

Unfiltered Orange |

The eDiscovery Month in Review – November 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". Highlighted in Forbes' Law & Technology Blog as one of [Eight Great Law & Technology Resources](#), Orange Legal Technologies' *Unfiltered Orange* Weekly eDiscovery News Updates provide readers with a trusted compilation of key public domain eDiscovery news, views and events.

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eDiscovery News

- (e)Discovering OCR - <http://bit.ly/uFj48o> (Joe Budelli)
- 10 Tips to Cut Costs in Patent Litigation - <http://bit.ly/vxeAOU> (Joseph Drayton)
- 4 Key Concerns of Corporate Legal Process Outsourcing and Provider Responses - bit.ly/uTuhyX (Nikhil Lala, Michael Caplan)
- 674 Published Cases Involving Social Media Evidence - <http://bit.ly/sWRu5i> (John Patzakis)
- A Good Decision Brings Out the Bullies - <http://bit.ly/uS2hMj> (Craig Ball)
- A Growing Trend: Use of E-Discovery 'Special Masters' bit.ly/rLPDfd (Monica Bay)
- A Tale of Three Sanctions' Motions – You Don't Have To Be Perfect, Just Good – <http://bit.ly/rys9NY> (James Cook)
- Adventures in Statutory Construction of FRCP Rule 34(b)(2)(E) - bit.ly/tvNoYX (Josh Gilliland)
- Agatha, Hercule, Mummy and Me - <http://bit.ly/uJAciQ> (Craig Ball)
- Are You Operating A Legal Cloud? <http://bit.ly/svDVao> (John Roberts)
- Armies of Lawyers Gird for eDiscovery Battles in Penn State-Sandusky Cases - bit.ly/t42Shk (Seth Row)
- Authentication of Social Media Evidence - <http://bit.ly/uPMcni> (Richard Raysman, Peter Brown)
- Automating Attorney Review: Race Against the E-discovery Machine? <http://bit.ly/sr2GcG> (Katey Wood)
- Be Careful What You Ask for: Loser Pays Prevailing Party Electronic Discovery Costs (Again) - bit.ly/ulkdM0 (Morgan Lewis)
- Best Practices for Social and Mobile Media as Privacy Laws Evolve - <http://bit.ly/tKoc3F> (David White)
- Broken Hearted Early Discovery – <http://bit.ly/rMPH8a> (Josh Gilliland)
- Businesses Hire Private Investigators to Trawl Social Media - bit.ly/vireX0 (Alison Grant)
- California Cellphone Search Case Highlights Courts' Tech Problems - <http://bit.ly/rXKfls> (Kate Moser)
- California Federal Court Grants Motion to Adopt Version of Model Order on E-Discovery in Patent Cases Promulgated by Federal Circuit - <http://bit.ly/vYEDU4> (K&L Gates)
- Can Lawyers Be Disqualified by Merely Viewing a LinkedIn Profile? bit.ly/uoXw2b (John Patzakis)
- Canadian Supreme Court OK's Hyperlinking to Defamation - <http://bit.ly/ucEurq> (Eric Johnson)
- Case Highlights Potential Benefits of ESI Production Cooperation - <http://bit.ly/tMuRWg> (Leonard Deutchman)

