

Unfiltered Orange | Weekly eDiscovery News Update – January 23, 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

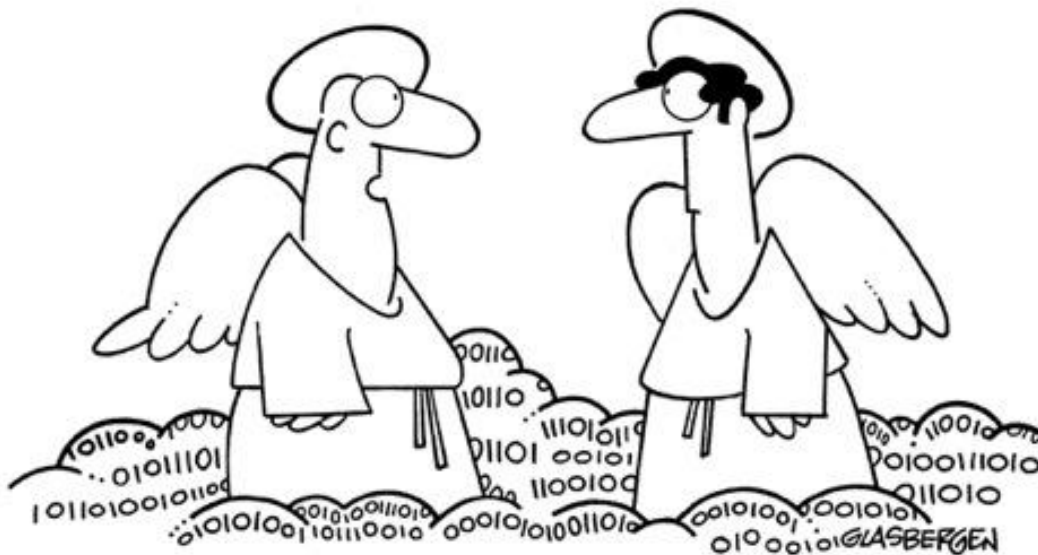
Considerations

- 6 Reasons to Insource Litigation Support - <http://bit.ly/Wd3mMI> (Bryan Bratcher, Tom Baldwin)
- Accessing Email Server from Canada Supported Personal Jurisdiction in the U.S. - <http://bit.ly/WzoA77> (Evan Brown)
- Act Reasonably: Two Court-Issued Checklists Outlining Defensible, Targeted ESI Collection - <http://bit.ly/XhorVf> (John Patzakis)
- Amended Rules: Western District of Washington Amends Local Rules – Electronic Discovery Law - <http://bit.ly/WblrKX> (K&L Gates)
- Categorical Privilege Logs in New York Litigation - <http://bit.ly/VKNKT2> (Jeffrey Gross)
- Company Emails are Key in Apple, Google Hiring Case, Judge says - <http://bit.ly/Wdsenp> (Dan Levine)
- Court Approves Discovery Questionnaire Seeking Social Media Information | General Counselor - <http://bit.ly/VN5VYq> (Jesse Dill)
- Cybercrime Makes Headlines Again - <http://bit.ly/VOd62D> (Peter Vogel)
- Do-It-Yourself (DIY) eDiscovery: Good Idea or Train Wreck Waiting to Happen? <http://bit.ly/VOcR7F> (Charles Skamser)
- Dueling E-Discovery Rules in Delaware - <http://bit.ly/WbedJe> (Christopher O'Brien)
- eDiscovery Trends for 2013 - <http://bit.ly/VOos6y> (Ajith Samuel)
- eDiscovery Year in Review: eDiscovery Case Law, Part 4 - <http://bit.ly/WeDeRo> (Doug Austin)
- Electronic Discovery and Social Networking | Rutgers Computer and Technology Law Journal - <http://bit.ly/W9YXKe> (Nicolas Carey)
- First Case for Technology Assisted Review to be Completed – eDiscovery Trends - <http://bit.ly/Wzolcn> (Doug Austin)
- Fifth Circuit: Stored Communications Act: Does Not Apply To Data Stored On Personal Cell Phones - <http://bit.ly/10jqHNw> (K&L Gates)
- Gearing up for eDiscovery in 2013; How to Prepare and What to Expect - <http://bit.ly/WeCAU5> (David Speringo)
- How M.I.T. Ensnared a Hacker, Bucking a Freewheeling Culture - <http://nyti.ms/10iibOT> (Noam Cohen)
- Inconsistent Testimony + Willful Failure To Preserve = eDiscovery Sanctions - <http://bit.ly/W9ZP1r> (IT-Lex)
- Journey into the Borg Hive: Part Two - <http://bit.ly/VRCuUV> (Ralph Losey)
- Judge Vacates FOIA Order Allowing 'Clawback' of Sensitive US Cybersecurity Data - <http://bit.ly/Wb3iwZ> (Robert Hilson)

