

Unfiltered Orange |

Weekly eDiscovery News Update – March 21, 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.

To receive the weekly update, sign up at: <http://bit.ly/y6y0DW>.

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eDiscovery News

Content and Considerations

- 3rd Circuit Issues Decision on Taxation of EDD Costs in 'Race Tires' bit.ly/GBHykx (Mark Michels)
- 3rd Circuit: Winners Still Have to Shoulder Most eDiscovery Costs - on.wsj.com/xez2Y3 (Joe Palazzolo)
- A Closer Look at Judicial Codes and Social Media - bit.ly/wY48mq (Samuel Stretton)
- A Golden Opportunity for Predictive Coding - bit.ly/GCtfxC (BLLAWG)
- A Search Terms Gam - bit.ly/w9aZq8 (Josh Gilliland)
- An Ounce of Retention Can Avoid a Pound of Pain in eDiscovery – bit.ly/GDj7Ha (John Mello)
- Central District of California Hammers Merz for Failure to Timely Produce Documents and Misappropriation of Trade Secrets, Halts Rollout of Xeomin - bit.ly/yteCNm (John Marsh)
- Court Recognizes Computer-Assisted Review as Acceptable Way to Search for Relevant Electronic Documents (PDF) bit.ly/yGre0c (Patton Boggs)
- Data Classification and Data Loss Prevention: Indispensable Building Blocks of Information Governance - bit.ly/yvAqXo (Allison Walton)
- Deactivate Document Destruction Policies... Or Else - bit.ly/z1a5Kd (Jennifer Connelly)
- Dealing with Disclosure | The Global Lawyer - bit.ly/FOkek0 (Drew Macauley)
- Defining the eDiscovery Platform – Autodesk Interview – bit.ly/GBI4yZ (Greg Buckles)
- Deleted Emails: Privacy Suit Against CDC Thrown Out A Second Time - bit.ly/Ac4dOK (Robin McDonald)
- Disclosing Novel Document Review Methods - bit.ly/y1Q5Pp (Robert Trenchard, Steven Berrent)
- District Court Judge to Have Last Word on Computer-Assisted Review, Grants Plaintiffs' Motion - bit.ly/xzAXN8 (K&L Gates)
- eDiscovery Case Law: Not So Fast on Computer Assisted Review - bit.ly/y32iGA (Doug Austin)
- eDiscovery Costs and 28 U.S.C. § 1920 | Manhattan Institute for Legal Policy - bit.ly/y7H9q2 (Ted Frank)
- eDiscovery History: A Look Back at Zubulake - bit.ly/xuSIOr (Doug Austin)
- Exploring the Status of Legal Filings in Westlaw, Lexis Copyright Suit - bit.ly/zf1r1w (Lewis Clayton)
- Finding the Messages to Employers in \$1.5M HIPAA Settlement | Littler - bit.ly/zloxWi (Philip Gordon)
- Flaming Can Be Defaming: Ga. Bloggers Lose Trio of Libel Cases - bit.ly/y1ZObt (Katheryn Kayes Tucker)
- Florida Supreme Court Considers eDiscovery Amendments - bit.ly/wvPioL (BLLAWG)
- Hardcopy Discovery – Marginalia – bit.ly/GEbf82 (Amy Bowser-Rollins)
- Judge Peck Provides a Primer on Computer-Assisted Review – <http://bit.ly/xeyRfR> (John Tredennick)
- Keyword Search Terms: How to Adequately Argue for Alternative Search Parameters – bit.ly/AvFC5S (Mike Hamilton)
- Machine Learning For Document Review: The Numbers Don't Lie - <http://bit.ly/w2ee6I> (James Shook)

