

Unfiltered Orange |

Weekly eDiscovery News Update – November 14, 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

- 9th Circuit Considers Whether Hitting 'Send' Creates Agency – <http://bit.ly/UCe1DL> (Scott Graham)
- Chancery Court Endorses Predictive Coding – <http://bit.ly/UxTtXl> (Bracewell & Giuliani)
- CIA Director Ousted By Metadata – <http://bit.ly/UDkoB8> (@ITLexOrg)
- Court Invokes FRE 502(d) to Permit Intentional Production of Privileged Materials Without Waiver – <http://bit.ly/Uzi5io> (Crowell & Moring)
- Court Orders Broad Discovery of Class Members' Social Media, Text Messages & Email – <http://bit.ly/W637l3> (K&L Gates)
- Crunching the Numbers for Predictive Coding – <http://bit.ly/XCaaqU> (Drew Lewis)
- Da Silva Moore: Judge Carter Denies Motion for Recusal or Disqualification – <http://bit.ly/XxnbSL> (K&L Gates)
- Defendant Claiming Not Reasonably Accessible Data Has Some 'Splaining To Do – eDiscovery Case Law – <http://bit.ly/Xp7GvV> (Doug Austin)
- Do Defense Counsel Have Carte Blanche To Discover Plaintiffs' Use Of Social Networking Sites? <http://bit.ly/Xp5RPv> (Michael Maslanka)
- eDiscovery and Social Media: Recap from TLI Litigation Summit, Part II – <http://bit.ly/QnpRA4> (Gina Rubel)
- eDiscovery: Resolving Issues Through a Collaborative Approach – <http://bit.ly/XBIXES> (Martin O'Hara)
- eLessons Learned: Interview with the Honorable Ronald J. Hedges - <http://bit.ly/Xyti9k> (Catherine Kiernan)
- Failing to Circulate A Litigation Hold Does Not Warrant a Presumption of Gross Negligence – <http://bit.ly/XBb46X> (Dan Harshman)
- FTC's New eDiscovery Rules in Effect as of November 9 2012 - <http://bit.ly/UABDTQ> (Ryan Thomas)
- Hooters Law Suit Must Use Predictive Coding from Same Vendor – <http://bit.ly/XxoDEG> (Anna Biblowitz)
- Information Governance Even More Important In The Era Of Big Data – Forbes – <http://onforb.es/Xmnfog> (Barry Murphy)
- Judge Carter Refuses to Disqualify one of SDNY's "Experts in eDiscovery" – More on Da Silva Moore – <http://bit.ly/Xp7RY7> (Gil Keteltas)
- Judge Orders Parties to Keep it "Kleen" – eDiscovery Law Review – <http://bit.ly/T2YBnx> (Dylan Alper)
- Judge Peck's Decision Not to Recuse Himself in 'Da Silva Moore' Upheld – <http://bit.ly/VNxIII> (Evan Koblentz)
- Judge Warns: Avoid Mechanically Produced Boilerplate Privilege Logs – <http://bit.ly/XyuWru> (Carey Busan)
- Metadata: You [Only] Get What You Ask For – <http://bit.ly/UGcuam> (Lee Marchisio)

