

Unfiltered Orange |

Weekly eDiscovery News Update – October 26, 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.

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eDiscovery News

Content and Considerations

- 1st Circuit: Data Breach Victims Can Recover Some Costs - <http://bit.ly/sgPhY0> (Sheri Qualters)
- A Federal Rule for Preservation: A Solution in Search of a Problem? (Part 1) <http://bit.ly/vZBx4k> (Tom Mighell)
- A Proposal for Preservation Rule Amendments - <http://bit.ly/nQ7Jzq> (William Wallace Belt)
- A World of Copyright Confusion on the Web - <http://bit.ly/qpGVEW> (Craig Smith)
- ABA Formal Opinion 11-460 is at Odds With Stengart v. Loving Care Agency, Inc. – <http://bit.ly/rINI9h> (Gibbons)
- Airline E-mails Could Play a Big Part in Buffalo, NY Plane Crash Lawsuit - <http://bit.ly/rt05By> (Christopher Danzig)
- An eDiscovery Trick or Treat? <http://bit.ly/rB7C0D> (OrangeLT)
- Compare and Contrast: US and UK attitudes to Preservation Sanctions – <http://bit.ly/ujfAVb> (Chris Dale)
- Court Acknowledges Calls for Caution when Applying “Proportionality Test” to Preservation - <http://bit.ly/mZSwRF> (K&L Gates)
- Court Requires Fired Social Media Employee to Return Usernames and Passwords – <http://bit.ly/o6zY4s> (Evan Brown)
- Courts Still Look Toward Traditional, Low-Tech Factors - <http://bit.ly/qtKkGD> (Leonard Deutchman)
- Discovery of Social Media in New York - <http://bit.ly/q9PuJ0> (Emily Stitelman)
- Early Case Assessment (ECA) Insight from Industry Experts - <http://bit.ly/qZf06q> (Kate Slattery)
- eDiscovery in SEC and FINRA Investigations - <http://bit.ly/vl6RLO> (Rachel Tausend, Josh Dutill)
- eDiscovery Trends: A Green Light for Predictive Coding? <http://bit.ly/owAVcb> (Jason Krause)
- eLessons Learned: Stable? Yes. Standstill? No. <http://bit.ly/uGOosL> (Eric Abes)
- Employee Facebook Comments as Protected Activity - <http://bit.ly/n3nkr6> (Randy Avram, Michael Rosenberg)
- Examining A New Trend: eDiscovery Cost Awards for Winners - <http://bit.ly/ppsxTJ> (Ralph Losey)
- Insurance for Information Stolen in Data Breaches - <http://bit.ly/vN6yJR> (Joseph Jean, Rachel Wrightson)
- Interview with Judge Paul Grimm, Chief United States Magistrate Judge (2 of 3) <http://bit.ly/n1MhPc> (Discovery Brain)
- Interview with Judge Paul Grimm, Chief United States Magistrate Judge (3 of 3) <http://bit.ly/plTmeP> (Discovery Brain)
- Judge: Google Can't Keep Email Under Wraps in Oracle Suit - <http://bit.ly/oCFRLt> (Amy Miller)
- Jury Convicts on 4 of 5 Counts in Facebook Threat Case - <http://bit.ly/pGPoNu> (Amaris Elliot-Engel)
- Key eDiscovery Considerations for Selecting a Cloud Service Provider - <http://bit.ly/ufaWFO> (Philip Favro)
- Limitations of Facebook “Download Your Information” Feature for eDiscovery Preservation – <http://bit.ly/vjiz9E> (John Patzakis)

