

ComplexDiscovery | Weekly eDiscovery Top Story Digest

June 19, 2013



Compiled by [@ComplexD](#) from online public domain resources, provided for your review/use is this week's update of key industry news, views, and events highlighting key electronic discovery related stories, developments, and announcements.

An information source for eDiscovery and information management professionals since 2010, the *eDiscovery Top Story Digest* is published weekly on the [ComplexDiscovery](#) blog and is also available via [email subscription](#).

Weekly eDiscovery Top Story Digest Update

eDiscovery Issues

- A Look at Predictive Coding: The 'Not Me' Factor - <http://bit.ly/1bQLg9U> (Craig Ball)
- Adverse Inference Sanction for Defendant who Failed to Stop Automatic Deletion - <http://bit.ly/13XvBIZ> (Doug Austin)
- Another Federal Court Considers Predictive Coding – <http://bit.ly/1bQT7nS> (Joey Chindamo)
- Automatic Deletion Leads To Adverse Inference Instructions - <http://bit.ly/14yuBr3> (@ITLexOrg)
- Benefits of Early Discovery in Defending Trade Secret Misappropriation Claims - <http://bit.ly/19uufVW> (Brent Gurney, Joshua Ferrentino, Alexander White)
- Comparative Efficacy of Two Predictive Coding Reviews of 699,082 Enron Documents - <http://bit.ly/19K4UHO> (@RalphLosey)
- Court Decisions, Cost Concerns Drive Growth in Business for eDiscovery Firms - <http://wapo.st/14FsqC2> (Catherine Ho)
- Court Uses “Traditional Relevance Analysis” to Order Production of Plaintiff-Employee’s Social Media Postings on Emotional Distress and Alternative Potential Stressors - <http://bit.ly/17WdRgJ> (Jay Yurkiw)
- Default Judgment Granted, Monetary Sanctions Imposed Against Plaintiff Tech Company and Counsel for Misconduct – <http://bit.ly/11XNMtd> (Lauren Winchester)
- eDiscovery Vendors Are Not Immune to eDiscovery Sanctions – eDiscovery Case Law - <http://bit.ly/1bz10xS> (Doug Austin)
- eDiscovery: Why You Should Go Native! | @LegalTalkNet - <http://bit.ly/16jWCTc> (Sharon Nelson, John Simek)
- Email Evidence: Kept in Routine Course of Business Does Not Render It Admissible as Business Record - <http://bit.ly/10SCVkp> (Gregory Joseph)
- Four Considerations in Selecting and Implementing New Legal Holds Technology - <http://bit.ly/11j8dRV> (John Martin, Allan Crawford)
- Gartner Announces eDiscovery Leaders in ‘Magic Quadrant’ - <http://bit.ly/1bQOxpv> (Sean Doherty)
- Hanging Out and Chatting About Information Governance - <http://bit.ly/11ec1DM> (Barclay Blair)
- Insight versus Hindsight: the DLA Piper Billing Scandal - <http://bit.ly/11XNbrw> (Bob Krantz)
- It is Not Impossible to Produce Native File Gmail | Bow Tie Law’s Blog - <http://bit.ly/13ZGELF> (Josh Gilliland)

- No Sanctions for Failure to Preserve Where Deleted Call Recordings “Would Not Have Been Supportive of Plaintiff’s Claim” - <http://bit.ly/13Li7dL> (K&L Gates)
- Predictive Coding and Scientific Research - eDiscovery Law Today - <http://bit.ly/17Jl57D> (Ralph Losey)
- Predictive Coding has its Detractors - <http://bit.ly/1bQO8n4> (Richard Weiner)
- Push or Pull? Deciding How Much Oversight is Required of In-house Counsel in eDiscovery - <http://bit.ly/17kEegX> (@PhilipFavro)
- Self-Incrimination Asserted in Battle on Court Ruling Ordering Decryption | @ACEDSonline - <http://bit.ly/1bzW8IV> (Robert Hilson)
- Still No Rummaging Through Social Media in Discovery - <http://bit.ly/11B6Uch> (Josh Gilliland)
- Stricter Authentication Standards for Facebook Messages Than for Email - <http://bit.ly/14yBSHc> (Gregory Joseph)
- Technology Assisted Review Case Summary: In re Biomet - <http://bit.ly/172zviT> (Julie Romero Peter)
- The Federal Judicial Committee’s Proposal To Break The Discovery Rules – <http://bit.ly/17WAG3H> (Max Kennerly)
- Think Global, Litigate Local: Handling the Demands of E-Discovery in Asian Countries – <http://bit.ly/11GScRl> (Rachel Teisch)
- Top 5 eDiscovery Risks for 2013 - <http://bit.ly/13C6WDl> (Mike Warnecke)
- Twenty-three Vendors Selected in 2013: The Gartner Magic Quadrant for eDiscovery Software - <http://bit.ly/19rw1Ho> (@ComplexD)
- Understanding the Value of Database Discovery beyond Unstructured Data - <http://bit.ly/1bMOGdK> (@LegalIT)
- Using Predictive Coding “Might” Require Negotiation between the Parties Involved - <http://bit.ly/16jWXoM> (Mike Hamilton)
- You Have The Right To Conduct Discovery!! <http://bit.ly/11K2W18> (@KatherineLGallo)
- Warning: E-mails with Attorney Transmitted in Violation of Employer “No Personal Use” Policy will NOT be Protected by Attorney-Client Privilege or Work Product Privilege – <http://bit.ly/11agis0> (Edvie Clark)

