

Unfiltered Orange |

Weekly eDiscovery News Update – August 31, 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 Cloudy Forecast: E-Discovery Moves to the Cloud - <http://tinyurl.com/3h2jrdz> (Ben Kerschberg)
- Accidentally Waived Privilege: Firm Can't Blame eDiscovery Vendor - <http://tinyurl.com/42zfcfh> (Stephanie Rabiner)
- Arguing \$2,630 is Undue Burden to Search ESI – <http://tinyurl.com/315wfrs> (Josh Gilliland)
- Attorneys and Executives Need to Get IT Departments More Involved With EDiscovery - <http://tinyurl.com/3ocgvb2> (Proofpoint)
- Autonomy CEO Says H-P Deal Marks Fundamental IT Shift – <http://tinyurl.com/44b56qb> (Ben Rooney)
- Chief Counsel to Rules Committee Talks Sanctions, Preservation – <http://tinyurl.com/4x2pxlf> (John Council)
- Confronting E-Discovery's 'Ill-Defined Preservation Obligation' – <http://tinyurl.com/3mr9ao4> (Gina Passarella)
- Data-Indexing Glitches and Inadvertent Disclosure: More on 'Mt. Hawley' - <http://tinyurl.com/3q8wdfz> (Bob Ambrogi)
- Doctor's E-Mail Is Fair Game in Lawsuit, Judge Finds – <http://tinyurl.com/3mhwf82> (Andrew Keshner)
- E-Discovery Lane Change for Trucking Litigation – <http://tinyurl.com/4x26p3r> (Kent Emison)
- eDiscovery from Magic to Mainstream Technology – <http://tinyurl.com/3kuksqk> (Charles Skamser)
- Enforcement of the Massachusetts Data Privacy Law – <http://tinyurl.com/3qqhz9x> (Doug Cornelius)
- France Intros Breach Notification Requirement for Electronic Communication Service Providers – <http://tinyurl.com/43t3vtw> (Hunton & Williams)
- Ga. Judges on Facebook: To Friend or Not to Friend? – <http://tinyurl.com/3pegayu> (J. Randolph Evans, Joshua Belinfante)
- George Rudoy on Legal Technology Consolidation – <http://tinyurl.com/3lj7gan> (Monica Bay)
- GhostSurfer Wipe Out Leads to Jail Order Sanctions – <http://tinyurl.com/3cgwnmn> (Ralph Losey)
- Hiding from eDiscovery in Plain Site - <http://tinyurl.com/3kpokta> (Bill Tolson)
- How MeetandConfer.com Can Help Execute E-Discovery Meetings - <http://tinyurl.com/3kac2wk> (Sean Doherty)
- ILTA 2011 Report: Autonomy Taking HP to the eDiscovery Cleaners? <http://tinyurl.com/3kpz7py> (The 451 Group)
- Inside Straight: Why Vendors Win The Document Review Work – <http://tinyurl.com/3tbnpw8> (Mark Herrmann)
- Judge Orders Anonymous Blogger To Reveal Identity – <http://tinyurl.com/3wk8t7w> (Michael McKiernan)
- Online Defamation Court Cases On The Rise, Research Says – <http://tinyurl.com/3souvkkr> (Pinsent Masons)
- Misunderstanding of Vendor's Software Leads to Waiver of Privilege - <http://tinyurl.com/3ghrplm> (RCALaw)
- More from FINRA on Social Media and Mobile Devices – <http://tinyurl.com/3e22f5q> (Doug Cornelius)
- New York's Organized Crime Control Act Takes the Fight to Cyberspace - <http://tinyurl.com/3qs4mmq> (Peter Crusco)

- Pennsylvania Favors Liberal Discovery of Social Media Activity – <http://tinyurl.com/3qsux84> (Michael Schmidt)
- Prevailing Parties May Recover E-Discovery Costs Under the Federal Rules – <http://tinyurl.com/3qb37xy> (Robert Chu)
- Reasonable Particularity in Requesting ESI – <http://tinyurl.com/3sr4w23> (Josh Gilliland)
- Rise of Social Media Blamed for Soaring Toll of Online Libel Cases – <http://tinyurl.com/3htbhca> (Yorkshire Post)
- Rules Committee Approves New NZ Discovery Rules – <http://tinyurl.com/4yej3py> (NZ E-Discovery Blog)
- The 7th Circuit Electronic Discovery Pilot Program and the Principles on ESI - <http://tinyurl.com/3w462g4> (Allison Walton)
- US Judge Says Government Should Have A Warrant To Obtain Geolocation Data - <http://tinyurl.com/3vmauv4> (Pinsent Masons)
- When You Can and Can't Fire Employees For Social Media Misbehavior - <http://tinyurl.com/3uxdlez> (Kasmir Hill)
- Will Open Source Software Disrupt Law Firm eDiscovery Vendors? - <http://tinyurl.com/3k8e5ls> (Jennifer Wensink)
- Will Predictive Coding Win the Trust of Courts? <http://tinyurl.com/4372g4v> (Farrah Pepper)