- Moving TARget: The Hunt for a More Cost Effective and Efficient Review – <http://bit.ly/TfsKAe> (Christopher Yoshida)
- New York Courts Continue to Deem Social Networking Sites Discoverable – <http://bit.ly/UxVHGI> (Matthew Podolnick)
- Paraben Forensic Innovation Conference 2012 – <http://bit.ly/UyDsjX> (Josh Gilliland)
- Patently Unclear – <http://bit.ly/XxkP6e> (Craig Ball)
- Predictive Coding Metrics are for Weenies – Part III – <http://bit.ly/UEJVtG> (Karl Schieneman)
- Recusal Motion in Da Silva Moore Case Denied – <http://bit.ly/Q0dMRA> (Philip Favro)
- Review Acceleration: Getting the Most from Technology-Assisted Review – <http://bit.ly/T9e6ue> (Hope Swancy-Haslam)
- Statistical Pattern Matching Predicts Presidential Winners, Why Not Privilege and Responsiveness? <http://bit.ly/Xn9i9o> (Sandra Serkes)
- Technology: Ethics Meets eDiscovery – <http://bit.ly/UGb4wj> (John Cowling, Daniel Nelson)
- That E-mail Is Mine; Or Is It?: Who Owns an E-mail Message? | Data Governance Law – <http://bit.ly/XBAYYp> (Tim Banks)
- The Employer’s Duty to Preserve “ESI” – <http://bit.ly/Xz6C8J> (Francis Cook)
- Using the Same eDiscovery Vendor as your Opponent – <http://bit.ly/XyXReW> (Elizbeth Cohee)
- What’s in a Name? Potentially, a Lot of Permutations – eDiscovery Best Practices <http://bit.ly/UEExXjZ> (Doug Austin)
- When It Comes to eDiscovery, Leave the Driving to Us – <http://bit.ly/UyyTWW> (Bob Ambrogi)
- Where There’s Smoke There’s Fire: Powering eDiscovery with Data Loss Prevention – <http://bit.ly/XyQTqj> (Allison Walton)
- Without Request, Delaware State Judge Orders Use of Predictive Coding in Complex Case – <http://bit.ly/Xn4VLB> (Robert Hilson)
- Why is Legal Hold Still a Mystery? <http://bit.ly/VHJMLy> (Mikki Tomlinson)

Reports and Resources

- Canadian eDiscovery Case Law Digests – Common Law - <http://bit.ly/UEJMX6> (Peg Duncan)
- Disclosure and Discovery in Utah – <http://bit.ly/Uy1vzC> (Utah Courts)
- Ethics of Twitter Research: Topology of Disciplines, Methods and Ethics Review Boards – <http://bit.ly/UzhU6Y> (Nick Proferes, Michael Zimmer)
- November Edition of Notable Cases and Events in #eDiscovery (PDF) <http://bit.ly/RTr5Sl> (Sidley Austin)
- Randoms vs Weirdos: Teen Use of Social Networking Sites and Perceptions of Legal Risk - <http://bit.ly/UzkVEc> (Alternative Law Journal)
- Electronic Discovery and Computer Forensics: State Rules and Statutes – <http://bit.ly/Xmm4VL> (Kroll Ontrack)
- Update: Peck, Parties and Predictive Coding – <http://bit.ly/xAztDv> (@ComplexD)
- Where the Money Goes: Understanding Litigant Expenditures for Producing eDiscovery – <http://bit.ly/HCCdY2> (Nicholas Pace, Laura Zakaras)

Sight and Sound

- Case in Point: Where Deleted Emails Go – <http://bit.ly/HM288p> (Tom Fishburne)
- Legal Risks with BYOD (Bring Your Own Devices) Video – <http://bit.ly/VMoTPo> (Peter Vogel)
- Video Discussing the International Conference of Data Protection & Privacy Commissioners with LXBN TV – <http://bit.ly/UF2tdj> (Hogan Lovells)

Technology and Tactics

- Chesbro v. Best Buy Stores, L.P.: Court Rejects Defense of “Informational” Calls – <http://bit.ly/UCTrgQ> (Justine Gottshall)
- Corporate Threat Report: Fraud Down, Data Theft Persistent – <http://bit.ly/UEqQYA> (Catherine Dunn)
- Dropbox Passes 100 Million Users – <http://nyti.ms/UGbaUW> (Jenna Wortham)
- Election 2012 Lessons for the Business Use of Big Data – <http://bit.ly/XxCSJv> (William Tanenbaum)