Corporate Risk

- 3-D Printing: New Dimension for IP Law? <http://bit.ly/17WAmSC> (@MoFoTech)
- As More States Implement Social Media Password Laws, There’s Still Some Blind Spots - <http://bit.ly/11uSoTz> (Colin O’Keefe)
- Avoiding Social Media Will Cost Banks Customers - <http://bit.ly/13XALOX> (Sudeep Nadkarni)
- Corporate Cyberattacks Come Out of the Shadows - <http://bit.ly/11H9cXm> (Craig Newman, Daniel Stein)
- Cybercrime Needs to be Better Defined in Order to Protect Privacy Rights, says Watchdog - <http://bit.ly/1bQV6bl> (Pinsent Masons)
- Cyber Security Risks Present Threat to UK Financial System, Say Growing Number of Companies – <http://bit.ly/14IITpc> (Pinsent Masons)
- DHS Guided By “Intuition or Hunch” When Conducting Border Searches – <http://bit.ly/16GvA8B> (Christopher Britt)
- Employees Have Accepted Their Big Brother - <http://bit.ly/13KTjBN> (Michael Schmidt)
- Enforceability of a Noncompete Agreement will Often Depend Upon Context - <http://bit.ly/13B1elh> (Jason Shinn)
- Federal Cybersecurity Initiatives Demand Vigilance of Communication and Energy Infrastructure - <http://bit.ly/15XwoFj> (Robert Scott)
- FTC Issues New Red Flags Rule Guidance - <http://bit.ly/1bQSnz0> (Michael Epshteyn)
- Google Defends Efforts Against Rogue Pharmacies – <http://ubm.io/11K9JYA> (Thomas Claburn)
- How Well Do You Know Your Shareholders? <http://hvr.me/13Zl2O6> (Mary Ann Cloyd)
- Human Trafficking Concerns for 7-Eleven in Wake of Payroll Scam – <http://bit.ly/14lO0FH> (James McGrath)
- In ERISA, Do It NOW!!! <http://bit.ly/1bQUmn5> (Michael Quiat)
- Scrutiny of Databases that Track Private Records of Employee Wrongdoing - <http://bit.ly/11afYJI> (Joshua Davis, Andrew Ferren)
- Seattle Limits Inquiries Into and Use of Criminal Records for Employment Purposes - <http://bit.ly/19MwbJD> (Littler)
- Seven Components of an Effective Social Media Risk Compliance Program - <http://bit.ly/19yJVav> (Leslie Paul Machado)

- Social Media: Does Eagle v Morgan Apply in Canada? <http://bit.ly/11afTFM> (Lisa Stam)
- Snowden Actions Shine Light on Insider Threat - <http://bit.ly/13XuIK7> (Michael Denning)
- Stop Insider Tweeting! <http://bit.ly/13B1sIW> (@MoFoTech)
- The Do-or-Die Questions Boards Should Ask about Technology | McKinsey & Company - <http://bit.ly/17HF7ze> (Paul Willmott)
- The Flurry of New Employment Laws Regulating the Use of Criminal Records Continues with Expanded Restrictions in Indiana, North Carolina, Texas, and Buffalo, New York - <http://bit.ly/11IuHai> (Jennifer Mora, Rod Fliegel, Sherry Travers)
- The Problems of GCs Thrust Into the Media Spotlight - <http://bit.ly/11G3k0J> (James Haggerty)
- Too Early to Tell if Dodd-Frank Ends “Too Big To Fail” - <http://hvr.me/11G3aGx> (Bradley Sabel, Donald Lamson, David Portilla)
- Value Edges Out Cost-Cutting in Survey of In-House Counsel Priorities – <http://bit.ly/11AjTLh> (Patrick Lamb)
- What General Counsel Can Bring to a Company’s Board – <http://bit.ly/1bzbWf9> (Victoria Reese, Lee Hanson)
- What to Look for in a Risk Director - <http://bit.ly/11wk4Y8> (Catherine Dunn)
- YouTube (Part III) Notice and Take Down Safe Harbor Under the DMCA - <http://bit.ly/17iXhIw> (Martin Kratz)
- You’ve Got the Job, Details Will Follow – Employment Offer Letters & Non-Compete Agreements - <http://bit.ly/1bMJVRj> (Adam Santucci)