Reports and Resources

- eDiscovery Team Training: Online Syllabus of 84 Classes – <http://tinyurl.com/3ze2d5c> (Ralph Losey)
- Emerging eDiscovery Technologies: Predictive Coding and Remote Collection Presentation (PDF) <http://tinyurl.com/3rcpfop> (ILTA 2011)
- ESG Survey Reveals Two Out of Three Enterprises Use SharePoint as Business Critical Application - <http://tinyurl.com/3hfbb4m> (Marketwire)
- Extracting, Transforming and Archiving Scientific Data (PDF) <http://tinyurl.com/4yjeqkf> (Daniel Lemire, Andre Vellino)
- ILTA 2011 Downloadable Conference Presentations – <http://tinyurl.com/3m3vzxm> (ILTA 2011)
- International Bloggers and Internet Control (PDF) <http://tinyurl.com/44frkxt> (Berkman Center for Internet & Society)
- New Tools Driving Big Data Analytics, Survey Finds – <http://tinyurl.com/3r5x47l> (Jaikumar Vijayan)
- Social Media Policies Database - <http://tinyurl.com/yar74dj> (Doug Cornelius)
- Survey Finds Compliance Chiefs Doing Little Compliance-Related Work – <http://bit.ly/oTaunk> (Samuel Rubinfeld)
- The PII Problem: Privacy and a New Concept of Personally Identifiable Info - <http://tinyurl.com/3htvnyr> (Paul Schwartz, Daniel Solove)

Technology and Tactics

- 5 Misconceptions About File Transfer Security – <http://tinyurl.com/3r9zfrx> (Andre Bakken)
- Amazon Expected to Sell 3 to 5 Million Tablets in Q4 2011 – <http://tinyurl.com/3udgorz> (Rachel King)
- Army Partners With Google, Apple On Secure Tablets – <http://tinyurl.com/3serwbg> (Elizabeth Montalbano)
- Buyers Increase SaaS Contract Scrutiny As Deal Sizes Grow – <http://tinyurl.com/3ezounj> (Liz Hebert)
- Cloud Computing and Canadian Federally Regulated Financial Institutions - <http://tinyurl.com/3elp68m> (Wesley Ng)
- Cloud Computing: The Layperson's Guide to Distributed Networks – <http://tinyurl.com/43olyfv> (Christina Warren)
- Data Center Networking in Transition - <http://tinyurl.com/3rf2qfb> (Jon Oltsik, Perry Laberis)
- Defending Tape, Once Again - <http://tinyurl.com/3stbtyu> (George Crump)
- Get With The Social Media Program - <http://tinyurl.com/3m4v89m> (Mike Byrnes)
- Goodbye To All That (#ILTA11) - <http://tinyurl.com/3dtqz28> (Jordan Furlong)
- Half of America Is Using Social Networks – <http://tinyurl.com/3sdcgk7> (Somini Sengupta)
- Health IT's Top Needs For Next Five Years – <http://tinyurl.com/4y3lz8c> (Nicole Lewis)
- Help Customers Keep Their Data Safe - <http://tinyurl.com/3gxboa3> (Tony Kavanagh)

- How Google+ Could Transform Healthcare & Medicine - <http://bit.ly/prFOHu> (Steve Dickman)
- How to Manage Whitelists Using the Exchange Management Shell - <http://tinyurl.com/3f7xvgr> (Casper Manes)
- In Search Of The Missing IT Gene - <http://tinyurl.com/3qtw5nd> (Chuck Hollis)
- iSCSI Advances To Meet SME Demands - <http://tinyurl.com/3z4eda5> (George Crumb)
- Sorting Out Social Media for Lawyers, Part II - <http://tinyurl.com/3v3hy2a> (Gina Rubel)
- The 29th Anniversary of Email As Copyrighted By This Man - <http://tinyurl.com/3sts542> (Courtney Boyd Myers)
- There's an App - and a Risk - for That - <http://tinyurl.com/4yxvqu7> (John Martin)
- The Future of The Internet is Converged Services - <http://tinyurl.com/3otu48y> (Richard MacManus)
- The True Cost of SaaS Apps Isn't About the Browser - <http://tinyurl.com/3b2x33d> (David Strom)
- Using Open Data To Understand War And Peace - <http://tinyurl.com/3vo4k7a> (Neal Ungerleider)
- Web Breaches Blamed on Lacklustre Security - <http://tinyurl.com/44db3p7> (Mark Phillips)
- Wireless Penetration Testing: Not Just For Hackers - <http://tinyurl.com/4yc5at6> (Kurt Marko)

Twitter Hashtags of the Week

- [#eDiscovery](#)
- [#IEDC11](#)
- [#VMWorld2011](#)