- Chief Judge Rader Introduces Proposed Model Order on eDiscovery In Patent Cases - <http://bit.ly/vUJwjQ> (Buchanan Ingersoll & Rooney)
- Citing Orwell, Supreme Court Appears Wary of Police GPS Surveillance - <http://bit.ly/usLE1j> (Marcia Coyle)
- Client & Counsel Sanctioned for Spoliation where Plaintiff was Instructed to “Clean Up” His Facebook Page - bit.ly/vXXGFw (K&L Gates)
- Cloud-Based eDiscovery, Survey Results & Taxation | Legal Talk Network - bit.ly/uVEqA1 (Erin Nardo, Katie Winseck, Mark Thompson)
- Congress Reschedules Discovery Hearing - bit.ly/uytll4 (Evan Koblenz)
- Contract Coders: e-Discovery’s “Wasting Asset”? <http://bit.ly/vrY5KX> (Lawrence Chapin)
- Controlling E-Discovery Costs In Patent Cases - <http://bit.ly/uR8cdg> (Eric Sinrod)
- Corporations and Their Lawyers Look to the Cloud for DIY E-discovery - <http://bit.ly/rv1N8X> (Shannon Green)
- Cost Shifting in eDiscovery: A Comparative Analysis Between America and Europe - bit.ly/uKze8l (Umar Bakhsh)
- Court Denies Motion to Re-Tax Costs Related to Conversion of ESI, Including “Project Management” Costs - <http://bit.ly/tFzB1f> (K&L Gates)
- Court Goes Nuclear on Deadline Desperadoes - <http://bit.ly/vkid3i> (Michael Tucker)
- Courts Cannot Force ISPs Into Broad Filtering and Monitoring for Copyright-Infringing Traffic - bit.ly/u06eDM (Pinsent Masons)
- Cross-Border Litigation And Investigation: Overcoming Legal, Cultural And Technical Hurdles - bit.ly/v3Qgxr (Drew Macaulay)
- Deciphering the NLRB’s Stance on Social Media Issues - <http://bit.ly/szv9GN> (Michael Schmidt)
- Defending the Use of eDiscovery Software - bit.ly/vK2q2U (Evan Koblenz)
- Defining ‘Search’ in ‘U.S. v. Jones’ <http://bit.ly/vGPZ7p> (Joshua Engel)
- Digital Forensics: The Science Behind ‘Who Done It’ - bit.ly/w3NqqQ (Michael Kassner)
- Discovery Procedures to Obtain Social Media Evidence - 3 Different Approaches - <http://bit.ly/ssu11v> (John Patzakis)
- Do Judicial Officers Belong on Facebook? bit.ly/uXAL3s (Samuel Stretton)
- Document Preservation: Spoliation and the “Ultimate Sanction” - <http://bit.ly/vJFPia> (Diana Lin)
- Does the Fifth Amendment Protect Your Encryption Key? <http://bit.ly/vrdRAM> (Joshua Engel)
- Drug and Device Law: Hip Checked - Plaintiffs’ eDiscovery Ploy Rebuffed In New Jersey - bit.ly/vA6m78 (Jim Beck)
- E-Discovery Pricing Strikes Back - <http://bit.ly/slmkC2> (Evan Koblenz)
- E-Discovery Times Are a Changin’...Or Are They? bit.ly/sB01qW (Devin Krugly)
- E-Discovery: Does It Need To Be So Expensive? bit.ly/stJ8Ue (Daryl Shetterly, Howard Reissner)
- ECPA, 4th Amendment, and FOIA - <http://bit.ly/v00MjU> (Allison Walton)
- EDD Update: Thumbs-up for Arkfeld’s EDD/Evidence Course - bit.ly/uWg7vl (Albert Barsocchini)
- eDiscovery in The Cloud Not As Simple As You Think (Forbes) onforb.es/uAu8oR (Barry Murphy)
- eDiscovery Resources - <http://bit.ly/tBqsyD> (Orange Legal Technologies)
- eDiscovery: What Increased Data Protection Means for the Global Economy - <http://bit.ly/sFKCsp>(Steven Hunter)
- Effective Use of Rule 502(d) in eDiscovery Cases - <http://bit.ly/vgxlt7> (Thomas Gricks)
- Efficient E-Discovery: How Will Model Order Impact Eastern District Practice? bit.ly/sDqA3r (John Council)
- Employees’ Facebook Pages Are Private, Until They’re Not - <http://bit.ly/vg1tn1> (Mikal Belicove)
- Employers Can Discover Employee Facebook Posts, But.... bit.ly/tmlwM2 (Michael Schmidt)
- Extended Access to Cell-Site Records Constitutes 4th Amendment Search, Which Requires Probable Cause - bit.ly/sBbRsX (Gibbons)
- Facebook Spoliation Costs Lawyer \$522,000; Ends His Legal Career - <http://bit.ly/rR9vVM> (John Patzakis)
- Facebook Spoliation Costs Widower and His Attorney \$700K in Sanctions - <http://bit.ly/tQ20Su>(Christopher Danzig)
- Failing to Show Undue Burden in Cost Shifting for Native File Production - <http://bit.ly/vp3SRq> (Josh Gilliland)

