

# Unfiltered Orange |

## Weekly eDiscovery News Update – May 25, 2011

Compiled by Orange Legal Technologies (<http://www.orangelt.com>) from online public domain resources, *Unfiltered Orange* is a weekly newsletter designed to inform and educate legal professionals on key stories, developments, and announcements in the electronic discovery field. For up to the minute news updates, visit <http://www.twitter.com/OrangeLT>.



### eDiscovery News

#### *Content and Considerations*

- A Modest Proposal to Resolve the eDiscovery Crisis – <http://tinyurl.com/3qg95xb> (Douglas Good)
- Australian Law Reform Commission Recommends Facilitative Approach to eDiscovery in Federal Courts – <http://tinyurl.com/3ulflo4> (ALRC)
- Cameras and Social Media in the Courts – <http://tinyurl.com/3k9dyox> (Monica Bay)
- Canada: Using Litigation Support To Control eDiscovery Costs – <http://tinyurl.com/3mnfmej> (Dera Nevin)
- Claims in E-Mail Sent Via Google Found to Be Opinion, Not Libel – <http://tinyurl.com/3bxf5mu> (Brendan Pierson)
- Craig Ball Entertains at CEIC 2011 on Computer Forensics for Lawyers – <http://tinyurl.com/3kcszbq> (Chris Dale)
- Court to Detroit: Don't Disappear from Discovery Process and then Cry Foul on Default – <http://tinyurl.com/3hu2c42> (Ben Kerschberg)
- DOJ Defends Secrecy of Cell Phone Tracking in D.C. Circuit – <http://tinyurl.com/3vf6xfq> (Mike Scarcella)
- Court Holds That Oral Preservation Notice Not Automatically Sanctionable - <http://tinyurl.com/3eza36w> (Gareth Evans, Charles Nierlich, Farrah Pepper, Jennifer Rearden)
- eDiscovery Market Predicted to Reach \$1.5B in 2013 – <http://tinyurl.com/3uok8lc> (Evan Koblentz)
- eDiscovery Special Masters, and Soaring Costs – <http://tinyurl.com/3c7x4p3> (Ben Kerschberg)
- eDiscovery Trends: Forecast for More Clouds – <http://tinyurl.com/3m99443> (Doug Austin)
- Facebook Posts Can Haunt You: Discoverability in Litigation – <http://tinyurl.com/3tsfld9> (Eric Sinrod)
- Federal Circuit Addresses Dueling Rambus Opinions, Remands Both for Further Consideration <http://tinyurl.com/3g8tpep> (K&L Gates)
- Gartner Predicts eDiscovery Market at \$1.5B by 2013 – <http://tinyurl.com/3p6lca9> (Charles Skamser)
- Global eDiscovery Rules and Challenges – <http://tinyurl.com/3c5qkg4> (Legal Talk Network)
- How To Keep Your U.S. Subsidiary Out of Legal Trouble – <http://tinyurl.com/3lfo35f> (Stephen Siller)
- In-House eDiscovery Abuses Move Texas US Court to Impose Heavy Sanction – <http://tinyurl.com/3l8n3qz> (Robert Hilson)
- Keeping Jurors Offline Not Just a Job for Judges – <http://tinyurl.com/3zcpwvt> (Paul Mark Sandler)
- Massachusetts Extends Reach of Data Protection Regulations – <http://tinyurl.com/3lgr8tu> (Ellen Giblin)
- Newspapers Can Challenge Subpoenas Over Anonymous Online Posters – <http://tinyurl.com/3zfujhw> (T. Cafferty, N. Lowy, L. James-Weir)
- Search Warrant Protocol – What Every Company Should Do to Prepare – <http://tinyurl.com/3echfva> (Hayes Hunt)
- Service Versus Surveillance: Has Computer Technology Outpaced the Legal System? <http://tinyurl.com/42bdkfl> (Beverly Eakman)
- Stop Putting Words in My Mouth! <http://tinyurl.com/3okf9fx> (Mallory Griffin)
- Ten Ways General Counsel Can Avoid the Cover of the Wall Street Journal – <http://tinyurl.com/3wgro6q> (Rich Hall)
- The Duty to Preserve ESI is Not Always Cut and Dried – <http://tinyurl.com/3uh949u> (Bill Tolson)
- The Uncertain Landscape for National eDiscovery Standards – <http://tinyurl.com/3osxjq2> (P. Favro)

