

Unfiltered Orange |

Weekly eDiscovery News Update – August 15, 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.

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(<http://www.orangelt.com>)



eDiscovery News

Content and Considerations

- 2nd Circuit Rejects Per Se Gross Negligence Standard for Failure to Issue Hold Notice – <http://bit.ly/NmgM5u> (David Kessler)
- Achieving the Balance Between eDiscovery Mandates and Health Provider-Specific Privacy Obligations – <http://bit.ly/MC6stK> (Amber Scoriah)
- Actos Case TAR Protocol Order – Equivio's Relevance in Action? <http://bit.ly/MXQ9Ys> (Greg Buckles)
- An eDiscovery Case Law Update - <http://bit.ly/PnQbF3> (David Cohen, Caitlin Gifford)
- Boxes of Backups: Are Backup Tapes Still "Not Reasonably Accessible?" <http://bit.ly/Nmgewi> (Dennis Kiker)
- Court Orders Parties to Confer on Search Terms and Utilize Parties' Clawback Order – eDiscovery Case Law - <http://bit.ly/ONy5vK> (Littler)
- Custodial Hold: Trust But Verify - <http://bit.ly/MCDfz1> (Craig Ball)
- Day Ten of a Predictive Coding Narrative: Post Hoc Test of Hypothesis of Insignificant False Negatives – <http://bit.ly/PhK98V> (Ralph Losey)
- Decision Maker? PIN Text Messages Authenticated for Rule 104(a) by Affidavit from Service Provider – <http://bit.ly/P83GsD> (Gregory Joseph)
- Devilish Problem | Millnet - <http://bit.ly/MWB3Cr> (Charles Holloway)
- eDiscovery Best Practices: Assessing Your Data Before Meet and Confer Shouldn't Be Expensive – <http://bit.ly/OWgG3Y> (Doug Austin)
- eDiscovery Case Law: Major Bank and Law Firm Sanctioned for Pattern of Discovery Abuses - <http://bit.ly/Pi2JOI> (Doug Austin)
- eDiscovery Case Law: No Sanctions When You Can't Prove Evidence Was Destroyed – <http://bit.ly/OPeWti> (Doug Austin)
- eDiscovery Trends: The Growth of #eDiscovery is Transparent - <http://bit.ly/ONA4jN> (Doug Austin)
- eDiscovery Spoliation Standards Clarified by Second Circuit - <http://bit.ly/MSFVbI> (Jeffery Gross)
- Federal, Not State, Law Governs Spoliation Sanctions - <http://bit.ly/MBve5p> (Gregory Joseph)
- Florida Becomes 29th State to Adopt eDiscovery Rules - <http://bit.ly/MDWiIN> (Fernando Pinquelo, Chris Borchert)
- Fourth Circuit Holds CFAA Does Not Bar Employee Use of Business Info If Access Initially Authorized – <http://bit.ly/MGiNgt> (Andrew Hoffman)
- Guest Comment: Power of Predictive Coding - Philadelphia Business Journal - <http://bit.ly/ONx1I5> (Peter Buckley, Scott Vernick)
- How to Get Court Approval for Predictive Coding - <http://bit.ly/MYnIJK> (Peter Buckley, Scott Vernick)
- How to Prepare for eDiscovery under New UK Civil Procedure Rule 31.5 - <http://bit.ly/OXBrwE> (Philip Favro)