- Finders Keepers? What Not to Do With Inadvertently Received Privileged Information - bit.ly/s1wZaW (Edward Piasecki)
- For GCs, a Little Talk Goes a Long Way in Risk Management - bit.ly/sWVbGu (David Hechler)
- Four Things to Know About Authenticating SocialMedia eDiscovery - <http://bit.ly/sPp0QR> (Rakesh Madhava)
- Fulbright's 2011 Litigation Trends Report Predictions - <http://bit.ly/siqRir> (Dean Gonsowski)
- Georgetown eDiscovery Conference Opens With Case Law Update - bit.ly/sNFO3f (Monica Bay)
- Georgetown Law Conference Draws Top eDiscovery Jurists - bit.ly/vmG33m (Monica Bay)
- Georgetown Panel Focuses on Discovery Rules - bit.ly/tRtX7d (Evan Koblentz)
- Getting Rid of Data: Why it's So Hard - <http://bit.ly/u1kmzl> (Harry Pugh)
- Going Dutch on eDiscovery: Hosted Review Agreement Trumps Prevailing Party Cost-Shifting - bit.ly/to3Aj0 (Josh Gilliland)
- Google Confuses Search & eDiscovery; May Cost Billions - <http://bit.ly/siHUH7> (Dan Elam)
- Grewal Spreads Federal Circuit's E-Discovery Gospel: Less Is More - <http://bit.ly/tm3xBZ> (Ginny LaRoe)
- Holding Powers other Branches Lack, Congress Enters eDiscovery Fray to Probe New Rules, Growing Costs - bit.ly/tjt7DK (Robert Hilson)
- How Private Is Your Email? It Depends - NPR - n.pr/sZZ4qZ (Martin Kaste)
- Imagining the Evidence - bit.ly/uR9xFx (Craig Ball)
- Incendiary Speech and Social Media by Lyrrisa Lidsky - <http://bit.ly/ulQeqF> (Lyrrisa Lidsky)
- Inspection Demands: What is a Diligent Search? <http://bit.ly/s0w0Pu> (Katherine Gallo)
- Is Information Security Hard and Expensive? bit.ly/vcAOLP (Sharon Nelson)
- Is There Money In The IaaS Cloud? Yes - Enterprise Strategy Group bit.ly/tjxe55 (Steve Duplessie)
- ISP Access to Email Content Not an Invasion of Privacy - <http://bit.ly/rTY1hM> (Jonathan Bick)
- Judge Orders Divorcing Couple to Divulge Social Media Passwords - Really? <http://bit.ly/taoOvt> (Sharon Nelson)
- Judge Rules Feds Can Have WikiLeaks Associates' Twitter Data - <http://bit.ly/vDDWLr> (Kevin Poulsen)
- KPMG Case Fuels Preservation Debate - <http://bit.ly/slCpdV> (Evan Koblentz)
- KPMG Judge Kicks the Sisyphean Stone of Proportionality Back Down the Hill - <http://bit.ly/tTy1Tv> (Chris Dale)
- Lawyer And Client Must Pay Big Sum For Rigging Facebook, But Juror Says It Didn't Matter - <http://bit.ly/rW9uHe> (Robert Hilson)
- Lawyers and Firms Navigate Social Media Mine Field - <http://bit.ly/ueVKf7> (Sara Randazzo)
- Manage ESI Dangers With Targeted Collections - <http://bit.ly/ut3Fzk> (Dave Walton)
- Migration to Exchange 2010 Becoming Stampede - bit.ly/sGE3up (John Mello)
- N.J. Supreme Court: Are IMs Sent From Minor to Adults Admissible? bit.ly/vX5KP7 (Michael Booth)
- N.Y. Panel Backs Use of GPS Device on State Worker's Personal Vehicle - bit.ly/sNoeoy (John Caher)
- New York Courts Grapple With Social Media Mining - <http://bit.ly/sIE8Rn> (Nicole Black)
- Obtaining Disclosure of ESI From Non-Parties - bit.ly/uDmdkg (Thomas Gleason)
- Pennsylvania Court Stakes Out New Areas of Accepted E-Discovery Cost - <http://bit.ly/une7zj> (Peter Vaira)
- Pounding The Gavel On E-Discovery - bit.ly/tCEQTE (Sheri Qualters)
- Precedential No. 30: TTAB Refuses to Compel Sweeping eDiscovery - bit.ly/tkU9JT (John Welch)
- Predictive Coding = Great E-Discovery Cost And Time Savings - bit.ly/sCyevT (David Laing)
- Preserving ESI in N.J. Federal Court - <http://bit.ly/s6DuJo> (Kristen Polovoy)
- Privacy Suit Settlements Spur Scrutiny - <http://bit.ly/sqeHcl> (Amy Miller)
- Private Clouds Could Be Mushroom Clouds for IT - bit.ly/uHI97j (Mary Jander)
- Production of Social Media: Privacy and Targeted Production Requests - <http://bit.ly/s1qyeF> (Mike Hamilton)
- Project Management - Essential To Client Satisfaction In eDiscovery - bit.ly/ufeeSt (Andre Guilbeau)
- Prosecution Not Required to Re-Produce Voluminous ESI in Categorized Batches - bit.ly/swMnRM (K&L Gates)
- Recent Case Law Provides Guidance for ESI Production - <http://bit.ly/voPx0M> (Mark Berman)
- Right Sourcing eDiscovery - <http://bit.ly/tt34ax> (Orange Legal Technologies)
- Risk Appetite: No Thanks, I'm Full - <http://bit.ly/uTlaxi> (Howard Sklar)