- Tweets Stir Hornets Nest of UK ‘Super-Injunctions’ – <http://tinyurl.com/4362zx1> (George Taylor)
- Who’s Responsible for Personal Data in Cloud Computing? <http://tinyurl.com/4558ckx> (Kuan Hon)
- Will There Be a ‘CSI Effect’ for Wiretapping? <http://tinyurl.com/3qycm2k> (Stephen A. Miller)

### *Reports and Resources*

- ABA Techshow Presentations with Tips, Sites for Lawyers Online – <http://tinyurl.com/3euxne2> (Rachel Zahorsky)
- A Call for Processing and Search Terms in eDiscovery (PDF) <http://tinyurl.com/43pl6m5> (Sean McNee, Steve Antoch, Eddie O’Brien)
- Application of Simple Random Sampling in eDiscovery (PDF) <http://tinyurl.com/3nd7fxp> (Doug Stewart)
- eDiscovery Basics: Why Should I Care About eDiscovery? <http://tinyurl.com/3ff8tfh> (Vol. 1, No. 1) (Gibson Dunn)
- eDiscovery Basics: The E-Discovery Life Cycle (Vol. 1, No. 2) <http://tinyurl.com/3oxraly> (Gibson Dunn)
- eDiscoveryJournal Hires Industry Veteran Jason Velasco as CEO – <http://tinyurl.com/427zx12> (Marketwire)
- Introducing a New 451 Analyst – David Horrigan – <http://tinyurl.com/4ypbf8m> (Nick Patience)
- “Link Rot” and Legal Resources on Web: 2011 Analysis by Chesapeake Digital Preservation Group – <http://tinyurl.com/3f9os7g> (Sarah Rhodes)
- TREC Legal Task Preliminary Guidelines – <http://tinyurl.com/3mshkcg> (Gordon Cormack)
- Why Application-Level eDiscovery Integration Is Important: Data Transfer Risk – <http://tinyurl.com/43gplu3> (Orange Legal Technologies)

### *Technology and Tactics*

- 5 Email Management Benefits – <http://tinyurl.com/42662g2> (Mike Rede)
- A Controllable, Manageable Cloud – <http://tinyurl.com/3hq5yoq> (Jerome Wendt)
- Best Legal Department 2011 Winner: Google – <http://tinyurl.com/3cgwrln> (David Hechler)
- Calculating Virtualization and Cloud Costs: 4 Approaches – <http://tinyurl.com/3p57nqd> (Kevin Fogarty)
- Email Acronyms Every Admin Should Know – <http://tinyurl.com/44rdxac> (Jeff Orloff)
- Ethics of Cloud Computing – <http://tinyurl.com/3qvzs9j> (John Simek, Mike Maschke)
- EU Commission Sets Out “Blueprint” For Intellectual Property Rights – <http://tinyurl.com/3bofhgx> (IPR)
- Five Key Considerations for Law Firms Before Moving to the Cloud – <http://tinyurl.com/6dp4rn4> (James Whitmore)
- How to Respond to Criticism in the Social Media Age – <http://tinyurl.com/65kplg9> (Bradley Shear)
- Inside Exchange 2010: What is the Transport Dumpster? <http://tinyurl.com/4ygqlf3> (Ed Fisher)
- IT Governance, Embedded Software and Mobile Apps – What... <http://tinyurl.com/3jorgys> (Melinda Ballou)
- Judgmental Offers UK Decisions – <http://tinyurl.com/3epcsbp> (Simon Fodden)
- LinkedIn Faces Cookie Vulnerabilities – <http://tinyurl.com/3fmwrns> (Mathew Schwartz)
- Midmarket Cloud ERP: It’s Complicated – <http://tinyurl.com/3vbjrut> (Michael Singer)
- SNIA Releases Enterprise SSD Testing Specifications – <http://tinyurl.com/3fkvzpj6> (Chandler Harris)
- Social Media Compliance Clarity for Financial Services – <http://tinyurl.com/4y5hpsm> (Christie Campbell)
- Speed-to-Market Is Biggest Benefit Of Cloud Computing – <http://tinyurl.com/64h8fmu> (Melanie Rodler)
- Third Party App Makers Must Ask Permission for Message Access, Twitter Says – <http://tinyurl.com/3oymmcz> (Pinsent Masons)
- What Organizations Can Do to Prepare for Looming Implementation of the ePrivacy Directive – <http://tinyurl.com/3jzwsek> (Morrison & Foerster)
- Yahoo Email gets a Facelift – <http://tinyurl.com/3eyfkv2> (Michael Liedtke)

