

# ComplexDiscovery | Weekly eDiscovery Top Story Digest – May 8, 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.

Available as an information source for eDiscovery and information management professionals since 2010, the *Top Story Digest* is published weekly on [ComplexDiscovery.com](http://ComplexDiscovery.com).

Follow ComplexDiscovery via social media on Twitter ([@ComplexD](#)), [LinkedIn](#), [Google+](#) and [RSS](#).

## Weekly eDiscovery Top Story Digest Update

### *eDiscovery Issues*

- 4th Circuit Addresses Taxable Costs Related to ESI - <http://bit.ly/ZL7tEc> (K&L Gates)
- 4th Circuit Takes A Narrow View On Recovery Of eDiscovery Costs - <http://bit.ly/10uEgcb> (Mack Sperling)
- 7 Lessons to Guide you Through the eDiscovery Landscape - <http://bit.ly/11CC4ll> (Melissa Maleske)
- A Ruling on the Reasonable Use of Predictive Coding – <http://bit.ly/ZydmB9> (Pradeep Victor)
- ADR Offers Unique Solutions to Address Common eDiscovery Challenges - <http://bit.ly/11JGJSv> (Allison Walton)
- Advisory Committee Discusses Major Changes to Federal Discovery Rules - <http://bit.ly/11OHTMz> (Bob Numbers)
- Biomet: Lies, Damn Lies... and Economics Behind Predictive Coding Disputes (Entrepreneurs Take Note) <http://bit.ly/10UZr4Q> (Gerard Britton)
- Deploying Trainers in Technology-assisted Review (TAR) <http://bit.ly/ZfgUYN> (Jen Wightman)
- eDiscovery and the M&A Deal - <http://bit.ly/11NJBxK> (Dera Nevin)
- eDiscovery: The View From Singapore - <http://bit.ly/11O5s8d> (@ITLexOrg)
- Enron's Toxic Sandbox: Does The Public Enron Email Database Have Too Much PII? <http://bit.ly/ZGLU7D> (Monica Bay)
- Enron Data Set: Wow. EDRM/FERC/Enron Data Privacy Breaches - <http://bit.ly/10YIaRR>, Roundup of Thoughts on the Enron Data Set PII - <http://bit.ly/11bnAhf>, Amazon Web Services Takes Down Enron Email Data Set - <http://bit.ly/15mYyNw> (@SharonNelsonEsq)
- Facebook, Twitter, MySpace, YouTube And Personal Email Accounts...How Far Can An Employer Go When It Comes To Using Their Contents As Evidence Against An Employee - <http://bit.ly/10h1kLA> (Elif Oral)
- Fibs Your eDiscovery Vendor and Law Firm May Tell You - <http://bit.ly/11NKbeO> (Mark Diamond)
- Here Comes the Next Round of eDiscovery Rules | [@LegalTalkNet](#) - <http://bit.ly/ZAn5u4> (Monica Bay, Henry Kelston, Mark Michels)
- Information Governance Still Hinges on Basic, Definitional Issues - <http://bit.ly/15nx8qU> (@Dean\_Gonsowski)
- Is Your Email Ready for e-Discovery? <http://bit.ly/10YWtWC> (Jeff Orloff)
- Judge Kaplan Finds Claim of Fraud Trumps Attorney-Client Privilege – <http://bit.ly/11bh8Xv> (Tony Coles)
- Lessons From PII Data Breaches by FERC and EDRM - <http://bit.ly/ZVVWBB> (John Martin)
- Making Copies! The Fourth Circuit Defines Taxable Costs Associated With eDiscovery (PDF) <http://bit.ly/10vsWLT> (Greenberg Traurig)