- Like “Salt and Pepper”, “Legal Hold and Process” Go Hand in Hand – <http://bit.ly/10C3CeI> (Mike Hamilton)
- Netflix Case Illustrates Potential Social Media Pitfalls Facing Public Companies – <http://bit.ly/WdFXum> (Elizabeth Ann Fitzwater)
- OCA Proposes Amendments To Extend The Discussion Of eDiscovery Issues To Non-Commercial Division Cases - <http://bit.ly/W9ZWdx> (James Ryan)
- Playing Hide-and-Seek: Failure to Preserve Footage and Non-Disclosure of Facebook Information – <http://bit.ly/VKNnI5> (eLessons Learned)
- Predictive Coding in ‘Global Aerospace’ Case Reaches Conclusion – <http://bit.ly/XgLSPSP> (Evan Koblentz)
- “Purely Factual Material” in Work Product Document Not Subject to Production - <http://bit.ly/VOfmH6> (Gregory Joseph)
- Rule 34 and TIFF Productions in the Clouds - <http://bit.ly/VQye8a> (Josh Gilliland)
- Sanctions: Distinctive Rationales and Intertwined Applicability of FRCP in Patent Cases – <http://bit.ly/Wawczk> (Gregory Joseph)
- Social Media Access by Employers | Compliance Building – <http://bit.ly/Wa1zYA> (Doug Cornelius)
- Social Media Discovery: Two Cases, Two Outcomes - <http://bit.ly/VN3nIT> (IT-Lex)
- Technology-Assisted Review: What are YOU waiting for? <http://bit.ly/Wav1zW> (Erick Robinson)
- The Top 5 Features of an Adequate Litigation Hold Notice - <http://bit.ly/WcOQqq> (Shaw Fishman)
- Uncertainty Means Expense As We Wait For The Jackson Rules - <http://bit.ly/10mPsbr> (Chris Dale)
- U.S. District Court Issues New eDiscovery / ESI Guidelines - <http://bit.ly/10gQNAO> (David Kaufer)
- What Employers Need to Know in Drafting and Updating Social Media Policies – <http://bit.ly/W7Cw8L> (Anna Ferrari, Christine Lyon, Timothy Ryan)
- Where Can You Be Sued For Using A Computer? | Data Security Law Journal – <http://bit.ly/VMbvdC> (Al SaiKali)
- Where Does Information Disclosure Start and End in Social Media? <http://bit.ly/VMF7re> (Joel Don)

Levity

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“You should have been here back in the old days before cloud computing.”