- Manage ESI Dangers With Targeted Collections - <http://bit.ly/uF4b75> (Dave Walton)
- N.J. Malpractice Lawyer's Blog Post Draws Defamation Suit - <http://bit.ly/tjWxfA> (Mary Pat Gallagher)
- Poll Results for eDiscovery Market - <http://bit.ly/sK7xRc> (Charles Skamser)
- Potential Taxation of eDiscovery Costs Could Alter Discovery Paradigm - <http://bit.ly/tUe64X> (Philip Yanella)
- Producing Excel Spreadsheets as Tiffs - <http://bit.ly/peHdS6> (Josh Gilliland)
- Read All Over: Two New Opinions Describe Need to Keep Email from the Wrong Hands - <http://bit.ly/rUEYJ9> (James Podgers)
- Supreme Court of Canada Holds That Publication of Hyperlink To Defamatory Material Is Not Itself Defamatory - <http://bit.ly/owFUsc> (Christine Corcos)
- 'Telecommuting Employee' Insufficient for Jurisdiction - <http://bit.ly/rhDS58> (Shari Claire Lewis)
- The Challenge Continues: Protecting Privileged Information - <http://bit.ly/uQf3f7> (Mike Hamilton)
- The Data Privacy Debate in Social Media Market Research: A Legal Perspective - <http://bit.ly/pL6dXX> (Monique Altheim)
- The Dangers of Trusting Technology to Keep Privileged Documents From Opposing Counsel - <http://bit.ly/oM3D5c> (Quarles & Brady)
- The Effective Use of Rule 502(d) in eDiscovery Cases - <http://bit.ly/u3spSf> (Thomas Gricks)
- There's Someone Here for You. It's Your Deleted Data. <http://bit.ly/oJUXZL> (Trent Livingston)
- Using Lean Six Sigma and Predictive Coding to Confront Volume Problem - <http://bit.ly/vLi5qx> (Stephanie Blair, Tara Lawler)
- Work Email: Clients Beware - <http://bit.ly/q104hX> (Edward Spiro, Judith Mogul)

Reports and Resources

- ACC Surveys CLOs on Hiring, Headaches, and Happiness - <http://bit.ly/rVOMn9> (Sue Reisinger)
- Brookings: Technology and the Innovation Economy - <http://bit.ly/mTFPmz> (Darrell West)
- Contract Versus Statute in Internet Governance (PDF) <http://bit.ly/rZOQWp> (Lee Bygrave)
- Corporate Directors' Concerns Range from Risk to iPhones - <http://bit.ly/u2RWpI> (Sue Reisinger)
- Current Listing of States That Have Enacted E-Discovery Rules - <http://bit.ly/nzNq4v> (K&L Gates)
- Definition of Cloud Computing - NIST Releases Final SP 800-145 - <http://bit.ly/rhfzNo> (Richard Santalesa)
- Disclosure of Information on Social Networking Websites - <http://bit.ly/nocata> (Patrick Connors)
- EDRM Identification Standards (Early Case & Early Data Assessments) - Review and Comment - <http://bit.ly/qg4E23> (George Socha)
- Ethics And Discovery - <http://bit.ly/pXxxsU> (OrangeLT)
- IT Management Slideshow: eDiscovery Disasters: What Every CIO Needs to Know - <http://bit.ly/pTZaKy> (Jennifer Lawinski)
- Law Firm Study: Cooperation, Gadgets Remain Discovery Obstacles - <http://bit.ly/qCF6Q4> (Evan Koblenz)
- Linked Data Integration Framework (A Framework for Linked Data Applications) <http://bit.ly/o5KJf1> (Schultz, Matteini, Isele, Bizer, Becker)
- Pennsylvania Supreme Court To Tweet Rulings - <http://bit.ly/pgF1hL> (K&L Gates)
- Survey Reveals that Corporate Legal IT Spending is Expected to Remain Strong Despite Weak Economy - <http://bit.ly/s9jVfi> (Business Wire)
- TREC Legal Track 2010/2011 Updates - <http://bit.ly/nA9dsw> (Evan Koblenz)

