

Unfiltered Orange |

Weekly eDiscovery News Update – November 28, 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>.

For up to the minute news updates, visit OrangeLT on Twitter, Google+, LinkedIn, Pinterest, or RSS. (<http://www.orangelt.com>)



eDiscovery News Content and Considerations

- Addressing The Dark Side Of Big Data: Preservation, Legal Holds And Defensible Disposition After Rambus – <http://bit.ly/WVBekY> (Mary Mack)
- Are Courts Beginning To Take Proportionality Seriously In eDiscovery? <http://bit.ly/UMt7ms> (Howard Merten, Paul Kessimian)
- Best Practices for Preparing a Clawback Agreement - <http://hvr.me/Wxm19m> (Noam Noked)
- Can I Use Archive.org to Authenticate Electronic Evidence? <http://bit.ly/USUNq2> (Justin Capuano)
- Confusion in the Courts – TIFF “Form” is Searchable? <http://bit.ly/WRoFqI> (Michael Arkfeld)
- Coping With eDiscovery: Practical Tips From An Experienced Litigator - <http://bit.ly/UN6zC4> (Christopher Cox)
- Escape From Babel: The Grossman-Cormack Glossary - <http://bit.ly/UMxCO7> (Ralph Losey)
- Ex-Employee is Not Required to Produce iPhone in Discovery - <http://bit.ly/WwYvcG> (Jeff Kosseff)
- Expert Witness: Chief Judge James Holderman Discusses eDiscovery Pilot Program - <http://bit.ly/YkIOHk> (Jason Krause)
- From Law Clerk to First Chair: Effective Positioning of TAR - <http://bit.ly/UxiDHz> (Stephanie Maw)
- Hammer and Wiping Software Use to Destroy Evidence Results in Dismissal of Plaintiff’s Claims – <http://bit.ly/WWTXN5> (K&L Gates)
- ITC Advances Discovery Reform - <http://bit.ly/Uhdp2H> (Mark Michels)
- Legality of Warrantless Cellphone Searches Goes to Courts and Legislatures - <http://nyti.ms/YkoFzV> (Somini Sangupta)
- New Sources Of Relief From E-Discovery Burdens - <http://bit.ly/Uxi7t8> (Mark Austrian)
- Northern District (California) Unveils eDiscovery Guidelines - <http://bit.ly/WZcQyP> (Vanessa Blum)
- Pan-Pacific Data Privacy Laws & Regulations: Impact On U.S. eDiscovery And Investigations - <http://bit.ly/Uxgtb3> (Mukesh Advani)
- Part Three: Like it or Not, Predictive Coding is Here and Judges Want you to Use it - <http://bit.ly/WSXgog> (Cat Casey)
- Predictive Coding Metrics are for Weenies – Part IV - <http://bit.ly/YmKDCw> (Karl Schieneman)
- Privilege – Waivers and Logs Continue to Trip Up Counsel - <http://bit.ly/WGfTMh> (IT-Lex)
- Summary of the EDI Summit - <http://bit.ly/YiZQV9> (Peter Pepiton)
- Surreptitious Text Messages to Communicate with a Client During a Deposition Are Not Privileged – <http://bit.ly/WSN7It> (Suzanne Janusz)
- Ten Things To Consider When Bringing eDiscovery In-House – <http://bit.ly/UUIPfi> (Peter Coons, Chuck Kellner)
- The Duty to Preserve in Tax Controversies - <http://bit.ly/WqC6xJ> (Stuart Bassin)
- Update: Technology Assisted Review Backgrounder - <http://bit.ly/iITGtb> (@OrangeLT)

- Work Product Protects Consulting Expert Even If Investigation in Part for Business Reasons - <http://bit.ly/WRmZ0y> (Gregory Joseph)

Reports and Resources

- Court Adopts New eDiscovery Guidelines Effective November 27, 2012 - <http://1.usa.gov/WZd0Gu> (US District Court, Northern District of CA)
- KPMG General Counsel Survey 2012 (PDF) <http://bit.ly/WQmlQN> (Kathryn Brittan, David Eastwood)
- Legal IT Professionals 2012 Global Cloud Survey Report (PDF) - <http://svy.mk/V3WAXv> (@LegalIT)
- Pew Report – Cell Phone Activities 2012 (PDF) <http://bit.ly/Yi8UCp> (Maevé Duggan, Lee Rainie)
- Resources for Considering eDiscovery | Orange Legal Technologies - <http://bit.ly/tBqsyD> (@OrangeLT)
- The Sedona Conference® Cooperation Proclamation - <http://bit.ly/UUJk9b> (Ronald Hedges, Kenneth Withers)

Sight and Sound

- A Pinteresting Look at Project Management - <http://bit.ly/UVJWvw> (@OrangeLT)
- Deposition Objection Overview – Podcast - <http://bit.ly/Ynfzme> (Josh Gilliland)
- eDiscovery – Costs, Risks, and Remedy (Podcast) <http://bit.ly/WXvEyr> (Karen Hendrickson)
- H-P Autonomy Mess a Governance Question: Accounting Expert [Video] <http://on.wsj.com/UYtEll> (Vipal Monga)
- Infographic: The Growing Impact of Social Media - <http://bit.ly/WGh3Y6> (John Delaney)