- In Re: Actos eDiscovery Order – An Example of an eDiscovery Order Handling Predictive Coding - <http://bit.ly/MxIYpG> (RVM)
- Is Self-Help Discovery by Employees Protected Activity? <http://bit.ly/MQIGix> (Connie Bertram)
- Judge in Google, Oracle Case Seeks Names of Paid Reporters, Bloggers - <http://reut.rs/MxrJEV> (Alexei Oreskovic)
- Klean-ing Up eDiscovery - <http://bit.ly/MWRuyM> (Howard Sklar)
- Letter, Reassess, Repeat: Avoiding Privilege Waiver After Notice of Inadvertent Production - <http://bit.ly/MQjwMg> (Mark Keddis)
- Miami Federal Judge Sanctions TD Bank, Law Firm for Incredible eDiscovery Errors – <http://bit.ly/MGjkPx> (Jordan Maglich)
- No Hard Drives Were Harmed in the Making of this Picture - <http://bit.ly/P9Kx9y> (Craig Ball)
- Notes from Carmel (er, Monterey) – Delaware eDiscovery Report - <http://bit.ly/MBtHEr> (Christopher Spirizzirri)
- Nova Scotia Court Says Parties Should Share Search Parameters – All About Information - <http://bit.ly/OW8rFg> (Hicks Morley)
- Pennsylvania Supreme Court Adopts eDiscovery Amendments to Pennsylvania Rules of Civil Procedure – <http://bit.ly/ONIXKb> (Stephen Finley)
- Protecting Privileged Documents: Keyword Technology, and “Quick Peek” and “Clawback” Agreements – <http://bit.ly/OOopRF> (Miller Canfield)
- Safeguarding Privilege: What is Enough? <http://bit.ly/ML5viY> (Linda Sharp)
- Shrink it Down: Technology Assisted Review in Audio Discovery - <http://bit.ly/P81Rmd> (Jeff Schlueter)
- Speed vs. Velocity: Driving the Direction of the Case - <http://bit.ly/P2XrpN> (Bob Krantz)
- Survey: Judges Are Less Freaked Out By Facebook, Twitter – <http://on.wsj.com/MDPmvy> (Joe Palazzolo)
- The Emergence of a Technology Assisted eDiscovery Lifecycle - <http://bit.ly/MXaQUK> (Andrew Bartholomew)
- The Malkovich-ization of Predictive Coding in eDiscovery – <http://bit.ly/MYIJoZ> (Dean Gonsowski)
- They Can’t Withhold It If You Can’t Prove It Exists - <http://bit.ly/PoKfvJ> (IT-LexOrg)
- Transparency is Good: Are Seed Sets the New Keyword, Part III - <http://bit.ly/MDH4DZ> (Howard Sklar)
- Use of Predictive Coding and the Cloud in eDiscovery Rose in 2012, Survey Says – <http://bit.ly/MDN9Ae> (Robert Ambrogi)
- When Lawyers Investigate Jurors (Electronically) <http://bit.ly/MZyM9u> (Joel Cohen)
- Work-Product Doctrine Applicable to Documents Relating to Tax Shelter Transaction - <http://bit.ly/PePgXr> (CCH Group)
- You Do Have to Look for Discovery in Your Possession - <http://bit.ly/MD4U2N> (Josh Gilliland)

Apple v. Samsung: Special Backgrounder Compilation of Selected Stories

- Apple Turns to Federal Circuit to Keep Data in Patent Trial Private - <http://bit.ly/PnQpMA> (Scott Graham)
- Apple’s Proxy War Against Google Officially out of Hand with Apple v. Samsung – @LXBN Roundtable – <http://bit.ly/MYor4f> (Jared Sulzendorf)
- Apple Expert Shines Light on Samsung Sales in U.S. - <http://bit.ly/MWxSL5> (iTechPost)
- Apple v. Samsung: Adverse Inference Redux for Samsung’s E-Mail Practices - <http://bit.ly/OV4G2D> (Cynthia Courtney)
- Samsung Takes On Apple Over Value Of Phone Features - <http://bit.ly/PiCN5d> (Dan Levine)
- Northern District of California Issues Adverse Inference Instruction for Inadequate Preservation – <http://bit.ly/MSH3MB> (Reed Smith)
- Apple Catches Samsung Trying To Pull A Couple Fast Ones – Apple 2.0 - <http://bit.ly/MUjhzQ> (Philip Elmer-DeWitt)
- Complete Backgrounder: Evidence, Ethics and eDiscovery – Apple vs. Samsung - <http://bit.ly/Ps8bMw> (@ComplexD)

Reports and Resources

- Big Data, Big Impact: New Possibilities for International Development (PDF) <http://bit.ly/MrkOvz> (World Economic Forum)