Risk

- Business Ethics in Emerging Markets and Investors' Expectations Standards – <http://hvr.me/XmXRtU> (George Dallas)
- Can Computer Models Form Risk Compliance Programs? <http://bit.ly/W6fzTm> (Ryan McConnell, Dianne Ralston, Charlotte Simon)
- Cutting Back on Wal-Mart E-Mails – <http://bit.ly/Wd7TPH> (James McGrath)
- Defamation and Corporate News Releases - <http://bit.ly/Wd5YKt> (Peter Roberts)
- Final HIPAA Rule Makes 'Sweeping Changes' to Patient Privacy - <http://bit.ly/Wg3hrs> (Terry Baynes)
- Financial Services Firms Warned Against Complacency Over Threat of Cybercrime Following PwC Survey - <http://bit.ly/Wbzdxl> (Pinsent Masons)
- FINRA Proposes Change to Rule 2267: BrokerCheck Link on Internet Presences – <http://bit.ly/10HgIHq> (Christopher Ricciuti)
- HHS Releases Long-Awaited Health Privacy Rule : Workplace Privacy Counsel – <http://bit.ly/13NB3c5> (Littler)
- HITECH Omnibus Rule Basics | Privacy & Security Matters - <http://bit.ly/WeDxf6> (Cynthia Larose)
- Navigating Through Today's High-Tech IP Thicket | The Metropolitan Corporate Counsel – <http://bit.ly/VPndnG> (Robert Perry)
- NCCOA: The Constitution Reins In The Uniform Enforcement Of Foreign Judgments Act – <http://bit.ly/Wax4Eb> (Mack Sperling)
- New German Act on Employee Data Privacy Likely | HL Chronicle of Data Protection – <http://bit.ly/W9Z9Jr> (Tim Wybitul)
- Q & A with Global Data Privacy Expert Christopher Wolf – <http://bit.ly/W7EPZl> (Philip Favro)
- Reaping The Full Benefits Of Intellectual Property – <http://bit.ly/WbdPdJ> (Glen Sacks, Steven Henning)
- SEC Complaint Demonstrates Continuing Viability of ALLL Manipulation as Basis for Enforcement Actions – <http://bit.ly/WbALJE> (Bill Athenas, Chris Driskill)
- Ten Touch Points of Potential Corruption Risk You Should Not Overlook – <http://bit.ly/WcKZtn> (Pam Verick)
- The Past Can Come Back to Haunt You: The Danger of Backdated Copyright Assignments – <http://bit.ly/WcYXeV> (Lorriane Fleck)

Resources

- Disclosure and Costs – New CPR Rules: A Survival Guide – <http://bit.ly/VKNCTL> (John Laparik)
- SEC Enforcement Actions: FCPA Cases - <http://1.usa.gov/WaAN4z> (U.S. Securities and Exchange Commission)
- VCs Invested \$26.5B In 3,698 Companies In 2012, Total Dollars And Deal Volume Both Down - <http://bit.ly/VHnKXS> (Lena Rao)
- Weekly "Quick 10" Corporate Risk Review 1.19.13 – <http://bit.ly/VQCG6T> (@ActionableINT)

Senses

- Litigation Support: Insource it or Outsource it? <http://bit.ly/WavXUS> (Greg Buffithis)
- Peter Vogel on Software Contracts (Video) <http://bit.ly/WcL14p> (Monica Bay)
- Pinterest: The Right First Move for eDiscovery – <http://bit.ly/10jn89S> (@OrangeLT)

Technologies

- 6 Hidden Costs of Cloud and How to Avoid Them - <http://bit.ly/VOdDBu> (Thor Olavrud)
- A Hacker Says Smart Grid Can Be Penetrated – <http://nyti.ms/VOeMZZ> (Nicole Perloth)
- Apple® Products: Sturdy Security, PC Differences Require Special Attention in Discovery – <http://bit.ly/W6f1g2> (LexisNexis)
- California AG Releases Mobile App Guidelines; Industry Responds - <http://bit.ly/VPooDJ> (Andrew Hoffman)

