Google Explains How Your Emails Travel to Their Destination - on.mash.to/JQIRCS (Stan Schroeder)
- Lessons Learned from Viacom’s \$1 Billion Suit Against YouTube—Baker Hostetler’s Jerry Ferguson – bit.ly/JQfBLj (Colin O’Keefe)
- Podcast: Top 10 Tips for Learning Predictive Coding and Forbes Legal Hydra Article - bit.ly/Jju8Bh (Karl Schieneman)
- Social Media in the Legal Sector - bit.ly/IFclQc (Legal IT Professionals)

Technology and Tactics

- Black Hats Have Your HR Department In Their Sights - bit.ly/Jj8UDE (John Mello)
- Could an Inappropriate Tweet Lead to Jail Time? Legal Risks Under International Privacy Laws – bit.ly/JyhIRp (Sheldon, Mark & Anderson)
- Cyber-Threat Cooperation Emerging Between U.S. Industry and Government - bit.ly/Jp1fjy (Catherine Dunn)
- Emails that Can Get You in Trouble - bit.ly/J9zAG5 (Jeff Orloff)
- Employer Access To Personal eMail Case Demonstrates Need For Internal Controls On IT Searches - bit.ly/JoTt9m (Dan Michaluk)
- Facebook and Twitter Postings Cost CFO His Job - on.wsj.com/J9pjtj (Rachel Silverman)
- FBI Warns Travelers of Cyber Booby Traps Found In Hotel Internet Connections - bit.ly/Jju8Bh (Fernando Pinguelo)
- Informer or Me-Former? Is Obsession With Devices A Sickness? nyti.ms/LEpZVr (Bryan Burrough)
- International Companies Be Wary of Privacy Laws Overseas That Prohibit Transfer of Personal Data into U.S.- bit.ly/JfeaCL (Bellwether)
- LinkedIn Financial Services Summit: Key Themes - bit.ly/M4QwOF (Tim Walker)
- Litigation, Regulation Expected To Add To Forensic And Valuation Workload | Journal of Accountancy - bit.ly/JiSZ8m (Ken Tysiac)
- More States Introduce Legislation Prohibiting Employer Requests for Social Media Passwords - bit.ly/LErq6h (Daniel Pasternak)
- Myspace Confesses Failure to Abide by Privacy Laws - bit.ly/J8cr4H (Peter Vogel)
- Myspace Settles with FTC Regarding “Constructive Sharing” of PII with Third-Party Advertisers - bit.ly/JfcgC7 (Hogan Lovells)
- Network Security Technology Evolving Rapidly, Forrester Says – bit.ly/IUCI4E (Tim Wilson)
- Ninth Circuit Limits Computer Fraud and Abuse Act in ‘Nosal’ - bit.ly/KIJO2r (Robyn Crowther)
- Symantec Vision 2012 Exposes Attendees to Real Threat of Today’s Constant Barrage of Attacks – bit.ly/JNagcB (Jerome Wendt)
- The Art of Cyberwar II - bit.ly/Jfcw4f (Kenneth Geers)
- The Evolution of LPO | Slaw - bit.ly/JQjK1V (Gavin Birer)
- The Tragedy of the Copyright Commons – bit.ly/JN17fe (Jeremy Cubert, Jon Grossman, Alexander Perry)
- The Twitter Hack Attack That Wasn’t - nyti.ms/IXzqm8 (Nick Bilton, Nicole Perlroth)
- Think Email is Dying Out? Think Again. bit.ly/JW4wZ2 (ArcMail)
- Three Tips for SMBs to Follow to Ensure a Successful Storage Tiering Implementation – bit.ly/JQhdEQ (Jerome Wendt)
- Understanding and Using Certificates in Exchange 2010 – Part Six – bit.ly/Jbxw1c (Casper Manes)
- Understanding Facebook’s New Privacy Policy - onforb.es/JN7uNh (Larry Magrid)