- Why Appointment of Special Masters in eDiscovery Disputes is Vital to Civil Justice Progress (PDF) <http://bit.ly/P4EcOG> (Zachary Parkins)
- Who Are The Technology Providers For Predictive Coding? <http://bit.ly/HKRvOE> (@ComplexD)

Sight and Sound

- Case in Point for Monday, August 13th, 2012: “Motion to Compel” - <http://bit.ly/PidDno> (Tom Fishburne)
- Digital Assets After Death: The Podcast - <http://bit.ly/MUMURF> (IT-Lex)
- Form of Production in eDiscovery - <http://bit.ly/PeTDSm> (Josh Gilliland)
- When Twitter & Facebook Have to Turn Your Data Over to Law Enforcement – <http://bit.ly/PkrxoU> (Hayes Hunt)

Technology and Tactics

- ABA OKs Disclosure of Client Information Between Firms - <http://bit.ly/MBzgm2> (Casey Sullivan)
- Accounting Consultancy: The Top 50 +50 - <http://bit.ly/MWCuAN> (Richard Crump)
- Answering the Question, “Is Your Data Safe in the Public Cloud?” <http://bit.ly/P2bNa2> (Charles Skamser)
- Cloud Data Storage – How Safe? <http://bit.ly/MBz0DP> (Peter Vogel)
- Cloud Services Increase Danger to Enterprise Data - <http://bit.ly/OW8UqM> (Stephen Lawton)
- Court Holds that VPPA Applies to Online Streaming Video - <http://bit.ly/PnQIXH> (Steve Satterfield)
- Customer Endorsements On Pinterest May Require Disclaimers - <http://bit.ly/OW8YH6> (IT-Lex)
- Data Breach? React to the Attack - <http://bit.ly/OW9DbC> (Matthew Cebrian, Brittany Yang)
- Digital Literacy For Business Leaders - <http://bit.ly/OW7Rr4> (Chuck Hollis)
- Disaster At Hand! What Does It Mean? <http://bit.ly/MWYoyZ> (Jon Dawson)
- Divergent Results for Class Action Text Message Spam Suits - <http://bit.ly/MBxNff> (Hunton Williams)
- “DOJ: Want To Make Sure We Can’t Access Your Private Data? Buy An iPhone – <http://yhoo.it/OW7a0W> (Zack Epstein)
- FTC’s Spokeo Settlement Highlights Social Media-Related Legal Risks - <http://bit.ly/PeOvxx> (Julie O’Neil, Nathan Salminen)
- Have Your Cake and Eat It Too: Digitization Makes Government Records More Efficient - <http://bit.ly/P2m8CR> (Rachel Theran)
- How Big Data Became So Big – <http://nyti.ms/PcNu9q> (Steve Lohr)
- How Big Data Is Changing Big Pharma (& Other Sectors) <http://bit.ly/MBwIof> (Mary Jander)
- Internet Marketing Tools for Lawyers Addressed by ABA - <http://bit.ly/PjmUvd> (Gyi Tsakalakis)
- Is Your Law Firm Practicing Head-in-the-Sand Security? - <http://bit.ly/MYnQsY> (Evan Koblentz)
- Lawmakers, Security Experts Lament Stalled Cyberattack Legislation - <http://bit.ly/OLJ494> (Catherine Dunn)
- Multimillion-Dollar Patent Infringement Verdict Against RIM Overturned - <http://bit.ly/MGjR49> (Rob Gillies)
- New OWA User Interface Shines Across Platforms – <http://bit.ly/P82KEo> - (John Mello)
- New Privacy Concerns? Gmail Integrates with Google Search - <http://bit.ly/MG7k0y> (Peter Vogel)
- New Google Tools to Make the Search Engine More All-Knowing - <http://nyti.ms/MBshd4> (Claire Cain Miller)
- OCR Reorganizes Breach Data; Reports 21M Medical Records Exposed Since 2009 - <http://bit.ly/Pmx2n3> (Tim Wilson)
- Recent New Jersey Law Shines Spotlight on Critical Social Media Issue for Healthcare Employers - <http://bit.ly/Pf40Yq> (Philip Gordon, Inna Shelley)
- ‘Scrambler Software’ Will Protect Phone Calls From Prying Ears - <http://bit.ly/PiDxr9> (Madeleine Acey)
- Social Networking in Line With ABA Ethics - <http://bit.ly/MWBBZ5> (Robert Ambrogio)
- Technological Prowess Can Influence Your Future - <http://bit.ly/MQjRyB> (Adam Losey)
- Unlimited Storage in Outlook.com has Caveat - <http://bit.ly/MG8I35> (John Mello)
- Update: What’s Not to Like? | Socially Aware Blog - <http://bit.ly/MYofC1> (Debbie Rosenbaum)