Vendor Views

Industry Landscape

- Bloomberg Enters Agreement to Acquire BNA - <http://tinyurl.com/3d4phx5> (Reuters)
- Brocade Unlocks the Power of the Cloud Through Open, Multi-Vendor Virtual Compute Blocks - <http://tinyurl.com/4xzqm49> (Marketwire)
- CA and HyTrust Partner on Cloud Security, Compliance - <http://tinyurl.com/3cp87hr> (Kathleen Lau)
- CaseCentral Wins 2011 Golden Bridge Awards for SaaS/Cloud Offering - <http://tinyurl.com/3f57gc9> (Business Wire)
- Cassels Brock Chooses Recommind For Enterprise Search - <http://tinyurl.com/3tf3tr9> (Press Release)
- Daegis Reports Fiscal 2012 First Quarter Financial Results - <http://tinyurl.com/3j5e2bt> (Business Wire)
- Dell Cloud Debuts With VMware Partnership - <http://tinyurl.com/3I9cj3w> (Thomas Claburn)
- Esquire Innovations Previews iScrub 7 EP1 - <http://tinyurl.com/3faaos9> (PR Web)
- HP Launches 3PAR Array, Migration Software - <http://tinyurl.com/3bsjvof> (Deni Conner)
- Imation Acquires the Assets of ProStor Systems - <http://tinyurl.com/3z8wwrb> (Business Wire)
- Global Digital Forensics Helps Tackle Social Media to Maximize eDiscovery Benefits - <http://tinyurl.com/3qjakxl> (Press Release)
- Guidance Plan Turns Custom Services Into Products - <http://tinyurl.com/422xveu> (Evan Koblenz)
- GuardTime Keyless Signatures Selected by Cernam - <http://tinyurl.com/4ytl3tc> (Press Release)
- KPMG Forensic Technology Services Releases eDiscovery Analysis Report, Enhanced Tool - <http://tinyurl.com/3uetmfz> (PR Newswire)
- Kroll Ontrack: Free Data Recovery Evals for Storage Devices Affected by Hurricane/Earthquake - <http://tinyurl.com/3jm83fd> (Business Wire)
- LiveOffice Announces Outlook Email Connector for Salesforce - <http://tinyurl.com/3b4oplb> (Business Wire)
- Now Where Does The Integration Occur? eDiscovery Integration and Data Transfer Risk - <http://tinyurl.com/43gplu3> (OrangeLT)
- OpenText eDOCS and Legal Solutions Achieves Landmark Growth - <http://tinyurl.com/3s4yus5> (Legal IT Professionals)
- Sonian Announces Partnership With Cloud Caboodle - <http://tinyurl.com/3dq4z6t> (Marketwire)
- Vendor Sourcing: Aperse Opportunity Alerts - <http://tinyurl.com/3bbeooc> (George Socha)
- Workshare Protect 7 to Keep Confidential Information from Being Sent Via Email - <http://tinyurl.com/3n8pq59> (Legal IT Professionals)

eDiscovery Event Update



Intermountain eDiscovery Conference 2011 is a one-day legal technology conference designed to provide electronic discovery practitioners with information on the latest tools, techniques, and practices of eDiscovery. With practical educational sessions delivered by eDiscovery experts, the Intermountain eDiscovery Conference can help legal professionals more efficiently “manage the mountains of ESI” in their audit, investigation, and litigation activities.

Conference Quick Facts

- Date: September 22, 2011
- Time: 8:30AM MST- 3:00PM MST – Lunch Provided
- Location: Hilton Salt Lake City Center
- CLE: Up to 5 Hours Continuing Legal Education (Utah State Bar Association)
- Fee: \$50 (Materials/CLE/Lunch Inclusive)
- Registration: Online Pre-Registration Required (<http://tinyurl.com/3v3goyj>)
- Twitter Hashtag: [#IEDC11](#)

2011 Speakers Include:

- Ralph Losey – Partner, Jackson Lewis, LLP
- Sharon D. Nelson, Esq. – President, Sensei Enterprises
- John W. Simek – Vice President, Sensei Enterprises
- Ryan G. Baker – Partner, Baker Marquart, LLP
- Tanya N. Lewis – Associate, Richards Brandt Miller Nelson
- Brandon H. Pace – Legal Counsel, eBay
- Mark L. Smith – Of Counsel, Baker Marquart, LLP
- John Munro – CEDS, Vice President and Managing Director – Northwest, Orange Legal Technologies

2011 Topics Include:

- Firestorm! Social Media in Electronic Discovery
- The Challenges and the Latest Solutions to Electronic Discovery in 2011
- Cost Effective Electronic Discovery: Available Options, Affordable Offerings
- Electronic Discovery 301: Beyond the Basics
- Managing and Marketing Your Electronic Discovery Practice: Best Practices and Procedures
- From The E-Discovery Experts: Questions, Answers, and Explanations

For Information Visit: <http://tinyurl.com/3v3goyj>

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.

For Complete Events Calendar Visit: <http://www.orangelt.us/info/events/>.



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- To sign up for our weekly updates, visit: <http://tinyurl.com/258nzu5>.
- For additional information on Orange Legal Technologies, visit: <http://www.orangelt.com>.