- Merger Sabotage Ruled Not a Damage Element Under Computer Fraud Law - bit.ly/yJXMzB (Saranac Hale Spencer)
- Much Ado About eDisclosure Defects – The West African Gas Pipeline Judgment - bit.ly/ArWCJv (Chris Dale)
- New Methods for Legal Search and Review - bit.ly/AkdolS (Ralph Losey)
- NY State Spoliation Law — Negligence Suffices for Case-Ending Sanction If Prejudice Is Severe Enough - bit.ly/yg6DIL (Gregory Joseph)
- Personal Emails on Work Computers – Are They Fair Game For Employers? <http://lexne.ws/9ct> (James Boutrous)
- Play Nice or Pay the Price: Failing to Cooperate in Creating Preservation Protocols Can Result in Significant Consequences - bit.ly/GCBIo1 (Gibbons)
- Predictive Coding Defensibility: the Devil in the Details - bit.ly/y21vAr (Katey Wood)
- Predictive Coding Is a New Tool in the eDiscovery Toolbox - bit.ly/FPXWS5 (Philip Cohen, Lauren Harrison)
- Proactive Data Management for eDiscovery: Become Your Company’s Hero - bit.ly/welFyg (B.K. Winstead)
- Random Sample Generation and eDiscovery - <http://bit.ly/xP29aL> – (@OrangeLT)
- Recovery of eDiscovery Costs - bit.ly/GBUJXw (Miller Canfield)
- Shedding Light on the Predictive Coding Black Box - bit.ly/ABz8Aw (James Hanft)
- Simple Mistakes Lead to Discovery Sanctions Against Delta Air Lines | Cozen O’Connor - bit.ly/FOPU8A (Kevin Kelly)
- The CPR Standard Disclosure Test is a Strict One Says the Court of Appeal - bit.ly/xyA77N (Chris Dale)
- The Future of the Review Attorney - bit.ly/AyfzSZ (Albert Barsocchini)
- The Link Between eDiscovery Software and Improving Healthcare Outcomes - bit.ly/FOQ7ZI (Gary MacFadden)
- The Role of Social Media in Workplace Disputes - bit.ly/GCziIE (Elise Bloom, John Barry)
- Time to Revisit the Ethics of Metadata - bit.ly/FQhQZa (Michael de Leeuw, Eric Hirsch)
- Tips for Handling eDiscovery When Representing a CJA Defendant - bit.ly/yVs5Z4 (Brooke Oppenheimer)
- Unnecessary eDiscovery Roughness in the NFL - bit.ly/AzOt9F (Jon Resnick)
- Update: Peck, Parties and Predictive Coding - <http://bit.ly/xAztDv> (@ComplexD)
- What Happens At The Exchange, Stays At The Exchange - bit.ly/x6kWum (Cary Calderone)
- Will Approval of Computer-Assisted Document Review Spur Acceptance in Antitrust Investigations? bit.ly/zWGXy6 (Jones Day)
- You Cannot Unring A Bell – Judge Peck’s Da Silva Moore Opinion Will Continue To Be Influential Despite Objection - bit.ly/AxirNA (Brendon Hollinder)

Reports and Resources

- An Overview of State eDiscovery Rules - bit.ly/yJWT5V (David Canfield)
- Breach Fatigue? Cost Of A Data Breach Declines For The First Time - <http://bit.ly/GDeIUB> (Kelly Higgins)
- Calculating an E-Court Return on Investment (ROI) - bit.ly/GCfq5z (James McMillan, Carole Pettijohn, Chips Shore, Jennifer Berg)
- Organization of Legal Professionals’ eJournal – Spring 2012 - bit.ly/yGfrke (Chere Estrin)
- Pew Internet: Presentation – The State of Mobile America – bit.ly/zg55jo (Lee Rainie)
- Pew Research Center | State of the Media - bit.ly/GCxxFc (Amy Mitchell, Tom Rosentiel)
- The Cases: Research By Case Of 689 Social Media Cases from 2010 – 2011 - bit.ly/Ado06n (X1 Discovery)
- The Glassmeyer Legal Research Flowchart - bit.ly/zSTV3v (Simon Fodden)
- The Rear View Mirror on Google+: Top 5 Stories From Last Week’s Unfiltered Orange - <http://bit.ly/zmcAmG> (@OrangeLT)
- UPDATE: From Ontrack to ISYS Search: 10 Years of eDiscovery Acquisitions (List) bit.ly/y9FMKO (@ComplexD)