Vendor Views

Industry Landscape

- ACMG Expands Relationship with Nexidia with Addition of New Interaction Analytics Solution – <http://bit.ly/Pmvs4x> (Press Release)
- Asynchronous Search? Increase Your Flexibility - <http://bit.ly/MWyWP2> (Kroll Ontrack)
- Autonomy and HP a Year On: Brilliant or Blooper? <http://bit.ly/PkuZjg> (Craig Ball)
- Autonomy Data Protection Solution Passes 10,000 Customer Milestone - <http://prn.to/OW8Fw1> (PR Newswire)
- Autonomy Exchange: Galina Datskovsky on InfoGovernance – <http://bit.ly/OW6U1J> (Randy Cairns)
- C2C Meets Expanding Email Data Management Requirements With ArchiveOne 6.5 - <http://yhoo.it/MWVQpu> (Marketwire)
- CACI Awarded \$33 Million Contract to Provide Litigation Support to Securities and Exchange Commission – <http://yhoo.it/OObpLZ> (Business Wire)
- Cloud Survey by Kroll Ontrack Reveals a Surge in Cloud Storage and Virtualization Adoption – <http://bit.ly/MX0xj1> (Business Wire)
- CryoApp Now Available for Android Users - <http://bit.ly/MxEoYy> (Press Release)
- Daegis Streamlines eDiscovery for Lotus Notes at Faegre Baker Daniels - <http://yhoo.it/OUxN6b> (Business Wire)
- DTI Relocates New York Office to Midtown Manhattan - <http://bit.ly/P1XzWE> (Press Release)
- DW Legal, Servient Mix Predictive Coding and Managed Review - <http://bit.ly/MXfSAj> (Michael Roach)
- eDiscovery Experts and Practitioners to Converge at Exterro inFusion12 User Conference – <http://mwne.ws/OMpoSo> (Marketwire)
- eDiscovery Veterans Launch Cumulus Data, Inc. and Introduce eCloudCollect™ - <http://bit.ly/NArO5> (PR Web)
- eLessons Learned Appoints Borchert and Kiernan as Co-Editors in Chief - <http://bit.ly/MGKaXH> (Frank Gonnello)
- Epiq Systems - Growth & Income Overview - <http://bit.ly/MBqVyK> (NASDAQ)
- Epiq Systems Incorporates Equivio Zoom Into eDiscovery Offerings - <http://bit.ly/MCdGhn> (Press Release)
- Experience XERA at ILTA 2012 - The Next Era of eDiscovery - <http://yhoo.it/OMq4He> (PR Web)
- Forensics in the Cloud - <http://bit.ly/P2eCrE> (Millnet)
- Fourth Annual Intermountain eDiscovery Conference – 9.13.12 – Salt Lake City, Utah - [@OrangeLT](http://bit.ly/JQJScz)
- IntraLinks Announces Second Quarter 2012 Results - <http://on.mktw.net/ONxfzc> (PR Newswire)
- IRIS Legal Wins Key Deals To Kick Off New Financial Year - <http://bit.ly/MBu29U> (@LegalIT)
- LexisNexis Moving eDiscovery to the Cloud - <http://bit.ly/PiAtey> (Evan Koblentz)
- LexisNexis Releases Hosted Concordance Evolution – On-Demand Discovery Management Service – <http://reut.rs/MTgtD9> (Press Release)
- Merrill Corporation Becomes Relativity Premium Hosting Partner - <http://yhoo.it/MXdRUI> (Business Wire)
- Pinterest for eDiscovery: Archiving Social Commerce Engine - <http://bit.ly/MXg16K> (Smash)
- Recommind Accelerates Pace, Reports 100% Year-Over-Year Revenue Growth in 1H 2012 - <http://bit.ly/MZz0xD> (Press Release)
- Recommind Predictive Coding Webinar: Interview with Senior Master Whitaker - <http://bit.ly/OWhGVL> (Chris Dale)
- RSD Partners with Hitachi Data Systems to Strengthen Governance Capabilities - <http://bit.ly/P2Siho> (PR Web)
- The Evolution of Attorney Review - <http://bit.ly/OMuGNA> (Trey Tramonte)
- Thomson Reuters Sells Web Unit of Hubbard One to Division's Managers - <http://bit.ly/MB8OSL> (Evan Koblentz)
- UBC North America Introduces Version 5.0 of its Lit i View™ eDiscovery Solution - <http://bit.ly/PhSziK> (PR Web)
- Valora Technologies CEO Responds to Craig Ball's LTN Article "Next Level" TAR - <http://bit.ly/MDIIMD> (Sandra Serkes)
- Waterford Technologies Releases MailMeter OnDemand Presenting a New Pricing Option for Email Archiving – <http://bit.ly/OWah8T> (PR Web)

