

ComplexDiscovery | Weekly eDiscovery Top Story Digest – May 1, 2013



Compiled by [@ComplexD](#) from online public domain resources, provided for your review/use is this week's update of key industry news, views, and events highlighting key electronic discovery related stories, developments, and announcements.

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eDiscovery Updates

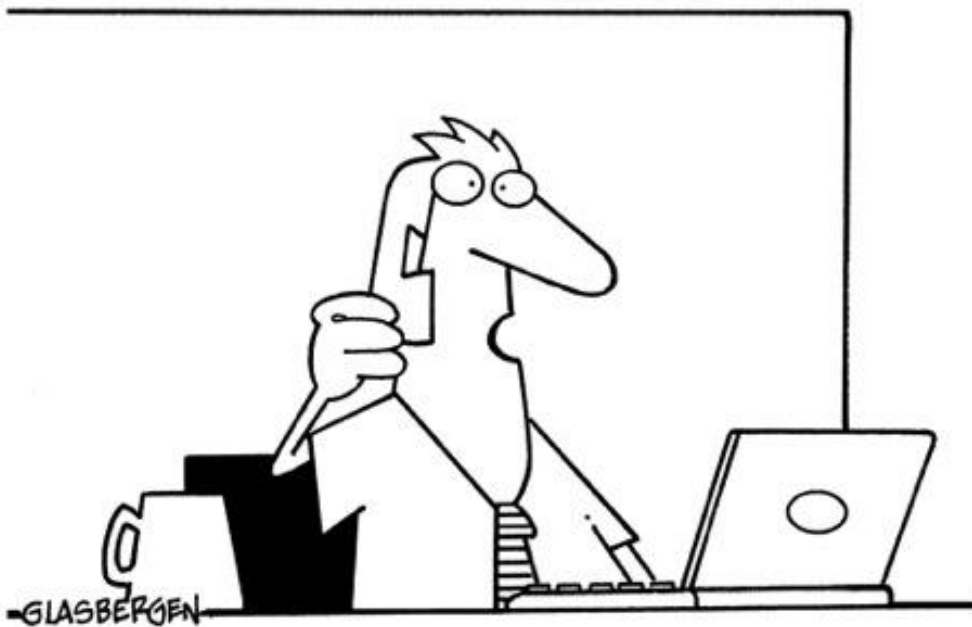
Considerations

- \$2.8 Million Award for Predictive Coding Expenses in a Trade Secret Case | E-Discovery Law Today - <http://bit.ly/15PCla3> (Ralph Losey)
- 2012: A Year of Change for E-Discovery in Patent Cases - <http://bit.ly/ZPtUJk> (Kamran Jivani)
- Another Court Recommends Clawback Orders - <http://bit.ly/14SE3YM> (Joey Chindamo)
- Are Prevailing Party Costs for eDiscovery Vendors Recoverable Under 28 U.S.C. § 1920? <http://bit.ly/14OUSUC> (Brett Duker, Franklin Zemel)
- Court Agrees with Defendant that Preserving 5 Terabytes of Data is Enough – eDiscovery Case Law - <http://bit.ly/10NTssd> (Doug Austin)
- Court Forces Defendant to Come to Terms with Plaintiff Search Request - <http://bit.ly/YWkCqg> (Doug Austin)
- Deploying Trainers in Technology-assisted Review (TAR) <http://bit.ly/ZfgUYN> (Jen Wightman)
- DUKE Conference on TAR – The Experts Convene - <http://bit.ly/ZxOr4c> (Karl Shieneman)
- e-Discovery Rules on the Brink of an Overhaul - <http://bit.ly/ZffoWE> (Jaclyn Jaeger)
- Federal Court Authorizes Predictive Coding in Multi-District Prior to Centralization Order - <http://bit.ly/Zfbwos> (Bingham Greenebaum Doll)
- Firm Secures Important E-Discovery Decision on Technology-Assisted Review - <http://bit.ly/15Jh1TI> (Patterson Belknap)
- Formal Opinion 2012:2 – Jury Research and Social Media - <http://bit.ly/YK27Fs> (New York City Bar)
- How to Get A Judge to Say “Stern Measures Are Called For” - <http://bit.ly/11GrM3K> (Josh Gilliland)
- In Praise of Proportionality: Judge OKs Predictive Coding After Keyword Search - <http://bit.ly/10nQ9QZ> (Bob Ambrogi)
- In re Biomet: 2 x 2 = 5? <http://bit.ly/YQAWZE> (@ITLexOrg)
- International Standard Project for eDiscovery Approved - <http://bit.ly/ZNa1CI> (Steven Teppler)
- Is Review Software Not Reasonably Accessible Because of Cost? <http://bit.ly/11zvzzB> (Josh Gilliland)
- Litigation 101 for eDiscovery Tech Professionals: Appeals Process - <http://bit.ly/15GZJqp> (Jane Gennarelli)
- Minnesota Amends Civil eDiscovery Rules - <http://bit.ly/15LYw0W> (Brendan Kenny)
- Predictive Coding's Erroneous Zones Are Emerging Junk Science - <http://bit.ly/11wpJec> (Bill Speros)
- Reasonable vs. Near Perfection: Court Rules for Tiered Predictive Coding Approach - <http://bit.ly/ZnjT52> (Mike Hamilton)
- Technology-Assisted Review and Biomet: Approaches And Critiques - [@ComplexD](http://bit.ly/ZmCrCw)
- The Confluence of Social Media, Lawyer Liability and Ethics - <http://bit.ly/YWgbLU> (Jett Hanna)