Vendor Views

Industry Landscape

- AlphaLit Legal Review and Ease-of-Use - bit.ly/J5T5d0 (Christine Taylor)
- Annual Conference to Provide Legal Professionals with Info on Latest Tools and Tactics for eDiscovery - bit.ly/JQJScz (@OrangeLT)
- Autonomy Named Leader In Digital Asset Management For Customer Experience By Independent Research Firm – prn.to/JoVbrm (PR Newswire)
- Belkasoft Evidence Center Offers Tighter Integration with Guidance Software’s EnCase - bit.ly/Jb7T0p (PR Web)
- Busy Spring for Vendor Partnerships and Launches - bit.ly/KMWm4S (Monica Bay)
- CA Technologies Reports Fourth Quarter and Full Fiscal Year 2012 Results - bit.ly/IFLPPp (Press Release)
- Catalyst Search Scientists Coauthor Book on Next-Generation Search – prn.to/Jz4d3T (PR Newswire)
- City of Staunton Meets FOIA Compliance Requirements With C2C ArchiveOne Email Archiving Solution – mwne.ws/Jayud4 (Marketwire)
- Clearwell 7.1.1 Released - bit.ly/INrDpS (Clearwell)
- Clutch Group Appoints Brian Flack as General Counsel And Vice President of Client Services – bit.ly/L26YQg (PR Web)
- Daegis Names Deborah Jillson as eDiscovery Division President - on.mktw.net/IMEHf4 (Business Wire)
- Defensibly Decrease Data Set Sizes Early With The OneO Discovery Platform - bit.ly/ujzzZ3 (@OrangeLT)
- Discover Technologies and Attivio Sign Strategic Partner Agreement for US Government Market – prn.to/JaA3b0 (PR Newswire)
- eDirect Impact, LLC Launches CaseConvert - bit.ly/JQdGX7 (PR Web)
- EMC Confirms Deal To Buy XtremIO For Reported \$430M - onforb.es/KNXmmG (Eric Savitz)
- Epiq Systems: ILTA Insight Session Innovation in Technology – “What is Predictive Coding?” (PDF) bit.ly/Jb8Vd4 (Epiq Systems)
- EVault Awarded 5-Star Rating in CRN’s 2012 Partner Programs Guide for Second Consecutive Year - bit.ly/J9BExI (Press Release)
- Exact Legal Review Chooses codeMantra’s cP-DocRev Hosted Document Review Platform - bit.ly/JbxC9e (Jonathan Easton)
- FTI Consulting Announces Strategic Expansion in Asia Pacific - bit.ly/M4PGkV (Press Release)
- Google Enters the eDiscovery Game, Who’s Next? bit.ly/IFLfi9 (Maya Markovich)
- Hubbard One Launches Legal-Specific Web Analytics Solution - bit.ly/JQgnrC (Legal IT Professionals)
- Iris Accelerates Electronic Discovery Review with Equivio Analytics Technology - bit.ly/KWb1In (PR Web)
- Lateral Data To Highlight Value Proposition Behind All-in-One eDiscovery Platform at LegalTech® West - bit.ly/IUBM0a (PR Web)
- LDiscovery Appoints Taffi Schurz As Vice President Of Quality Assurance – prn.to/L26MAw (PR Newswire)
- Nuix Partners With Zapproved and Cowen Group - bit.ly/KMW0et (Monica Bay)
- Nuix Sponsors The Cowen Group’s Information Governance Group - bit.ly/J9zeiA (PR Web)
- OpenText Recognized as a Leader in Digital Asset Management - on.mktw.net/JYCPwu (PR Newswire)
- PageFreezer Finalist for the 2012 Red Herring Top 100 Americas Award - bit.ly/KFu1jC (PageFreezer)
- RVM Enterprises, Inc. Acquires N-Tier Discovery – on.mktw.net/J9UB3x (Business Wire)
- Smarsh Introduces Web Archiving – bit.ly/JauQQp (Business Wire)
- SMBs Are Adopting Virtualization, Cloud and Mobility for Improved Disaster Preparedness - on.mktw.net/L28zFL (Marketwire)
- TrustPoint International and Excelerate Discovery Merge to Offer Full Service End-to-End eDiscovery - bit.ly/IURx7s (PR Log)
- TrustPoint Merges With Excelerate Discovery, Adds OrcaTec Suite - bit.ly/JiMbYf (Michael Roach)
- U.N. Uses ZyLAB in ‘Blood Diamonds’ Trial and Other Vendor Updates - bit.ly/KIKzbb (Monica Bay)
- U.S. Food and Drug Administration Selects LexisNexis Concordance FYI for Access to Critical Discovery Data – bit.ly/II0EZ9 (Release)
- Valora Technologies Appoints Sasha L. Hefler as Vice President of Public Relations - bit.ly/KIIU5Y (PR Web)

- X1Discovery Teams with Amazon Web Services (AWS) to Provide eDiscovery and Search in the IaaS Cloud – bit.ly/J92Yw5 (Business Wire)
- ZyLAB Appointed to KMWorld's Hall of Distinction - bit.ly/KWaUfP (Press Release)

2012 eDiscovery Events

MAY

EDRM 2012 – 2013 Kickoff Meeting

May 16 – 17, 2012
St. Paul, MN

CEIC 2012

May 21 – 24, 2012
Summerlin, NV

LegalTech West Coast 2012

May 22-23, 2012
Los Angeles, CA

eDiscovery and Digital Evidence Conference

May 23 – 25, 2012
Tempe, AZ

JUNE

ILO Global Counsel Congress

June 14, 2012
New York, NY

JULY

Carmel Valley eDiscovery Retreat

July 22 – 24, 2012
Carmel, CA

AUGUST

ILTA Annual Conference 2012

August 26 – 30, 2012
Washington, DC

SEPTEMBER

Intermountain eDiscovery Conference 2012

September 13, 2012
Salt Lake City, UT

ACC Annual Meeting

September 30 – October 3, 2012
Orlando, FL

OCTOBER

EDI Leadership Summit 2012

October 17 – 19, 2012
Fort Lauderdale, FL

NOVEMBER

LawTech Europe Congress

November 12, 2012
Prague, Czech Republic

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. Having served over 500 clients since inception and with over 100 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 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.

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