Technology and Tactics

- 6th Annual ABA Journal Blawg 100 - <http://bit.ly/UYo4Qa> (Molly McDonough, Sarah Randag, Lee Rawles)
- Banned on Wall St.: Facebook, Twitter and Gmail - <http://nyti.ms/Uy0PMk> (Michael Kaplan)
- Blogger’s Fair-Use Argument Regarding Copyrighted Photo Questionable - <http://bit.ly/WuolOC> (Eric Johnson)
- Discovery in Trucking Cases – E-ZPass and PrePass - <http://bit.ly/WWoAIC> (Morgan Adams)
- Employer Best Practices For Social Media Use On And Off The Job - <http://bit.ly/UN7RgC> (Daniel Ornstein)
- European Commission Establishes European Cloud Partnership Steering Board - <http://bit.ly/UYrVMU> (Ezra Steinhardt)
- FBI uses Twitter, Social Media to Look for Securities Fraud - <http://bit.ly/WRw7SN> (Matthew Goldstein, Jennifer Ablan)
- Google Adds Cloud Infrastructure Muscle Vs. Amazon - <http://bit.ly/UOp1dH> (Charles Babcock)
- HP/Autonomy-Type Accounting Issues Likely to Proliferate and Trigger Tougher FASB Rules - <http://bit.ly/UYtkmR> (Peter Atwater)
- IOU a Message - <http://bit.ly/Uxhu2K> (Workshare)
- Microsoft Pulls Back On New Update for Exchange 2010 - <http://bit.ly/UxjsQH> (John Mello)
- Secret Email And Texting Apps – Business Insider - <http://read.bi/YngNOD> (Dylan Love)
- Study Finds Rise in Texting Even as Revenue Drops - <http://nyti.ms/Ymoc0c> (Brian Chen)
- The CIA and Email Security - <http://bit.ly/WGbKI2> (Jeff Orloff)
- The Good and Bad of Email Quotas - <http://bit.ly/UTspDZ> (John Mello)
- The Wait Is Over: DOJ And SEC Release Resource Guide To FCPA - <http://bit.ly/UYkyVH> (Weil, Gotshal & Manges)
- Three Recent TCPA Cases Illustrate Divergent Treatment of Similar Conduct - <http://bit.ly/Uk3Gsl> (Andrew Hoffman)
- Twitter CEO Dick Costolo: Users Can Download Their Entire Archive By Year-End - <http://bit.ly/YmlBDu> (Sarah Perez)
- UK Government Challenges Expected Benefits of Draft European Data Protection Regulation - <http://bit.ly/WVvlnH> (Mac Macmillan)

- Veenome Raises Another \$600K To Translate Video Content Into Machine-Readable Data - <http://tcrn.ch/WWOWpt> (Anthony Ha)