- The Next Step for Technology-Assisted Review: Unlocking the Black Box - <http://bit.ly/ZnkvYq> (Randall Burrows)
- The True Cost Of Contract Attorneys Called Into Question - <http://bit.ly/15Xk2zy> (Brandi Walkowiak)
- The Ugly Truth About Document Review - <http://bit.ly/15EsOTd> (Sonya Sigler)
- There's No Need to Redo a Reasonable Technology-Assisted Review Process - <http://bit.ly/Zh9OmO> (Stuart LaRosa)
- Updating an E-Mail Law From the Last Century - <http://nyti.ms/11Gs6Q6> (Somini Sengupta)
- What Is The Maximum Recall In Re Biomet? <http://bit.ly/15LXxO7> (William Webber)
- What Ocean's Eleven and Judge Kozinski Can Teach Organizations About Confidentiality - <http://bit.ly/15WVW84> (Philip Favro)

Levity

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**“Are you sure our data is secure on the cloud?
I just saw my spreadsheet on the weather channel!”**

Risk

- 2013 Verizon Data Breach Report Is Out – Risks Increase – <http://bit.ly/11C8D4l> (Richard Santalesa)
- Administering Arbitration Clauses in Online Terms of Service Agreements – Socially Aware Blog - <http://bit.ly/ZZ0D9H> (Sherman Kahn)
- Data Breaches – Who is Causing Them, How, and What Can Companies Do About It? <http://bit.ly/15EE159> (Al Saikali)
- Executive Perspectives on Top Risks for 2013 – <http://bit.ly/Zp4b9A> (Jim DeLoach)
- French CNIL Annual Report Shows Increased Complaints, Audits, Sanctions - [@HLPPrivacy](http://bit.ly/ZPuJSs)
- IAPP: Hustinx Emphasizes Accountability in Outlining Road Ahead for EU Regulation - <http://bit.ly/YVstnT> (Sam Pfeifle)

- ICE's FOIA Requests Piling Up | The FOIA Project – <http://bit.ly/13IzV97> (@foiaproject)
- In M&A Litigation, Attorneys' Fees Under Attack? <http://bit.ly/YYIpWx> (Catherine Dunn)
- Intermountain Healthcare Settlement – Dangers of Hospital Agreements with Physicians - <http://bit.ly/ZNe2XT> (@MichaelVolkov20)
- Kirtsaeng v. John Wiley & Sons, Inc. and the Ghost of Quality King - <http://bit.ly/13Ja1Ch> (Martin Miller)
- Mining Sector Investigations Spread To U.K. - <http://bit.ly/ZWGTDB> (Richard Cassin)
- NLRB Looks At Retaliatory Firings Based On Facebook Posts - <http://bit.ly/13J9IHJ> (@ITLexOrg)
- No Bad Faith Required for Adverse Inference If Preservation Is Required by Statute or Regulation - <http://bit.ly/11GtK46> (Gregory Joseph)
- Overtime Pay for Use of Cell Phone? <http://bit.ly/YYL7Lu> (Peter Vogel)
- Q&A: John Beisner on Multidistrict Litigation and Pharma Cases - <http://bit.ly/11z1m3F> (Terry Baynes)
- Pharmaceutical Case Presents Novel Use of False Claims Act - <http://bit.ly/Zp2RUa> (Terry Baynes)
- Protecting America's Workers Act: An Update of Occupational Safety and Health Act of 1970 - <http://bit.ly/11EOg6x> (N. Wilson, S. Ellard)
- Publicly Available Social Media Monitoring and Situational Awareness Initiative Update (PDF) <http://1.usa.gov/YYJa1H> (U.S. Homeland Security)
- RICO — Fraudulent Appraisal Sustains Mail Fraud-Based § 1962(c) Claim - <http://bit.ly/Zp2BEA> (Gregory Joseph)
- Rethinking Anti-SLAPP - <http://bit.ly/15KPOjr> (Scott Graham)
- S&P Defends Itself Against the Justice Department – <http://bit.ly/10jonoT> (Anna Biblowitz)
- Some Companies Turn to Social Media to Disclose Financial Data - <http://nyti.ms/Zp2NDS> (New York Times)
- The “Employee Tricked Me Into Firing Her” Defense : Social Media Employment Law Blog – <http://bit.ly/Zq2A3h> (Michael Schmidt)
- Total Carries Forward \$398 Million for Possible FCPA Settlement - <http://bit.ly/11xj7At> (Richard Cassin)
- Typosquatting Claims Against Security Researcher Are Legally Complicated – Gioconda v. Kenzie - <http://bit.ly/10KYANx> (Venkat Balausbramini)