Technology and Tactics

- As it Turns Out, a Good Mailbox Size Is... <http://bit.ly/psM1li> (Casper Manes)
- Can Google Play In Enterprise Software? <http://bit.ly/rrhpJi> (Jeff Gould)
- Cloud Will Drive New IT Spending Over Next Five Years - <http://bit.ly/q3GT2N> (BizTech2tv)
- Clouds Vs. Outsourcing: The Next Battleground - <http://bit.ly/nRfVDg> (Charles Babcock)
- Content is King (But Not Why You Might Think) <http://bit.ly/qcwmFa> (Chad Bockius)
- Creating 'Secondary Identities' on the Internet - <http://bit.ly/rhXeOn> (Daniel Dern)
- Email Security Best Practices from Microsoft - <http://bit.ly/q8RWFs> (Jeff Orloff)

- Email Security Issues Expose Businesses to Risk - <http://bit.ly/oF0N7h> (Nathan Eddy)
- Facebook Caught Hanging On to 'Deleted' Data - <http://bit.ly/rA8HYi> (Ron Miller)
- FBI Official Backs Alternative Internet to Secure Critical Systems - <http://bit.ly/t8NcSM> (Fahmida Rashid)
- For Los Angeles, Not Every Cloud Has A Silver Lining - <http://bit.ly/rZatEj> (Jeff Orloff)
- Get Out of Your Comfort Zone: Today's CIO Needs to Embrace New Challenges – <http://bit.ly/qyqpAe> (Ben Kerschberg)
- Google+ To Integrate With Blogger - <http://tcrn.ch/qkyPbt> (Sarah Perez)
- Google Announces New Data Visualization Tools for Analytics - <http://nyti.ms/nmFiPb> (Nick Bilton, Claire Cain Miller)
- Google Reader Getting Overhauled, Removing Your Friends - <http://tcrn.ch/pacvSe> (Sarah Perez)
- IDC Says Cloud Adoption Fuels Storage Sales <http://bit.ly/pz75Zi> (Stuart Johnston)
- Internet Publishers Liable for Privacy Invasion in Each Country Material is Accessible, ECJ Rules – <http://bit.ly/sWX2lp> (Pinsent Masons)
- Leading-Edge Law: Consider the Legal Effort Required to Move to the Cloud – <http://bit.ly/p1Jsfi> (John Farmer)
- Oracle Releases NoSQL Database, Advances Big Data Plans - <http://bit.ly/vdS0qA> (Doug Henschen)
- Safe in the Cloud? Online Service Risks Need Care and Coverage - <http://bit.ly/sbPHjS> (Sue Berson)
- Sky-High Spy: With GPS Probing, the Zone of Privacy Is Getting Even Smaller - <http://bit.ly/vthVrp> (Mark Walsh)
- Social Business Requires A Formal Policy - <http://bit.ly/qL3k7Q> (Michael Brito)
- Social Meets Big Data: Get Ready - <http://bit.ly/rc4de7> (Laurianne McLaughlin)
- SSD Options: Tier Vs. Cache - <http://bit.ly/rv9TWA> (George Crump)
- Study Says Sorting Emails Is a Waste of Time - <http://bit.ly/ncq6R4> (Casper Manes)
- Why LinkedIn is Important for the Financial Professional - <http://bit.ly/nmFQy8> (Mike Langford)
- U.S. Archive Advances Records Management - <http://bit.ly/qmA1kC> (Evan Koblenz)
- U.S. Cyber Commander Declares Cyber War! <http://bit.ly/nH8rs3> (Albert Barsocchini)
- What Do You Think Of The Information Governance Reference Model? | Poll – <http://bit.ly/nuRB18> (ComplexD)
- What Spam is in your Inbox? Microsoft Breaks it Down - <http://bit.ly/mUTCoo> (John Mello)

