

Unfiltered Orange |

The eDiscovery Month in Review – July 2011

Compiled by Orange Legal Technologies (<http://www.orangelt.com>) from online public domain resources, “Unfiltered Orange – The eDiscovery Month in Review” is a monthly compilation of eDiscovery-specific news designed to inform and educate legal professionals. This monthly update is provided as an aggregation of daily and weekly updates from the news feed “Unfiltered Orange”. For up to the minute news updates, visit <http://www.twitter.com/OrangeLT>.



eDiscovery News

- 2011 Mid-Year eDiscovery Update - <http://tinyurl.com/3ubjmlf> (Gibson Dunn)
- A Lull in the Predictive Coding Battle – <http://t.co/xQ0nnER> (Chris Dale)
- Albert Barsocchini on the Past, Present, and Future of Discovery – <http://tinyurl.com/3t6bs2a> (Monica Bay)
- Announcing the eDiscovery Team’s “Clever Words Award” for Excellence in Judicial Opinion Writing - <http://tinyurl.com/68ta5lq> (Ralph Losey)
- Ascending to the Cloud Creates Negligible eDiscovery Risk – <http://tinyurl.com/625xsw> (Steven Hunter)
- Assessing Cost-Shifting for Electronic Discovery in Federal and State Court - <http://tinyurl.com/4xtmpjm> (Sudee Mirsafian Wright)
- Assessing The Risk And Setting Strategy – The True North Of Document Review - <http://t.co/Z936ezu> (Thomas Svoboda)
- Automated Management of Legal Holds - <http://t.co/sNsneVw> (Ben Kerschberg)
- Business Embracing Social Media, But Not Always What Employees Say - <http://tinyurl.com/3v8o2d8> (John Zappe)
- Can You Comply With Court Orders For Data From The Cloud? <http://t.co/E38fV15> (M.E. Kabay, Gordan Merrill)
- Casey Anthony – More On The Chloroform Evidence - <http://bit.ly/nkIAHV> (ExForensis)
- Caution to Anonymous Internet Posters – Your Cover Might Be Blown - <http://t.co/IHotUz3> (Scott Etish)
- Certification: Sham Exams? – <http://tinyurl.com/3oocvpe> (Patrick Oot)
- Cloud Cover: Cloud-Based eDiscovery is Easier, Cheaper, and Improves Quality and Efficiency - <http://tinyurl.com/3wfla3h> (Craig Ball)
- Controlling Data In A Social Media World - <http://t.co/CnUPXnA> (Jason Ray)
- Customers, Service Providers May Have eDiscovery Gap – <http://t.co/xMjVK17> (Evan Koblentz)
- Deadliest eDiscovery: When Cameras, Hard Drives & Fishing Boats Collide – <http://t.co/QhSdhjP> (Josh Gilliland)
- Dispute Arises Over Attempt to Delete D.C. Police Data in Civil Rights Suit - <http://t.co/BRiSxA> (Mike Scarcella)
- E-Discovery Certification Holds Promise for Legal Professionals – <http://tinyurl.com/3zs72de> (David Kearney)
- E-Discovery in the Amazon Cloud? Welcome to the Jungle – <http://tinyurl.com/3jxqnyd> (Katey Wood)
- E-Discovery is (Not) Only for Large Law Firms – <http://tinyurl.com/3kdezxy> (Serena Lim)
- E-Discovery Process, Policy More Important Than Tools – <http://t.co/zhV6ETx> (Sharon Fisher)
- E-Discovery Self-Collection Tools - <http://t.co/KDXSrRG> (Sean Doherty)
- eDiscovery Trends: OLP Response to LTN Article Regarding eDiscovery Certifications - <http://tinyurl.com/3tjgt32> (Doug Austin)
- Email Authentication: More Than Reading an Email – <http://tinyurl.com/3spgvak> (Josh Gilliland)
- Employee Misuse Of Social Networking Found At 43 Percent Of Businesses - <http://t.co/q3R61iN> (Daniel Ornstein)
- Filling Potholes on the E-Discovery Highway: Assessing and Improving Discovery Response - <http://tinyurl.com/3w7kap4> (Dennis Kiker)