Sight and Sound

- Ethical Obligations within eDiscovery (Podcast) bit.ly/wN2ALs (Elliot Westman)
- Jennifer Hamilton on John Deere's Innovations in Vetting Vendors - bit.ly/GCzH7R (Monica Bay)
- Proactive eDiscovery Management | Legal Talk Network – bit.ly/GC5fJv (Charles Volkert, Joel Wuesthoff)
- Social Media's Role in the Dharun Ravi Case, and What We Can Learn from It – bit.ly/GCjca7 (Travis Crabtree, Colin O'Keefe)

Technology and Tactics

- \$1.5M HHS Data Breach Settlement is First Under HITECH Law – bit.ly/GCvAsU (Shannon Green)
- Bypassing the Password: Seeking Ways to Make Computer Passwords Unnecessary - nyti.ms/FRxELw (Randall Stross)
- Competing Interests: Enforcing Cybersecurity and Protecting Privacy | Law Practice Today - bit.ly/AlztD5 (Ulka Ghanta)
- CIOs Must Face These Facts to Go Social - bit.ly/A6NMVd (Jim Lee)
- Cool Tool: The Mashup App - <http://bit.ly/z3ST5a> (Zaid Al-Timimi)
- Court Analyzes and Enforces Facebook's Terms of Service - bit.ly/zLhH8B (Stephen Kramarsky)
- Data Privacy Regulation for Websites in China Takes Effect, National Standards Forthcoming - bit.ly/Gzm6MB (Scott Livingston)
- Data Protection Plans Can Curb Data Breaches - bit.ly/xVDXpI (John Mello)
- Domestic Cybersecurity Requires Clearer Federal Roles and Responsibilities - bit.ly/zo2vJx (Peter Fox)
- Employers Requesting Facebook Access - bit.ly/yAjYmk (Tom Crane)
- Five Email Myths Debunked - <http://bit.ly/xABMUo> (Jeff Orloff)
- Five Signs Cloud Services May Not Work for You - bit.ly/FRKbhk (Mary Jander)
- FTC Looks to Link Do-Not-Track, BigData Privacy Concerns; Seeks Solutions - bit.ly/AjYc1N (Boris Segalis, Nihar Shah)
- Getting Rid of Data: Why it's So Hard - bit.ly/z0plwE (Harry Pugh)
- Google Strongly Positioned to Battle Facebook in Social Mobile Applications Wars – bit.ly/GDi8Xl (Press Release)
- How Social is Enterprise Search? bit.ly/ACIAhD (Jed Cawthorne)
- Juror Held in Contempt for Internet Research Leading to Mistrial - bit.ly/xfm7V3 (Mary Pat Gallagher)
- Jury Verdict Against Virginia Tech Proves Schools Should Not Create A Duty To Social Media Monitor - bit.ly/yCmySc (Bradley Shear)
- Native or HTML5? bit.ly/FWtm4w (OpenText)
- New Interest in Hacking as Threat to Security – <http://nyti.ms/x7UbZ4> (Micheal Schmidt)
- Non-Facebook Timelines For The Ages I @Forbes - <http://onforb.es/GCUc5d> (Ben Kerschberg)
- Records and Information Management and Retention | Venable LLP - <http://bit.ly/xTTR9t> (Warren Hamel, Victoria Danta)
- Social-Mobile Strategies: The Legal and Regulatory Impact – bit.ly/GBIuFk (David White)
- States Pursue Legislation to Make Facebook Accounts Part of 'Digital Estate' - bit.ly/whX69O (B. Carton)
- Tech-Privacy Expert: Embed Privacy Before Systems Are Built - bit.ly/FRMOQ6 (Teresa Leung)
- Tension Between Privacy Law and Other Interests Highlighted in Recent German Episode - bit.ly/xdI5uF (Hogan Lovells)
- The Implication of Market Trends for Legal-Project Management in the United Kingdom – bit.ly/GBHEuD (Paul Easton)
- The Microsoft Outlook Configuration Analyzer Tool - bit.ly/GCwODX (Casper Manes)
- The Risks and Rewards of 'Big Data' for In-House Counsel – bit.ly/GE96sL (Kevin Pomfret, Leslie Spasser)
- Thoughts From RSA Conference 2012: From BigData to Privacy - bit.ly/GBYSKZ (Vivian Tero)
- Turning Data Into Business Value | Forbes - onforb.es/wMVF0h (Holger Kisker)
- 'Unworkable' Data Protection Reforms May Place Businesses At Competitive Disadvantage, CBI Says - bit.ly/GCv8KF (Pinsent Masons)
- What's Coming in Microsoft Outlook 15 – bit.ly/GBI2t7 (Paul Thurrott)
- What Would You Pay for Privacy? nyti.ms/ypJYX5 (Somini Sengupta)