- Cloud Computing: Redwood Software Survey Charts Disparity Between US and UK firms in Cloud Take-Up - <http://bit.ly/WcL7lq> (Pinsent Masons)
- Comparison of Online Curation Platforms - <http://bit.ly/10I5X82> (Social Compare)
- Data Governance: A Fundamental Aspect of IT - <http://bit.ly/W9XWlx> (E.G. Nadhan)
- Debate Rages Over New Email Server Software's Readiness For Release - <http://bit.ly/VPo1ZE> (John Mello)
- EFF Amicus Brief Argues for Protection of Transformative Uses to Protect News Tracking Services - <http://bit.ly/10lq1qs> (Sabrina Pacifici)
- Electronically Stored Information And The Latest Java Zero-Day Threat - <http://bit.ly/VN5pJL> (Eric Everson)
- France Slaps Down ISP's Attempts At Ad-Less Surfing - <http://bit.ly/WbAVkj> (Shannon Allen)
- From Internet to Intercloud: NIST Leads The Way On Cloud And Big Data - <http://onforb.es/10JLnEb> (Jacqueline Vanacek)
- How To Avoid Hot Weather Hard Drive Failures - <http://bit.ly/WcNtbf> (Angus Kidman)
- How to Educate Your Employees About Social Engineering - <http://bit.ly/VM96iR> (Joey Muniz)
- How to Protect Your Privacy from Facebook's Graph Search - <http://bit.ly/10g3Wdk> (Electronic Frontier Foundation)
- Java Security Warnings: Cut Through The Confusion - <http://bit.ly/VPohI6> (Mathew Schwartz)
- Mega Launches Its Cloud Storage And File Sharing Service As 'The Privacy Company' - <http://bit.ly/13RbEz1> (Ingrid Lunden)
- Software Defined Data Centre Needs DNS - <http://bit.ly/WdGIDK> (Juha Holkkola)
- Three Tools for Backing-Up Your Social Media Accounts - <http://bit.ly/XtrMjw> (Terra Mobile)
- Top 10 Mistakes CIOs Make - <http://bit.ly/W9ZrAj> (Talha Khalid)

Vendors

- Accelerating Review: The Right First Move with the One Decision® Document Review Accelerator from OrangeLT™ - <http://bit.ly/T1ZDos> (@OrangeLT)
- AccessData Achieves Common Criteria Certification for CIRT - <http://bit.ly/Wd5fjl> (Press Release)
- Advanced Discovery Starts Document Review Service With John Sanchez - <http://buff.ly/VOydkC> (Evan Koblentz)
- Aquipt Selects Aspera for MatterPoint Online Case Management Service - <http://buff.ly/WcMZSk> (Business Wire)
- Bishop and Acaveo Technologies Announce Key Partnership - <http://bit.ly/10h79ta> (PR Web)
- CA Technologies Reports Third Quarter Fiscal Year 2013 Results - <http://bit.ly/10pXDDS> (Earnings Release)
- Concept Searching Expands DoD Sales Team - <http://bit.ly/10mHiQl> (PR Web)
- Daegis CEO to Step Down in February 2013 - <http://bit.ly/10nTPmR> (Press Release)
- Dean Gonsowski Joins Recomind as Head of Customer Engagement - <http://bit.ly/Wd6yHZ> (Marketwire)
- DTI Winter 2012/2013 Newsletter (PDF) <http://bit.ly/10gb61e> (DTI)
- e-Discovery Industry Veteran Mark Morgan Joins TransPerfect Legal Solutions - <http://on.mktw.net/VMDwBy> (Business Wire)
- eDepoze Launches Paperless Deposition System with iPad Interface - <http://bit.ly/We0oIz> (PR Web)
- EMC Fires anti-Dropbox Torpedo to Sink Off-Site Biz Clouds - The Register - <http://bit.ly/VOFX6H> (Chris Mellor)
- Equivio Zoom Integrated With Relativity - <http://buff.ly/WbvRdI> (Compliance Week)
- Evidence Exchange Enhances Its Analytics Service Offerings with the Addition of Equivio Zoom - <http://bit.ly/10Iej5M> (PR Web)
- FTI Consulting Expands Forensic and Litigation Consulting Team in Latin America with Dan Mikesell - <http://bit.ly/WaxgmZ> (Press Release)
- FTI Consulting Study shows Global Businesses Look to 2013 with Renewed Confidence - <http://bit.ly/WaMQPm> (Press Release)
- Global Aerospace: Predictive Coding Results Approved By Judge for First Time - <http://bit.ly/Wd0ykE> (Press Release)