- Risk Assessments: The Most Important Effort You're Doing All Wrong - onforb.es/u37xOb (Howard Sklar)
- Risk Assessments: The Most Important Effort You're Doing All Wrong - onforb.es/u37xOb (Howard Sklar)
- Rosetta Stone Translates International Frameworks into Data Privacy - <http://bit.ly/u5jP00> (Catherine Dunn)
- Roundtable: Key Technology Developments And Practical Advice - bit.ly/s5HQKQ (Rob Hellewell, Thomas Svoboda)
- Ruminations on the Ethics of Law Firm Information Security - bit.ly/tZDCqe (Sharon Nelson, John Simek)
- S.D.N.Y. Implements Pilot Program for Complex Cases, Requires Joint Submission for Cases Involving ESI - bit.ly/tm6sUf (K&L Gates)
- Scalability Defined and Why it is Important - <http://bit.ly/rCcdje> (Kevin Nichols)
- Should a Legal Hold "Waiver" Be Secured from Departing Employees? - bit.ly/vlyr0n (Craig Ball)
- Social Network Impersonator Fined by Spanish Data Protection Authority - <http://bit.ly/vAPTCN> (Gonzalo Gallego)
- Social Networking Content: The Growing Challenge Of Authenticating ESI - bit.ly/sDoXeD (Brendan Schulman)
- Southern District of N.Y. Pilot Includes E-Discovery Orders - bit.ly/vJpH1C (Mark Michels)
- Spilling the Beans on a Dirty Little Secret of Most Trial Lawyers - bit.ly/vURYVc (Ralph Losey)
- Spoliation of the Facebook Timeline - <http://bit.ly/u00r5q> (Bill Tolson)
- Streaming Service Reproduces Copyrighted Films in Memory Buffers, High Court Rules - bit.ly/vWVVQJ (Pinsent Masons)
- Suing Employees for Computer Fraud Gets Easier - <http://bit.ly/tR9qBA> (Nick Akerman)
- Supreme Court Deciding Whether to Occupy 1984 – Is Your Privacy at Stake in US v. Jones? <http://bit.ly/rBStaw> (Frank Gonnello)
- Technology-Assisted Review: Judges, Defensibility and Efficiency - <http://bit.ly/rvgBaT> (David Meadows)
- The "Dos" and "Don'ts" of Litigation Hold Notices: Deconstructing the Effective Litigation Hold Notice - <http://bit.ly/rtwlXW> (Gibbons)
- The Business Case for Information Governance - <http://bit.ly/rzfcOW> (Monica Bay)
- The Commonality of Technology as a Defense - bit.ly/s404WY (Ken Strutin)
- The Dark Side of E-Discovery Pricing - <http://bit.ly/sCtqH0> (Evan Koblentz)
- The Duty to Preserve – When Should Lawyers Mistrust Their Clients? <http://bit.ly/uDzB7Q> (Dennis Kiker)