Vendor Views

Industry Landscape

- 1/2 The Time, 1/2 The Cost, Lower Risk. The OneO Discovery Platform for ECA, Processing and Review – <http://bit.ly/bxdClw> (@OrangeLT)
- 3 De-duplication Options: How Do You Choose? bit.ly/FWt5hY (Kroll Ontrack)
- AccessData Chosen as Legal Evidence Review Platform for All U.S. Federal Public Defender Offices - bit.ly/GAEDdF (Business Wire)
- AccessData Users Conference Update – Conference Agenda - <http://bit.ly/tR2NfW> (AccessData)
- Advanced Discovery Continues Expansion With New East Coast Data Center - bit.ly/GCgiYa (PR Web)
- Altep, Inc. Expands Computer Forensics Services, Names Warren Kruse VP of Data Forensics - bit.ly/yjmmQX (Press Release)
- Clutch Group Recognized as 2012 Top Business in the Nation by [-bit.ly/zRFLP0](http://bit.ly/zRFLP0) (PR Web)
- Cognito Announces Partnership with Sonian - bit.ly/FRM9y4 (Press Release)
- Comply with Information Governance Policies for Microsoft SharePoint 2010 with AvePoint’s DocAve Content Shield – bit.ly/GCBrOv (PR Web)
- D4 Expands Operations in Michigan With the Acquisition of Litigation Support Services Leader, Detroit Legal Imaging - <http://mwne.ws/zjrAeX> (Marketwire)
- Dell and AccessData Release New Forensics Toolkit At Abu Dhabi Security Event - bit.ly/GCAZQ4 (Mark Sutton)
- Digital WarRoom WorkGroup: Exclusive Report | TechnoLawyer - bit.ly/FO6iM0 (Neil Squillante)
- eDiscovery Solutions Group (eDSG) Evolves into eDiscovery and Information Governance Industry Analyst Firm – bit.ly/FRHxrQ (Press Release)
- Epiq Systems Shifts Focus from Bankruptcy to eDiscovery Services - bit.ly/yFOOF6 (Alyson Raletz)
- Envision Discovery Now Offering Relativity to the Raleigh and Charlotte, N.C. Legal Markets - bit.ly/yPKyF3 (PR Web)
- EVault Cloud Backup Seeks to Disrupt Symantec Backup Exec - bit.ly/FRMAZp (Joe Panettieri)
- Evolve Discovery Opens New York Office - mwne.ws/yT03hD (Marketwire)
- Forensics Leader AccessData Cites Industry Report Underscoring Rise in Forensics Service Demand - <http://yhoo.it/yYX11C> (Business Wire)
- French Software Company EntropySoft Opens New US Headquarters in San Francisco - bit.ly/GBWzYv (PR Web)
- Huron Legal Selects PureDiscovery for eDiscovery Semantics - bit.ly/yDlj0C (PR Web)
- iCONNECT Brings Legal Review and Litigation Support to Tablet Devices - bit.ly/GAEMxE (PR Web)
- iCONNECT Global Summit on Litigation Technology - bit.ly/zj1tTD (PR Web)
- Irish Digital Evidence Firm Enables Forensic Collection of Online Evidence for E-Discovery - bit.ly/xYEO6A (Press Release)
- LexisNexis Acquires Law360 – <http://bit.ly/GAGboY> (Press Release)
- Lexis Updates Law PreDiscovery, Early Data Analyzer - bit.ly/ws6Vhr (Evan Koblentz)
- Lexmark Acquires ISYS to Boost Its Global Enterprise Software Capabilities - bit.ly/zIEOBO (Bus. Wire)
- Linguamatics Releases New Cloud Based Text Mining Solution - bit.ly/xS4IkC (Jasmine Ashton)
- M-Files Cloud Vault 2.0 Lifts ECM off the Ground and into the Cloud - bit.ly/FWsuNt (PR Web)
- Merrill Corporation Adds Legal Process Outsourcing Services in India - bit.ly/FWtFMR (Business Wire)
- Metalogix Announces General Release of Archive Manager 5.1 - bit.ly/yWUk1A (PR Web)
- Navigant Buys Caselawg eDiscovery Project Management Application - bit.ly/FOPEpX (Evan Koblentz)
- Perceptive Software Absorbs Two More Technology Companies (ISYS Search | Noli)) bit.ly/GCCoX1 (Alyson Raletz)
- State AGs in Vt. and Wash. Choose Bridgeway’s LawManager Web - bit.ly/GCyHAB (Sean Doherty)
- TechLaw Solutions Achieves Top Level Information Security ISO 27001 Certification - <http://bit.ly/xpQN2l> (Marketwire)
- TEMIS Chooses ISYS to Power Its Next Generation Luxid® Semantic Content Enrichment Platform - <http://bit.ly/y9zWsB> (Business Wire)
- Thomson Reuters Launches Accelus Compliance Manager - bit.ly/Ay02th (Sean Doherty)
- Venio Adds Production Capabilities to its Integrated eDiscovery Platform - bit.ly/GCucWC (PR Web)
- Xerox Litigation Services – Can Technology-Assisted Review Co-Exist With Strategic Search? bit.ly/GCryQL (Amanda Jones)