- Ex-Spy Chief David Petraeus Gave His Mistress Access To His Email – <http://onforb.es/XuTzFq> (Kashmir Hill)
- Finally, Another Interesting Take On A Global File System – <http://bit.ly/XxlZP1> (Chuck Hollis)
- Gartner Research Renews Interest in GC Affairs – <http://bit.ly/XB295s> (Evan Koblentz)
- Google Discloses Rising Number of Government Requests – <http://bit.ly/UGbf18> (CircleD)
- Hitachi Announces All Solid-State Storage Array – <http://bit.ly/UyEzA4> (Deni Connor, James Bagley)
- In CLO Survey, In-House Counsel Challenging Firms on Value, Service – <http://bit.ly/RFdYUK> (Catherine Dunn)
- Litigating Post-Close Merger Cases – HLS Forum on Corporate Governance and Financial Regulation – <http://hvr.me/Xxpwgl> (Boris Feldman)
- Lock It Up: Managing Security Risks in Public Clouds – <http://bit.ly/XBbn1E> (Mitch Wagner)
- NOC Privacy Compliance Review: Social Media Monitoring/Situational Awareness Initiative – <http://bit.ly/XxlpRj> (Donald Triner)
- Personal Data Transfers: Google Cloud SQL Service Offers EU-Only Processing and Storage Capability – <http://bit.ly/UExDSh> (Pinsent Masons)
- Petraeus's Downfall Reminds That Email Lasts Forever – <http://bit.ly/XEAqAX> (Alison Diana)
- Petraeus Fallout: 5 Gmail Security Facts – <http://bit.ly/XEGXvv> (Mathew Schwartz)
- Troubleshooting ActiveSync Issues Using Logs – <http://bit.ly/UD8JCu> (Casper Manes)
- Vendor Mergers and Acquisitions – Signed, But Not Sealed, Not Delivered, Not Yours – <http://bit.ly/XxF5EQ> (Kashyap Kompella)
- When Businesses Go Dark: A DDoS Survey – <http://bit.ly/Xxmgld> (Ted Swearingen)
- Will Wikipedia Wither Traditional Legal Citation? <http://bit.ly/XnMuX6> (Peter Vogel)

Vendor Views

Industry Landscape

- AccessData Quietly Enters Ranks of World's Most Respected Digital Investigations Companies – <http://bit.ly/T1Pfid> (Business Wire)
- BIA eDiscovery Updates TotalDiscovery to Include Notification Features – <http://prn.to/UyktGk> (PR Newswire)
- BlackBag Technologies Announces BlackLight™ 2012 R4 Mac OS X, iPhone, and iPad Forensics Software Release – <http://bit.ly/XmiuLt> (PR Web)
- British Telecom (BT Group Plc) To Acquire Tikit – <http://bit.ly/W4ScwK> (@LegalIT)
- Catalyst Partners With Equivio to Deliver Unparalleled Predictive Coding Technologies – <http://mwne.ws/XCaB18> (Marketwire)
- Complete Managed Review From OrangeLT™ - <http://bit.ly/GR5Jv0> (@OrangeLT)
- Computer Forensics Firm LuciData Distinguishes Itself From The Competition – <http://bit.ly/UGcOFF> (Elizabeth Millard)
- Concept Searching Partners with RKO Business Solutions – <http://bit.ly/UD8zuM> (PR Web)
- Dr. Bruce Hartley Joins Celerity Consulting Group – <http://bit.ly/XB9Fxx> (PR Web)
- EDD Update: USPTO Grants H5 Patent for Its TAR Process – <http://bit.ly/UxTkTS> (Sean Doherty)
- eDiscovering Vendors on Twitter – November 2012 Update - <http://bit.ly/LJR5ie> (@ComplexD)
- eDiscovery Services Company Further Expands New York Presence – <http://bit.ly/XBa4Qk> (PR Web)
- EMC Adds Scale, Connectors to Kazeon eDiscovery – <http://bit.ly/VUDjbA> (Evan Koblentz)
- European Union Competition Regulator Selects Nux for Use During Inspections at Corporate Premises – <http://bit.ly/TFo86K> (Business Wire)
- First Advantage Expands Leadership Team – <http://mwne.ws/VDuOWY> (Marketwire)
- FTI Consulting Announces Tender Offer and Consent Solicitation For 7 3/4% Senior Notes Due 2016 – <http://prn.to/XqjrSY> (PR Newswire)
- FTI Consulting Management Discusses Q3 2012 Results – Earnings Call Transcript – <http://bit.ly/XnNgUO> (Seeking Alpha)
- Guidance Software Celebrates Its 15th Anniversary – <http://bit.ly/XBp4h7> (Business Wire)
- H5 Granted Patent for Technology-Assisted Review – <http://bit.ly/T2ZOel> (Press Release)
- Kroll Ontrack Pushing Services into the Local Market | Reseller News New Zealand – <http://bit.ly/UDsfib> (Vera Alves)