- Foreign Applicant’s Request for Secret Access to Foreign Debtor’s Emails Contrary to U.S. Policy - <http://tinyurl.com/3t6rtgn> (K&L Gates)
- Gann Law Books Sued in Federal Court for Sending Unsolicited Faxes - <http://t.co/XusumDc> (Charles Toutant)
- Honeywell Alleges Major eDiscovery Abuses by US Justice Department - <http://tinyurl.com/3gg5x8l> (Robert Hilson)
- How Legal and IT Can Work Together to Prevent an eDiscovery Crisis - <http://t.co/PMQ6PD4> (Lorrie Luellig)
- Illinois Bar Journal – Social Media: To Tweet or Not to Tweet? – <http://tinyurl.com/3j5tpd7> (Helen Gunnarsson)
- Judge Peck and Predictive Coding at the CarmeleDiscovery Retreat – <http://t.co/NXv0bij> (Chris Dale)
- Keeping the Genie in the Bottle - <http://tinyurl.com/3crwwgb> (Maureen O’Neill)
- Machine-Assisted eDiscovery Processes For Cost Reduction, Defensibility And Quality Control - <http://t.co/uUzSo6C> (Mary Mack)
- Man And Machine: A Look Forward Into The Future Of eDiscovery - <http://t.co/boXTKgW> (Erik Laykin)
- Managing The Scope Of eDiscovery Requests In Antitrust Matters - <http://t.co/tjlewjN> (Rob Hellewell)
- Match Point With Recommind’s Predictive Coding – It’s “Man With Machine,” Not “Man vs. Machine” <http://t.co/pjQ6w6z> (Howard Sklar)
- Open Letter Response to ALM’s Question About “Certification Debate” and eDiscovery Team Training - <http://tinyurl.com/42orgdf> (Ralph Losey)
- Predictive Coding: Bragging Rights or Blowing Smoke? <http://t.co/rd64HrI> (Evan Koblentz)
- Robot Review: Will Predictive Coding Win the Trust of the Courts? <http://t.co/R82iCuF> (Farrah Pepper)
- Sham Exam? The Controversy over eDiscovery Certification (Podcast) <http://tinyurl.com/42mr626> (Legal Talk Network)
- Social Networking, Mobile Devices And The Cloud: Newest Privacy Law Frontiers - <http://t.co/APSGnTC> (David Goldstone, Daniel Reagan)
- The Brave New World Of Predictive Coding – <http://tinyurl.com/3r9n4u5> (Alitia Faccone)
- Tom O’Connor on eDiscovery and the ‘Ernie’ Challenge – <http://t.co/oQ3F5Ta> (Monica Bay)
- Twitter + Libel = “Twibel” <http://tinyurl.com/44kmyek> (Keith Schrodt)
- When Can Employers Lawfully Fire an Employee for an Offensive Facebook Post? Ask the NLRB - <http://t.co/ikWZfTc> (Philip Gordon)
- When You Don’t Need an Army: EDD for Everyday Lawsuits – <http://t.co/179yy8w> (Tom O’Connor)
- Christmas in July: It’s a Wonderful Life with In-house eDiscovery Options - <http://tinyurl.com/3fwmd5v> (Don Butler)
- Client Suing McDermott for Malpractice Must Again Find New Lawyers - <http://tinyurl.com/5r93y3p> (Robert Hilson)
- Committee Ponders EDD Changes to Federal Rules of Civil Procedure - <http://t.co/5fPvzPc> (Evan Koblentz)
- Could Social Media Flub Cost You \$4.3 Million? <http://t.co/GoEcyp6> (David Carr)
- Court Case Tests Right To Withhold Passwords – <http://t.co/3AJbmF2> (Mathew Schwartz)
- Court Upholds Sanctions against “International Man of Mystery” – <http://tinyurl.com/3te5tav> (K&L Gates)
- Court Withdraws Opinion, But Metadata Will Still Likely Be Considered Integral Part of ESI - <http://t.co/RSTzU4F> (Jennifer Hradil)
- Data Everywhere and No Way to Control It? <http://t.co/VBLSd35> (Dan Raywood)
- Delaware Supreme Court Addressed eDiscovery Issues and DGCL Section 225 Claims - <http://t.co/cHoGVgP> (Francis Pileggi)
- Despite Case Dismissal, Firm Learns Importance of Website Ethics - <http://t.co/PIADUfW> (Charles Toutant)
- Did Social Media Make Casey Anthony’s Case? <http://t.co/Pyhe6CY> (Julie Kay)
- Discovery Is Discovery: Does the Letter “E” Change Everything? (PDF) <http://tinyurl.com/3vs67ht> (Rebecca James)
- Discovery of Widespread Illegal eDiscovery Dooms the Media Empire of Rupert Murdoch - <http://t.co/5pjTCip> (Ralph Losey)
- Do Lawyers Need to Just “Eat Their Peas” (Learn eDiscovery)? <http://t.co/gZYNM6f> (Daryl Shetterly)
- Do Too Many Cooks Spoil the eDiscovery Broth? <http://tinyurl.com/4ywzkug> (Jon Resnick)
- Does your Workflow for Litigation Matters make Financial, Legal and Operational Sense? <http://bit.ly/opDrRx> (Kevin Brooks)