Resources

- 2013 Financial Services Industry Compliance Benchmark Study (PDF) - <http://bit.ly/ZkBuKW> (SAI Global)
- Book Review: ‘Electronic Discovery for Small Cases’ - <http://bit.ly/Zwfixm> (Bob Ambrogi)
- New Utah Rule 26: A Blueprint for Proportionality Under FRCP - <http://bit.ly/ZkEM0M> (Philip Favro, Derek Pullan)
- Survey of Federal Whistleblower and AntiRetaliation Laws (PDF) <http://bit.ly/11Jthym> (Congressional Research Service)
- The Anti-Spam Lexicon for New Email Admins - <http://bit.ly/11C7JVt> (Jeff Orloff)

Senses

- Cartoons: Intellectual Property Law - <http://bit.ly/15KL79j> (@OrangeLT)
- Audio: CARRM: The Future of Computer Assisted Review – Legal Talk Network - <http://bit.ly/ZxPQro> (George Socha, Tom Palladino, Michele Lange)
- Ride The Lightning: Digital Detectives Podcast Released: Scary Tech - <http://bit.ly/10nufgI> (@SharonNelsonEsq)
- Video: Blogging Can Lead To Clients Knowing Who You Are Before They Even Meet You – <http://bit.ly/10obrOl> (Karen Koehler)
- Video: How Lawyers Should Respond to Negative and Positive Reviews on Yelp—Darnell Holloway - <http://bit.ly/10RVMYa> (Colin O’Keefe)
- Video: The Leadership Vacuum in Information Governance - <http://bit.ly/YYNgad> (Barclay Blair)
- Video: Twitter – A Sleeping Discovery Giant? <http://bit.ly/10RVwPJ> (Daniel Cummins, Ben Present)

Technologies

- Android or iPhone? <http://bit.ly/11EO33m> (John Edwards)

- Different Focus on Spam Needed – <http://bit.ly/Zp4wcj> (Martijn Grooten)
- Email Pro Tip #5: Triage your Mail on the Go – <http://bit.ly/ZweGlc> (Jack Newton)
- How to Erase Your Data From an Old Computer or Phone - <http://on.mash.to/10OB16x> (@Mashable)
- Information Exchange: Extending the Power of Information - <http://bit.ly/10PFINy> (Mark Barrenechea)
- Inside Exchange 2013, Part 11 – Got Databases? <http://bit.ly/11Hgmgd> (Casper Manes)
- The Continuing Cycle of Convergence: The Venture Alley - <http://bit.ly/10obAkV> (@TrentDykes)
- Why Most Discussions for Fibre Optic Infrastructure Take Place from the Wrong Perspective - <http://bit.ly/ZMaISa> (Paul Budde)

2013 Events

MAY

Information Governance & eDiscovery Strategy Exchange

May 5-7, 2013

San Diego, CA

[Click here for more information.](#)

Inside Counsel – 13th Annual Super Conference

May 6 – 8, 2013

Chicago, IL

[Click here for more information.](#)

EDRM 2013-14 Kickoff Meeting

May 7-9, 2013

St. Paul, MN

[Click here for more information.](#)

CEIC 2013

May 19 – 22, 2013

Orlando, FL

[Click here for more information.](#)

MER '13 – The National Conference on Managing Electronic Records

May 20 – 22, 2013

Chicago, IL

[Click here for more information.](#)

LegalTech West Coast

May 21-22, 2013

Los Angeles, CA

[Click here for more information.](#)

JUNE

The Fifteenth Annual International Techno Security Conference

June 2-5, 2013

Myrtle Beach, SC

[Click here for more information.](#)

7th Annual Governance and eDiscovery Summit

June 12-13, 2013

Sydney, Australia

[Click here for more information.](#)

International Conference on Artificial Intelligence and Law

June 10 – 14, 2013

Rome, Italy

[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

EDRM 2013-2014 Midyear Meeting

October 9-11, 2013

Saint Paul, MN

[Click here for more information.](#)

ACEDS 2013 Corporate E-Discovery Summit

October 10-11, 2013

San Francisco, CA

[Click here for more information.](#)

Innovate

October 17-18, 2013

Orlando, FL

[Click here for more information.](#)

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.](#)

NOVEMBER

KMWorld 2013

November 6-8, 2013

Washington, DC

[Click here for more information.](#)

The Advanced eDiscovery Institute

November 21-22, 2013

Washington, DC

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