- Group Asks Hewlett-Packard to Replace Longtime Auditor After Autonomy Acquisition – <http://bit.ly/VPp0ZQ> (Dena Aubin)
- HP Autonomy Gave Away Augmented Reality Tech to Brands – <http://bit.ly/Wg387w> (Kate Kaye)
- HP Delivers ROI to the Power of Three – Information, Infrastructure, and Individuals – <http://buff.ly/VM9P3Q> (Ken Clipperton)
- HudsonLegal and Lighthouse eDiscovery Launch Integrated eDiscovery Solution – <http://bit.ly/WdbZsM> (Press Release)
- iCONNECT Announces New Advanced Analytics Webinars with Recent Release of XERA Review Platform - <http://buff.ly/WcNVpP> (PR Web)
- Intermountain eDiscovery Conference 2013 – <http://buff.ly/Wd5sMk> (Announcement)
- Jatheon Adds BBM Archiving in Time for BlackBerry 10 - <http://bit.ly/WbxRT0> (PR Web)
- kCura Announces Dates for Relativity Fest 2013 - <http://buff.ly/Wd5nII> (Announcement)
- Kiersted Announces New Features and Sponsors Panels at LegalTech® New York 2013 - <http://buff.ly/10gfwOL> (Announcement)
- Kon Leong of ZL Technologies, on Encouraging Creativity - <http://nyti.ms/1017aw7> (Adam Bryant)
- Lawgical Acquires Legal Talk Network - <http://buff.ly/VMbpTg> (Evan Koblentz)
- LDM Global Bolsters eDiscovery Service Portfolio with X1 Discovery's Social Media Extraction Tool - <http://bit.ly/VOd22Q> (PR Web)
- Meg Whitman Admits That HP 'Paid Too Much' For Autonomy – <http://read.bi/Wb9epG> (Julie Bort)
- Planet Data to Preview New Exego Review Platform at LegalTech® New York 2013 – <http://bit.ly/Wd5CDt> (Announcement)
- SearchBlox Release 7.3 Version – Lucene/Solr Search - <http://bit.ly/Lb8Bao> (SearchBlox)
- Socialware Ends Year With Record Revenue Growth and Customer Adoption – <http://bit.ly/Wd511Z> (Marketwire)
- Solomon Ward Chooses AccessData Summation to Reduce Litigation Data Volume and Analyze Cases – <http://bit.ly/VN42L7> (Business Wire)
- Talking Points: Orange Legal Technologies at LegalTechShow New York 2013 - [@OrangeLT](http://bit.ly/YTx5Pz)
- TyMetrix and Huron Legal Publish Report on Sourcing Strategies for Corporate Law Departments - <http://buff.ly/XhemHH> (Press Release)
- Thomson Reuters Unveils New Tools for Litigators, Corporate Counsel and Small Firms – <http://bit.ly/VN8hXf> (Bob Ambrogi)
- TyMetrix and Huron Legal Publish Report on Sourcing Strategies for Corporate Law Departments - <http://buff.ly/XhemHH> (Press Release)
- UBIC North America, INC. to Host International eDiscovery Panel at Legal Tech New York 2013 – <http://buff.ly/WcLEeh> (PR Web)
- U.S. Transportation Security Administration Selects Nuxit for Big Data Investigations – <http://bit.ly/VMegvr> (Press Release)
- Verity Group Becomes Relativity Premium Hosting Partner - <http://bit.ly/VOyyUC> (Press Release)
- Why the Street Should Love Guidance Software's Earnings – DailyFinance - <http://aol.it/VN5B17> (Seth Jayson)
- XERA(R) Advanced Analytics with Xmplar(TM) "Custom Find Similar" Featured in New White Paper - <http://bit.ly/VPnuXN> (PR Web)
- Xerox Continues Accelerated Growth in eDiscovery Market – <http://bit.ly/10o5fqz> (Press Release)

2013 Events

JANUARY

LegalTech New York 2013
 January 29-31, 2013
 New York, NY

[Click here for more information.](#)

FEBRUARY

The Sedona Conference® – eDiscovery Cooperation Training
February 21-22, 2013
Phoenix, AZ
[Click here for more information.](#)

ACEDS 2013 Annual Conference and Exhibition
February 28 – March 2, 2013
Hollywood, FL
[Click here for more information.](#)

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

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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.](#)

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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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