- LexisNexis Blazes Audit Trail for ECA App – <http://bit.ly/UFtNYZ> (Evan Koblentz)
- Masters Conference Names Founder Robert E. Childress as CEO - <http://bit.ly/UxUgaZ> (Press Release)
- Merrill DataSite® Virtual Data Room Honored as “Information Management Product/Service of the Year” <http://bit.ly/UGcIOx> (PR Web)
- Nextpoint – First eDiscovery Service Provider Accepted into Amazon’s Advanced Technology Partners Program – <http://bit.ly/XB9TV2> (PR Web)
- New Version of LexisNexis Early Data Analyzer Features Enhanced eDiscovery Filtering Tools – <http://yhoo.it/UEK3JF> (Business Wire)
- NightOwl Discovery Enhances Its Discovery Management Services with Equivio Zoom – <http://prn.to/Xn6Xvp> (PR Newswire)
- Prepare For eDJ Group’s Q4 eDiscovery Market Update – <http://bit.ly/XxQ7ty> (Barry Murphy)
- Radicati Group Releases “eDiscovery – Market Quadrant, 2012” - <http://on.mktw.net/Xy1xh9> (Marketwire)
- Rimkus Analytics Forms Alliance with Servient to Add Two New Services to Digital Forensics Division – <http://bit.ly/Xy0VYL> (Business Wire)
- StoneRiver Risk and Compliance Acquires Compliance Assurance Corporation – <http://bit.ly/VNymGb> (Press Release)
- The Oliver Group Announces Addition of Partner/Vice President of Data Acquisition and Forensics – <http://bit.ly/UEwvOz> (PR Web)
- Top Workplaces: Candor, Camaraderie Distinguish Legal-Software Firm kCura – Chicago Tribune – <http://bit.ly/UGbuml> (Jane Kidd Stewart)
- Xerox Announces Managed Review Offering – <http://bit.ly/UDqv8L> (Foster Gibbons)
- ZL Technologies Announces Advanced OCR Capabilities for Harnessing Unstructured Data – <http://mwne.ws/Xna9Hp> (Marketwire)

2012 eDiscovery Events

NOVEMBER

The 7th Annual E-Disclosure Forum

November 15, 2012

London, United Kingdom

[Click here for more information.](#)

Information Governance & eDiscovery Strategy

November 27-29, 2012

Munich, Germany

[Click here for more information.](#)

DECEMBER

Georgetown Law – The Advanced eDiscovery Institute

December 6-7, 2013

Washington, DC

[Click here for more information.](#)

2013 Events

JANUARY

LegalTech New York 2013

January 29-31, 2013

New York, NY

[Click here for more information.](#)

FEBRUARY

ACEDS 2013 Annual Conference and Exhibition

February 28 – March 2, 2013

Hollywood, FL

[Click here for more information.](#)

MARCH

Legal IT Business Show 2013

March 5-6, 2013

London, United Kingdom

[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.](#)

MAY

LegalTech West Coast

May 21-22, 2013

Los Angeles, CA

[Click here for more information.](#)

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>.