- Managing Risks & Costs of Production of Private or Confidential Info: Redaction & Production Strategies - <http://bit.ly/11CpC51> (Mayer Brown)
- New E-Discovery in Patent Cases and Potential Compliance Pitfalls – <http://bit.ly/15paUox> (Karman Javani)
- Partial Recall: Why Lawyers Can't Have (And Really Don't Need) All Relevant Documents – <http://bit.ly/Zpo3pu> (Michael Fluhr)
- Predictive Coding One-Question Provider Implementation Survey – Running Results – <http://bit.ly/18XGeXI> (@ComplexD)
- Proposed FRCP Amendments : Delaware eDiscovery Report - <http://bit.ly/10VvXNG> (Ian McCauley)
- Putting the eDiscovery Ecosystem in Perspective: An Interview with David Horrigan of 451 Research - <http://bit.ly/11bqUZM> (@ProjectCounsel)
- Standards for Competency in eDiscovery on the Rise – What's Your Best Defense? <http://bit.ly/16UV9VH> (Howard Reissner)
- Ten Essential Best Practices in Predictive Coding - Today's General Counsel - <http://bit.ly/13eXkjR> (Warwick Sharp)
- Text Messages Under The Fourth Amendment – <http://bit.ly/11d2L57> (Joey Chindamo)
- Thanks to DOJ OK, Liquor Companies Saved 50 Percent Using Predictive Coding – ABA Journal – <http://bit.ly/13xIFja> (Debra Cassens Weiss)
- UK Judges and Predictive Coding – Open to Any Proportionate Suggestion - <http://bit.ly/10Yvyds> (@ChrisDaleOxford)
- Update of Proposed Rule Changes: Universal Federal Sanctions Standard for Failure to Preserve ESI Could be Reality - <http://bit.ly/13Yrqan> (Sandro Ocasio)
- Update to Oracle-EDI Study on Predictive Coding - <http://bit.ly/13Qso8l> (Michael Roach)
- What We Talk About When We Talk About TAR - <http://bit.ly/1123DtA> (Cynthia Courtney (@LegalIT))
- When Lawyers Get Sued, They Have Preservation Obligations Too – eDiscovery Case Law - <http://bit.ly/ZC34js> (Doug Austin)

### **Corporate Risk**

- \$8 Million Penalty for Weak ITAR Compliance: How Price of Maintenance Beats the Cost of Repair - <http://bit.ly/13g7pNF> (Sheppard Mullin)
- Annual Compliance & Ethics Risk Plans: Four Practice Pointers for Success – <http://bit.ly/13Yqym0>(Jeff Kaplan)
- Article 29 Working Party Issues Additional Guidance on BCRs for Data Processors – <http://bit.ly/ZE46Pn> (@HLPrivacy)
- Background Screening Companies Take Note – <http://bit.ly/15p4buB> (Montserrat Miller)
- Branding 101: Performing a Trademark Search - <http://bit.ly/10Ajjfc> (Sarah Downs)
- Bring Your Own Device (BYOD) – Special Orders Don't Upset Us - <http://bit.ly/ZWzU34> (Brenda Molner)
- Corporate Mobility and Regulatory Competition in Europe – <http://hvr.me/141YKgy> (June Rhee)
- Do Plaintiffs Have Standing To Sue Over Alleged Reduction In The Value Of Their Personal Data? <http://bit.ly/ZJi6al> (John Nadolenco)
- EFF Surveys Major Tech Companies' Privacy and Transparency Policies - <http://bit.ly/13LOBEI>(Electronic Frontier Foundation)
- Effective Compliance Plans: Have They Ever Been More Important To Your Organizations? <http://bit.ly/ZBeWSH> (Steven McPheeters)
- Employers: Act Fast or Weaken Your Trade Secret Case - <http://bit.ly/13WnDu7> (James Kachmar)
- Fallout from Failing to Conduct a HIPAA Risk Analysis | TechHealth Perspectives - <http://bit.ly/13uidqF> (Alaap Shah)
- Foreign Corrupt Practices Act (FCPA) Spring Update – <http://bit.ly/10i0EWk> (Harrison Smith)
- HP Ignored Autonomy Accounting Warnings, Shareholders Say – Bloomberg - <http://bloom.bg/10ysHAz> (Karen Gallo)
- LinkedIn Lockout: Social Media Ownership Wars Wage On – <http://bit.ly/10ZfV5y> (Natasha Wilson, Keshia McCrary)
- NLRB Provides Further Guidance (and Restrictions) for Employer Investigations - <http://bit.ly/11FdDUf> (Alden Parker)