2012 eDiscovery Events

AUGUST

ILTA Annual Conference 2012

August 26 – 30, 2012

Washington, DC (Chesapeake G Suite)

[Click here for more information.](#)

SEPTEMBER

2012 Chief Legal Officer Leadership Forum (Chicago)

September 6, 2012

Chicago, IL

[Click here for more information.](#)

eDiscovery West Summit – IQPC

September 10-12, 2012

San Francisco, CA

[Click here for more information.](#)

Intermountain eDiscovery Conference 2012

September 13, 2012

Salt Lake City, UT

[Click here for more information.](#)

The Sedona Conference – WG1 2012 Annual Meeting

September 13-14, 2012

Atlanta, GA

[Click here for more information.](#)

LITCON'12 – Legal Information Technology Conference 2012

September 21, 2012

Chicago, IL

[Click here for more information.](#)

ARMA International Annual Conference

September 23-25

Chicago, IL

[Click here for more information.](#)

Conference for Preservation Excellence

September 27-28, 2012

Portland, OR

[Click here for more information.](#)

ACC Annual Meeting

September 30 – October 3, 2012

Orlando, FL (Booth #422)

[Click here for more information.](#)

OCTOBER

Masters Conference 2012

October 8-10, 2012

Washington, DC

[Click here for more information.](#)

Storage Networking World (SNW)

October 16-19, 2012

Santa Clara, CA

[Click here for more information.](#)

EDRM 2012 – 2013 Mid Year Meeting

October 17-18, 2012

St. Paul, MN

[Click here for more information.](#)

EDI Leadership Summit 2012

October 17 – 19, 2012

Fort Lauderdale, FL

[Click here for more information.](#)

Gartner Symposium/ITxpo

October 21-25, 2012

Orlando, FL

[Click here for more information.](#)

Corporate Compliance & Ethics Forum

October 28-30, 2012

Palm Beach Gardens, FL

[Click here for more information.](#)

eDiscovery for Pharma, Biotech & Medical Device Industry – IQPC

October 29, 2012

Philadelphia, PA

[Click here for more information.](#)

NOVEMBER

eDiscovery for Financial Services & Governmental Investigations

November 5-6, 2012

New York, NY

[Click here for more information.](#)

e-Discovery & e-Investigations Forum

November 8, 2012

London, United Kingdom

[Click here for more information.](#)

Corporate Litigation Forum

November 11-13, 2012

San Antonio, TX

[Click here for more information.](#)

LawTech Europe Congress

November 12, 2012

Prague, Czech Republic

[Click here for more information.](#)

The Litigation Summit and Exposition

November 12-13, 2012

Washington, DC

[Click here for more information.](#)

The 7th Annual E-Disclosure Forum

November 15, 2012

London, United Kingdom

[Click here for more information.](#)

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**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.](#)

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

CEIC 2013

May 19 – 22, 2013

Orlando, FL

[Click here for more information.](#)

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>.