- Dr. Seuss, Cheese and Social Media, Part II: Ethical Pitfalls, Pretexting and Duties of Candor - <http://t.co/JNWpKit> (Wendy Akbar)
- eDiscovery Retreat In Carmel – Reflections on Day #1 – <http://tinyurl.com/44tugbr> (Barry Murphy)
- EDRM Launches Service Provider Code of Conduct – <http://tinyurl.com/3g8v9f7> (Monica Bay)
- Electronic Discovery and Your Practice - <http://tinyurl.com/3mc7fpl> (Nancy Block, Gregory Radomisli)
- Epsilon Breach: Small Businesses Who Get “Hacked” Must Act – Now - <http://tinyurl.com/3ogyf73> (Francis Pinguelo, Bradford Miller)
- EU Politicians: US View Of De Facto Ownership Of Internet Makes Data Protection Laws Irrelevant - <http://tinyurl.com/6zsm6be> (Mike Masnick)
- Experts Debate When Customers Should Be Notified of Data Breaches - <http://t.co/v8KlyUe> (Sue Reisinger)
- For e-Discovery Efforts “Wholly Devoid of Competence” and for Spoliation, Court Orders Sanctions and Prohibits Indemnification from Insurer - <http://tinyurl.com/6jds7a> (K&L Gates)
- Form of Production: Add that Topic to the Meet & Confer Check-List - <http://t.co/VEStcpb> (Josh Gilliland)
- Give Me All Your Documents! <http://tinyurl.com/4yys2p8> (Katerine Gallo)
- Golf and Early Case Assessments – A Drama – <http://tinyurl.com/69frtd6> (Bill Tolson)
- Governance For Information Too? <http://t.co/nbDiNu9> (Jim Ericson)
- Groups Tackle Legal Technology Ethics, Standards – <http://t.co/Ollq8TN> (Evan Koblenz)
- Handle Loaded eDiscovery Tools With Care - <http://t.co/8K8Wjw5> (Sean Doherty)
- How Fast Is Fast Enough to Tell Customers About Data Breaches? <http://t.co/Z4r5w1Q> (Sue Reisinger)
- How Much Data is Facebook Giving Law Enforcement Under Secret Warrants? <http://t.co/hYiK31b> (Sharon Nelson)
- How to Manage ESI to Rein In Runaway Costs - <http://t.co/14gZgrM> (Dennis Kiker)
- If Letters Can Be Evidence So Can Facebook Posts, Says Expert – <http://t.co/8TCVHQI> (Pinsent Masons)
- Illuminating the Contours of ADA Confidentiality vs. HIPAA Privacy – <http://t.co/2b9Jebw> (Philip Gordon)
- In Defense of Genger, Part II - <http://tinyurl.com/3hag7dn> (Christopher Spizzirri)
- InfoGovernance: The Time for Legal and IT to Work Together is Before a Litigation Crisis Hits - <http://t.co/TWOsKuh> (Lorrie Luellig)
- Information Governance’s Next Frontier: Social Media Data – <http://tinyurl.com/3uacxek> (Beth Stackpole)
- Insourcing or Outsourcing eDiscovery? <http://t.co/vJYZ8Uk> (Dominic Jaar)
- Issuing a Legal Hold: Some Still Don’t Know When To Do It – <http://tinyurl.com/65p6h77> (Exterro)
- Keyword Advertising and Trademark Infringement – <http://tinyurl.com/634d5km> (Richard Raysman, Peter Brown)
- Laura Zubulake in Her Own Words at Carmel – <http://tinyurl.com/4xe2htn> (Chris Dale)
- Legal Cloud Computing Association Publishes Responses to ABA, North Carolina State Bar - <http://tinyurl.com/3kx45be> (Press Release)
- Legal Issues in the Cloud: What CIOs Need to Worry About – <http://t.co/BaPHDLm> (Lisa Banks)
- Legal Process Sourcing for Document Review - <http://tinyurl.com/68soslm> (William Belt)
- Managing Records Means Managing Assets, Risks and Cost – <http://t.co/aMFwyFB> (Nicole Stempak)
- Massachusetts Scrutinizes Advisers and Social Media – <http://tinyurl.com/672qewz> (Chad Bockius)
- Monitor Your Workers’ PCs — If You Dare - <http://t.co/v3W9HYS> (Charlotte Jensen)
- MSSB Data Breach is a Lesson for Advisers - <http://t.co/TDI952V> (Davis Janowski)
- News International to Suspend Deletion of Emails and Other Documents - <http://t.co/yxBxuGp> (Doug Austin)
- News of the World: Hacking into eDiscovery – <http://tinyurl.com/62dyt7f> (Kate Paslin)
- No ‘Social Network Site Privilege’ Has Been Adopted by Our Legislature or Our Appellate Courts - <http://t.co/j35EIPj> (Shaun Salmon)
- No Privacy Right to Call Destination on Government Cell Phones – <http://t.co/ARV618M> (Michael Booth)
- Nuff Said on Imagining a Laptop - <http://tinyurl.com/4xm8b57> (Josh Gilliland)
- Personal Info On Web Can Put Legal Fate On Line – <http://t.co/tW2tc7L> (Kevin Riordan)
- Predictive Analytics: Beyond the Predictions – <http://tinyurl.com/3q9f376> (William McKnight)
- Prosecuting the Unspeakable: How eDiscovery Aids War Crimes Trials - <http://tinyurl.com/6jrslr9> (Gregory Bufithis)
- Recent Developments in “GeoPrivacy” and the Impact on the Use of GPS in the U.S. Workplace - <http://tinyurl.com/63atqvx> (Philip Gordon)
- Renault, News Corp, and the Potential Perils of Internal Investigations - <http://t.co/XWBv2EP> (Jan Wolfe)