Twitter Hashtags of the Week

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

Vendor Views

Industry Landscape

- BlackBag Technologies Announces New BlackLight™ 2011 R4 Forensic Software Release – <http://bit.ly/uP09lu> (PR Web)
- CaseCentral – Weekly 'Case in Point' eDiscovery Cartoon Series Celebrates Third Anniversary – <http://bit.ly/sQUB5N> (Business Wire)
- Complete Managed eDiscovery Services Require Both Talent and Technology - <http://bit.ly/rm29x1> (OrangeLT)
- eDiscovery DIY™ – Internet Enabled Data Processing - <http://bit.ly/n0l0Oy> (IE Discovery)
- eDiscoveryJournal Founders Officially Launch New Market Research Firm — eDJ Group, Inc. – <http://mwne.ws/vCN7hC> (Marketwire)
- ExaGrid Announces Disk Backup with Deduplication Appliance Support for IBM Tivoli Storage Manager (TSM) <http://bit.ly/ruWRSt> (Business Wire)
- Hyland Software Named a Leader in Magic Quadrant for Enterprise Content Management, 2011 – <http://prn.to/nm1gew> (PR Newswire)
- IBM Adds Analytics, Cloud And Virtualisation Products - <http://bit.ly/mS9wvU> (Jeffrey Burt)
- IBM Blasts HP Autonomy Acquisition - <http://bit.ly/veLJIM> (Antony Savvas)

- IBM says “Don’t Cloud Wash!” Then Proceeds to Cloud Wash; SNIA Commits to New Testing Standard - <http://bit.ly/oAr2VS> (Joshua Kunkle)
- Imation InfiniVault Acquisition Gives SMBs New Storage Option for Managing Life Cycle of Data – <http://bit.ly/rEPrRG> (Jerome Wendt)
- Index Engines Is Expanding Further Into eDiscovery - <http://bit.ly/rHARwQ> (Evan Koblentz)
- Informative Graphics Corporation Previews Brava 7 - <http://bit.ly/qSblre> (Marketwire)
- Jaspersoft Announces New Hadoop-Based Big Data Analytics Solution - <http://bit.ly/pxlT5U> (PR Newswire)
- kCura Ranked Number 42 Fastest Growing Company in North America on Deloitte’s 2011 Technology Fast 500 - <http://mwne.ws/ozKpbP> (Marketwire)
- LexisNexis® Applied Discovery® Introduces Managed Review Services - <http://bit.ly/tuCLgV> (Press Release)
- Lexis Opens E-Discovery Outsourcing Service - <http://bit.ly/utxyBL> (Evan Koblentz)
- MD5 Selects iCONNECT for Expansion into eDisclosure Services - <http://bit.ly/phdJnM> (PR Log)
- Names to Know in Data Storage: Hitachi Data Systems (HDS) – <http://onforb.es/uaPYX5> (Ben Kerschberg)
- New ACEDS Executive Director - <http://bit.ly/oNU3re> (ACEDS)
- Oracle Buys RightNow for \$1.5 Billion to Add Cloud Services - <http://bit.ly/o8MrAr> (Bloomberg)
- The Dolan Company (DiscoverReady) to Report Third Quarter Financial Results on November 2, 2011 - <http://bit.ly/tZRJd2> (Business Wire)
- Which Practice Management SaaS Is Best for Your Firm? <http://bit.ly/tJTots> (Sean Doherty)

eDiscovery Events

OCTOBER

ACC Annual Meeting

October 23-26, 2011

Denver, CO

15th Annual IT.CAN Conference

October 27-28, 2011

Toronto, Canada

NOVEMBER

Text Analytics Summit West

November 10-11, 2011

San Jose, CA

Gartner Symposium/ITxpo

November 14-17, 2011

Gold Coast, Australia

The 9th Annual General Counsel Conference – West Coast

November 15-16, 2011

San Francisco, CA

The Litigation Summit and Exposition

November 15-16, 2011

Washington, DC

The 8th Annual Advanced eDiscovery Institute

November 17-18, 2011

Arlington, VA

eDiscovery Readiness for Government

November 29 – December 01, 2011

Arlington, VA

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.

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