- The Georgetown Law CLE 8th Annual Advanced eDiscovery Institute - <http://bit.ly/vt5zuG> (The PosseList)
- The Rule 37(e) Safe Harbor: The Touchstone Of Effective Information Management - bit.ly/sj6l9j (Philip Favro, Tish Looper)
- The Social Age of Evidence Collection - <http://bit.ly/sDH8Du> (George Martin)
- Time to Get Physical (Hard Drives) <http://bit.ly/spcaZj> (Michael Tucker)
- Tips for Handling E-Discovery when Representing a CJA Defendant - <http://bit.ly/sGzHHk> (Brooke Oppenheimer)
- Troubleshooting Outlook Auto-Complete - bit.ly/tlsAyS (Casper Manes)
- U.S. Privacy Law Protects Non-U.S. Citizens - <http://bit.ly/vkPXsF> (Gibbons)
- UK: Social Media Users Must Disclose Payments, Say Ad Trade Bodies - bit.ly/vF00qK (Pinsent Masons)
- Uncovering Hidden Budget to Manage Long-Term Legacy Data Liability - <http://bit.ly/srcFTV> (Dennis Kiker, Jim McGann)
- Use the Scalpel First: EDA Makes e-Discovery a Successful Operation bit.ly/s0CEPf (George Socha, Alon Israely)
- Using Lean Six Sigma and Predictive Coding to Confront Data Volume - <http://bit.ly/tBQ4GV> (Stephanie Blair, Tara Lawler)
- Va. Judge OK'd \$722K Legal Fees Clawback Due to Withheld Facebook Photos and Information - bit.ly/rShVFv (Martha Nell)
- Watchdog (SEC) v. Watchdog (FINRA): Destruction, Doctoring and Deflection - <http://bit.ly/ulk007> (Allison Walton)

- What Makes The Georgetown Advanced eDiscovery Program Special? <http://bit.ly/w3f4UU> (Karl Schieneman, Bob Eisenberg)
- What to Do When Online Critics Attack - bit.ly/sulcq9 (Lorinda Holloway)
- Why Can't Patients See Their EHR Data? bit.ly/rKTCaa (Ken Terry)
- Will New Electronic Discovery Rules Save Organizations Millions or Deny Justice? <http://onforb.es/sDJZOf> (Matthew Nelson)
- Will Predictive Coding Spell Trouble for Doc Review Attorneys? <http://bit.ly/ty3a4a> (Kate Battle)
- You're Being Sued. Do You Know Where Your Data Is? <http://bit.ly/uRh9V2> (Christina DesMarais)
- Your Employee's 4.74 Degrees Of Separation - bit.ly/u4Ftpj (Michael Schmidt)

eDiscovery Event Update

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. 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.

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