- Sea Changes for IT and Ediscovery - <http://t.co/IV1gh7V> (Christine Taylor)
- Search Q&A: Learning to Read ‘Signals’ Within Document Collections – <http://bit.ly/rkJHsO> (Jeremy Pickens, Bruce Kiefer)
- Six Keys to Social Media Compliance - <http://tinyurl.com/3mb6rww> (Chad Bockius)
- Small Surprises in the 2011 In-House Tech Survey – <http://t.co/WwaXGYu> (David Snow)
- Social Checks Come of Age: What Does It Mean for Employers? <http://t.co/Z4s80Bu> (Philip Gordon)
- Social Media Continues To Impact Litigation and Trial – <http://tinyurl.com/6erfhag> (Kane Bennett)
- The Corporate Cigar Box: What You Don’t Know Can Hurt You – <http://tinyurl.com/3zltppw> (Dennis Kiker)
- The Importance of Having a Data-Management Compliance Program - <http://tinyurl.com/4xrpost> (Shannon Green)
- The Truth About Cloud-Based Data Storage And Risk Management - <http://tinyurl.com/5vzg4kb> (Business Insider)
- US Patriot Act Trumps EU Safe Harbor - <http://tinyurl.com/3fnfgmb> (Greg Buckles)
- US Supreme Court Addresses Data Mining – <http://tinyurl.com/5ra97pm> (Steven Bennett)
- Use of Social Media in Dispute Proceedings - <http://t.co/wbyTIIIn> (Alan Aucoin)
- Virtualization and Cloud Computing: Benefits and eDiscovery Implications – <http://tinyurl.com/3lhokme>(Sharon Nelson, John Simek)
- Who Has to Pay for eDiscovery? <http://t.co/OSNkmbk> (Ileana Blanco)
- Who Pays for the Production of Electronic Discovery? <http://tinyurl.com/3b76jh6> (James Watson, Drew Sorrell, Brendan Lynch)

eDiscovery Event Update



Third Annual Intermountain eDiscovery Conference

September 22, 2011 | Salt Lake City, UT

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](https://twitter.com/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
- Mark L. Smith – Of Counsel, Baker Marquart, LLP
- Angelina Tsu – Legal Counsel, Zions Bancorp
- 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>.