### *Twitter Hashtags of the Week*

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

## Vendor Views

### *Industry Landscape*

- A Targeted Listing of eDiscovery Vendors – <http://tinyurl.com/3rrgl8w> (ComplexDiscovery)
- D4, LLC and Digital Strata Formalize Strategic Partnership, Forming First of its Kind Alliance – <http://tinyurl.com/3trxtux> (PR Web)
- Epiq Systems Recognized in Magic Quadrant for eDiscovery Software – <http://tinyurl.com/3o3um4x> (Press Release)
- Exterro's Fusion Zeta Closes the Gap Between eDiscovery Process and Data Management – <http://tinyurl.com/3hd8sd4> (Marketwire)
- FTI Consulting Appoints Lord Malloch-Brown as Chairman of Its EMEA Operations – <http://tinyurl.com/3kkptc9> (PR Newswire)
- Forensic Employer Protection Program Helps Mitigate Departing Employee Data Risks (PDF) <http://tinyurl.com/3tgvj5f> (Orange Legal Technologies)
- Globanet Adds Lotus Domino Target Support to Merge1 Message Capture Platform – <http://tinyurl.com/3n6e3bq> (PR Web)
- Guidance Software Named a Leader in Magic Quadrant for eDiscovery by Leading Analyst Firm – <http://tinyurl.com/44nkqfq> (Business Wire)
- Informative Graphics Introduces SharePoint Enterprise Versions of Redact-It and Net-It – <http://tinyurl.com/4yl76mp> (Legal IT Professionals)
- Installs of Discovery360™ Desktop Increase 400% in Q2 2011 – <http://tinyurl.com/3wgbso4> (PRWeb)
- Is Autonomy King of Cloud Data? <http://tinyurl.com/3n8h8ya> (Tim Leehealey)
- IT Managers Declare Complexity, Archiving and Security Are Biggest Email Management Challenges – <http://tinyurl.com/6bpg9pa> (PR Web)
- kCura Named a 'Leader' in Leading Analyst Firm's 2011 E-Discovery Magic Quadrant – <http://tinyurl.com/3qafkok> (Press Release)
- Legal Talk Network Releases Sensei's Digital Detectives Podcast: "Meet and Confer: Getting it Right" <http://tinyurl.com/3jfo7yh> (PRNewswire)
- Merrill Corporation Receives "Best eDiscovery Solution" Award at 2011 EMC2 World Conference – <http://tinyurl.com/65k2yco> (Business Wire)
- New eDiscovery Products Target Backup, SharePoint – <http://tinyurl.com/3kfja9a> (Andrew Conry Murray)
- Nuance Releases OmniPage 18, Extending its Lead in Document Conversion and OCR Software – <http://tinyurl.com/6351z98> (Press Release)
- Nuix Gets VC Investment, Plans for Expansion – <http://tinyurl.com/3e3hdnt> (Evan Koblentz)
- PowerSearch Software Launches Affordable Option for Searching and Collecting Relevant Documents – <http://tinyurl.com/3v6ah3g> (Business Wire)
- Red Earth Software Launches Policy Patrol Archiver for Email Archiving on Exchange – <http://tinyurl.com/3kwxdnr> (PRNewswire)
- Reinhart Boerner Van Deuren s.c. Deploys Relativity Firm Wide – <http://tinyurl.com/4xhycs8> (Press Release)
- Search Appliances for Archive Searching – <http://tinyurl.com/31vpjyz> (Cynthia Murrell)
- Symantec to Acquire Clearwell Systems – Slideshare Presentation Overview – <http://tinyurl.com/3rfhfaf> (Symantec)
- Third-Party Survey Reveals Email Storage Capacity Management, Archiving, Retention Need Improvements – <http://tinyurl.com/44mze2m> (Marketwire)
- ZyLAB Positioned as a "Visionary" in Gartner's "Magic Quadrant for E-Discovery Software" Report – <http://tinyurl.com/3ws2hv5> (Press Release)

### **eDiscovery Events**

#### **ACC Europe – Annual Conference**

May 29-31, 2011

Berlin, Germany

### **Techno Security & Digital Investigations Conference**

June 5-8, 2011

Myrtle Beach, SC

### **eDiscovery Readiness for Government**

June 6-7, 2011

Arlington, VA

### **ICAAIL 2011: The Thirteenth International Conference on Artificial Intelligence**

June 6-10, 2011

University of Pittsburgh School of Law

Pittsburg, PA

### **Annual Discovery & E-Discovery Conference (Law Bulletin Seminars)**

June 8, 2011

Chicago, IL

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>.