- Patchwork of Social Media Password Protections Laws Impacts Employers – Workplace Privacy Counsel – <http://bit.ly/10wgvjO> (Littler)
- Pharmas Use Conferences to Buy Influence with Docs, Lawyer Says - <http://bit.ly/10g0D5h>(Benjamin Kessler)
- Privileges, Immunities, and Good Investigation - <http://bit.ly/13Wnxmf> (Phillip Segal)
- Publication of the First Final U.S. Export Control Reform Rules: Don't Be Surprised, Be Prepared - <http://bit.ly/11CmGVZ> (Wendy Wysong)
- Rules for Proper Electronic Etiquette During Divorce - <http://bit.ly/11bspXW> (Benjamin Stevens)
- SEC Chief Defends 'Neither Admit nor Deny' but Will Review - <http://bit.ly/13g6QmN> (Sarah Lynch)
- Setting the Record (Date) Straight - <http://hvrd.me/10gtFan> (Daniel Wolf)
- Social Media Defamation and Reputational Attacks – <http://bit.ly/13Wo07N> (Stephen Troiano)
- Top Four Compliance Risks Companies Face with Recent Health Care Legislation - <http://bit.ly/13eWOCA> (Peter Katz)

### ***Technology Considerations***

- Addressing Big Data with a “Facts First” Approach to E-Discovery – <http://bit.ly/111k3Ss> (Andrew Bartholomew)
- Are Digitization and Budget Cuts Compromising History? <http://bit.ly/ZKYWkD> (Holle Schwartz Temple)
- Bypassing Geo-Locked BYOD Applications - <http://bit.ly/109zd4Q> (Gunther Ollmann)
- CERN Celebrates 20 Years of The Free And Open Web - <http://bit.ly/11EEmlL> (Dan York)
- CIO Insights: Leading Innovation in a Time of Change (PDF) <http://bit.ly/11GF6VH> (TechAmerica, Grant Thornton)
- Create a Legal Archive of Websites and Social Media · Robert Ambrogi's LawSites - [@BobAmbrogi](http://bit.ly/15o9vyl)
- Different Focus on Spam Needed - <http://bit.ly/Zp4wcj> (Martijn Grooten)
- Digital Signatures Are Safer Than Ink on Paper – <http://bit.ly/ZAXvlh> (Casey Flaherty)
- E-Discovery Management More Effective in the Cloud: 10 Reasons Why - <http://bit.ly/10h1HWu>(Chris Preimesberger)
- Email Security by the Numbers - <http://bit.ly/10BVVYq> (Jeff Orloff)
- FBI Seeks Real-Time Facebook, Google Wiretaps - <http://ubm.io/ZZT0FB> (Mathew Schwartz)
- Image is Everything, But it Doesn't Have to Cost Anything – eDiscovery Best Practices – <http://bit.ly/11JGN4y> (Doug Austin)
- Keep Critical Data With a Knowledge Management System – <http://bit.ly/13g7Szs> (Taimoor Zubair)
- Making Sure Your Predictive Coding Solution Doesn't Cost More... - <http://bit.ly/10Vuze6> (Matt Miller)
- New Tool For Troubleshooting Exchange 2003 Public Folder Replication - <http://bit.ly/10WeZPs>(Casper Manes)
- Next Generation Desktop Search for Law Firms and the Enterprise - <http://bit.ly/16euPpx> (John@Patzakis)
- Sequoia's Aaref Hilaly Says Messaging Apps Are A New Kind Of Social Network | @TechCrunch - <http://tcrn.ch/10cSbt9> (Anthony Ha)
- The Primary Storage Deduplication Problem - <http://ubm.io/ZmNUhU> (George Crump)
- Troubleshooting Shared Mailboxes and Sent Items - <http://bit.ly/10gDvcg> (Casper Manes)
- US Blames China for Cyberattacks - <http://bit.ly/13fQgUi> (Peter Vogel)

### ***Vendor News***

- Vendor Clips Weekly Update for Week Ending May 7, 2013 – <http://bit.ly/10poc16> (@ComplexD)

### **2013 Events**

#### **MAY**

#### **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

[Click here for more information.](#)

For the latest eDiscovery vendor news, [click here](#) for the Vendor Clips Live News Feed.



Follow ComplexDiscovery via social media on Twitter ([@ComplexD](#)), [LinkedIn](#), [Google+](#) and [RSS](#).