2012 eDiscovery Events

MARCH

AIIM 2012 Conference

March 20 – 22, 2012

San Francisco, CA

The Sedona Conference Institute's 6th Annual Program on Staying Ahead of the eDiscovery Curve

March 22 – 23, 2012

St. Louis, MO

ABA TECHSHOW 2012

March 29-31, 2012

Chicago, IL

APRIL

ACEDS 2012 Conference

April 2 – 4, 2012

Hollywood, FL

Hosting and Cloud Transformation Summit – Europe

April 2-3, 2012

London, UK

12th Annual Super Conference

April 23 – 24, 2012

Chicago, IL

MAY

2012 World Technology Law Conference & Annual Meeting

May 3 – 4, 2012

Washington, DC

INSIGHT 2012 Law Firm IT – Conference and Exposition

May 8 – 9, 2012

London, UK

EDRM 2012 – 2013 Kickoff Meeting

May 16 – 17, 2012

St. Paul, MN

CEIC 2012

May 21 – 24, 2012

Summerlin, NV

LegalTech West Coast 2012

May 22-23, 2012

Los Angeles, CA

JUNE

ILO Global Counsel Congress

June 14, 2012
New York, NY

JULY

Carmel Valley eDiscovery Retreat

July 22 – 24, 2012
Carmel, CA

AUGUST

ILTA Annual Conference 2012

August 26 – 30, 2012
Washington, DC

SEPTEMBER

Intermountain eDiscovery Conference 2012

September 13, 2012 (Planning)
Salt Lake City, UT

ACC Annual Meeting

September 30 – October 3, 2012
Orlando, FL

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>.