Vendor Views

Industry Landscape

- A Hong Kong eDiscovery Snapshot in the Company of Epiq Systems - <http://bit.ly/WVtQ9b> (Chris Dale)
- Advanced Discovery Expands eDiscovery Expertise with the Hiring of Canaan Himmelbaum - <http://bit.ly/UjZAjN> (PR Web)
- Apersee Expands Events Calendar - <http://bit.ly/WWmAd7> (Web Announcement)
- Autonomy's Mike Lynch: HP Is Like A Plane With The Engine On Fire - <http://read.bi/USXRIO> (Julie Bort)
- C2C's ArchiveOne Achieves Cornerstone Compliance throughout Harrow College - <http://bit.ly/WWnFld> (Press Release)
- Comparing Providers: Competencies, Attributes and Distribution Frameworks - <http://bit.ly/Wypjcl> (ACEDS)
- Daegis Enables Mobile Access to eDiscovery Review - <http://bit.ly/UUj4vO> (Business Wire)
- Daegis to Announce Fiscal 2013 Second Quarter Results on November 29, 2012 - <http://bit.ly/Wy2BRO> (Business Wire)
- Deal Lawyers Mostly Mum on HP's Ill-Fated Autonomy Acquisition - <http://bit.ly/YiDUJU> (Brian Baxter)
- dtSearch Rolls Out New Filters - <http://bit.ly/UkARMI> (Jasmine Ashton)
- eDiscovery On The Move – OneO® Mobile Access - <http://bit.ly/rJSK2E> (@OrangeLT)
- EDRM: Beyond the Boxes - <http://bit.ly/YodrKZ> (Samantha Green)
- First Advantage Litigation Consulting Expands Operations in Hong Kong - <http://on.mktw.net/Wy5bay> (Marketwire)
- FTI Consulting: eDiscovery Steps Outside Of The Black Box - <http://bit.ly/Ugsm4Y> (Joe Looby)
- HP Addresses Customer Concerns After Autonomy Write-Down - <http://bit.ly/Ymlacv> (Evan Koblentz)
- HP's Autonomy Deal Highlights Pattern of Bad Ideas - <http://bit.ly/UT3znP> (Associated Press)
- HP, Autonomy & a Lesson in Due Diligence - <http://bit.ly/WGjCcL> (Howard Sklar)
- HP Autonomy eDiscovery Tools: Targeting former Autonomy Execs? <http://bit.ly/WWv2cy> (The VAR Guy)
- HP Investor Sues Over Losses From Alleged Autonomy Fraud - <http://bloom.bg/USX4BI> (Joel Rosenblatt)
- kCura Relativity Assisted Review – Case Study/Workflow | Digital Forensics and eDiscovery - <http://bit.ly/V2Q5UA> (Millnet)
- kCura Selected as a 2012 Best and Brightest Companies to Work For National Winner - <http://bit.ly/UYn1Qe> (Press Release)
- Kroll Ontrack Announces Ninth Annual Top Ten List of Data Disasters - <http://yhoo.it/UUtWJZ> (Business Wire)
- Long Before H-P Deal, Autonomy's Red Flags - <http://on.wsj.com/USYfxf> (Ben Worthen, Paul Sonne, Justin Scheck)
- Madison Dearborn Partners to Invest in Aderant Holdings – <http://bit.ly/UPqgJr> (Press Release)
- Nuix Named Australia's Best Information and Communication Technology Exporter - <http://bit.ly/UYqloV> (Business Wire)
- OpenText Offers Software Trade-in for Autonomy - <http://bit.ly/WSHSIF> (PR Newswire)
- Outsourcer Integreon to Launch LPO Offering in London Office - <http://bit.ly/Y9IoCq> (Suzanna Ring)
- Overriding Desire is for Archiving to Deliver eDiscovery and Information Management - <http://bit.ly/UMACd8> (Charles Skamser)
- Perspective on the HP/Autonomy Fiasco – eDiscovery Trends - <http://bit.ly/WSMDlo> (Doug Austin)
- Quest Software Unveils Newest Version of MessageStats with New Email Intelligence Capabilities – <http://bit.ly/UTykei> (Business Wire)
- Search Engine Automatic Completion Reflects Social Inquiries - <http://bit.ly/WVtjtz> (Peter Vogel)
- Senior Business Development and eDiscovery Professional Joins TERIS Phoenix - <http://bit.ly/WGByz2> (PR Web)
- Six Autonomy Red Flags That HP Missed - <http://onforb.es/UT249k> (Peter Cohan)
- Smarsh Named to Deloitte's 2012 Technology Fast 500™ for the Fourth Consecutive Year - <http://bit.ly/V4qSZZ> (Press Release)

- With Autonomy, H-P Bought An Old-Fashioned Accounting Scandal – Here’s How It Worked – <http://onforb.es/Wxalnk> (Daniel Fisher)
- Xerox Litigation s: Integrating Managed Review With Proven E-Discovery Capabilities - <http://bit.ly/UIPoaz> (Foster Gibbons)

2012 eDiscovery Events

NOVEMBER

Information Governance & eDiscovery Strategy

November 27-29, 2012

Munich, Germany

[Click here for more information.](#)

DECEMBER

Georgetown Law – The Advanced eDiscovery Institute

December 6-7, 2013

Washington, DC

[Click here for more information.](#)

2013 Events

JANUARY

LegalTech New York 2013

January 29-31, 2013

New York, NY

[Click here for more information.](#)

FEBRUARY

The Sedona Conference® – eDiscovery Cooperation Training

February 21-22, 2012

Phoenix, AZ

[Click here for more information.](#)

ACEDS 2013 Annual Conference and Exhibition

February 28 – March 2, 2013

Hollywood, FL

[Click here for more information.](#)

MARCH

Legal IT Business Show 2013

March 5-6, 2013

London, United Kingdom

[Click here for more information.](#)

Second Annual ASU-Arkfeld eDiscovery and Digital Evidence Conference

March 13-15, 2013

Tempe, AZ

[Click here for more information.](#)

AIIM Conference

March 20-22, 2013

New Orleans, LA

[Click here for more information.](#)

The Sedona Conference® Institute's 7th Annual E-Discovery Program: Living On E-Discovery's Cutting Edge

March 21-22, 2013

San Diego, CA

[Click for more information.](#)

APRIL**ABA TECHSHOW**

April 4-6, 2013

Chicago, IL

[Click here for more information.](#)

Laguna Beach eDiscovery Retreat

April 10-12, 2013

Laguna Beach, CA

[Click here for more information.](#)

2013 ALA Annual Conference and Exhibition

April 14-17, 2013

Washington, DC

[Click here for more information.](#)

MAY**LegalTech West Coast**

May 21-22, 2013

Los Angeles, CA

[Click here for more information.](#)

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>.