Technology Considerations

- 7 Tips To Avoid NSA Digital Dragnet - <http://ubm.io/1bwJbzE> (Mathew Schwartz)
- Capturing Memory and Obtaining Protected Files with FTK Imager - <http://bit.ly/11G3R2y> (Doug Austin)
- Checklist for a Watertight Cloud Computing Contract - <http://bit.ly/16Dv7nR> (Charlotte Erdmann)
- Encrypting Your Email Works, Says NSA Whistleblower Edward Snowden – @TechCrunch - <http://tcrn.ch/11Iunsj> (Colleen Taylor)
- Facebook Discloses Basic Data on Law-Enforcement Requests – <http://nyti.ms/19IJLh5> (Vindu Goel)
- Federal Agencies Graded On Cybersecurity - <http://ubm.io/1btvtO3> (Elena Malykhina)
- Forrester Rates Public Cloud Choices For Developers - <http://ubm.io/17iTIHw> (Charles Babcock)
- FTK x Summation: Meet Me at the Crossroads – <http://bit.ly/11j8nsd> (Trey Tramonte)
- German Court Holds Google Responsible for Its Search Suggestions - <http://bit.ly/1bQVsz8> (Karin Retzer, Alja Poler De Zwart)
- Google Calls U.S. Data Request Disclosures a Step Backward for Users - <http://nyti.ms/17Sp9lZ> (Claire Cain Miller)
- How Much Data has the U.S. Government Pulled with PRISM? <http://bit.ly/17gQFu3> (Andrew Hinkes)
- How to Turn On “Compatibility View” When Viewing Your Blog in IE – Please Advise – <http://bit.ly/17WAgKT> (Christopher Rachal)
- Inside Exchange 2013, Part 13 – Securing Your Servers – <http://bit.ly/11K1gos> (Casper Manes)
- IT’s Time for PaaS Is Here - <http://bit.ly/14FuNom> (Jeff Kaplan)
- Journey of a 1000 Miles: Raising the Bar for Medical Device Security - <http://bit.ly/11laOuv> (Billy Rios, Terry McCorkle)
- Medical Devices Vulnerable to Remote Cyber Tampering, FDA Warns - <http://bit.ly/16DDJL1> (@EnCase)
- Nine Tips to Avoid Starring in a Spreadsheet Horror Story - <http://bit.ly/11JV27Y> (Sherry Kappel)
- NIST to Launch Big Data Working Group | @InfoLawGroup - <http://bit.ly/11jPOEo> (Richard Santalessa)
- Privacy Concerns: Big Data’s Biggest Barrier? <http://ubm.io/17kEGf3> (Jeff Bertolucci)
- Sharing Electronic Medical Records Still Too Hard - Healthcare - <http://ubm.io/17iTxqg> (Chris Murphy)
- Snowden Struggles Against Tech Giants’ Denials – <http://bit.ly/11K1vzI> (Kim Davis)
- Software-Defined Storage — Where Are We? <http://bit.ly/13XvkQa> (@ChuckHollis)
- The Obstacles Flash Must Yet Overcome to Become the Predominant High End Storage Medium Part I of II - <http://bit.ly/11j87K0> (Jerome Wendt)
- What is Data Mining? <http://bit.ly/13DDVaw> (Sam Conforti)
- Will the PRISM Surveillance Lead to EU Lawsuits? <http://bit.ly/17LN9Hn> (@ProjectCounsel)

Vendor News

- Leaders, Challengers, Visionaries and Niche Players: Gartner Magic Quadrant for eDiscovery Software – <http://bit.ly/19rw1Ho> (@ComplexD)
- Vendor Clips Weekly Update for Week Ending June 18, 2013 - <http://bit.ly/11IJZS> (@ComplexD)

2013 Events

JUNE

The 5th Annual Sedona Conference International Program On Cross Border Discovery and Data Protection

June 19 – 20, 2013

Zurich, Switzerland

[Click here for more information.](#)

The 3rd International Litigation Support Leaders Conference

June 20 – 21, 2013

Miami, FL

[Click here for more information.](#)

San Diego eDiscovery Retreat

June 30 – July 1, 2013

San Diego, CA

[Click here for more information.](#)

JULY

6th Annual Forensics and Incident Response Summit

July 9 – 10, 2013

Austin, TX

[Click here for more information.](#)

E-Discovery for Corporate Market Conference

July 17 – 18, 2013

New York, NY

[Click here for more information.](#)

Laguna Beach eDiscovery Retreat

July 28 – 29, 2013

Laguna Beach, CA

[Click here for more information.](#)

AUGUST

American Bar Association Annual Meeting

August 8-13, 2013

San Francisco, CA

[Click here for more information.](#)

ILTA 2013 Annual Conference

August 18-22, 2013

Las Vegas, NV

[Click here for more information.](#)

SEPTEMBER

E-Discovery for Corporate Market Conference

September 17 – 18, 2013

Houston, TX

[Click here for more information.](#)

2013 Conference on Preservation Excellence

September 18-19, 2013

Portland, OR

[Click here for more information.](#)

Hosting and Cloud Transformation Summit North America

September 23 – 25, 2013

Las Vegas, NV

[Click here for more information.](#)

Fifth Annual Intermountain eDiscovery Conference – 2013

September 26, 2013

Salt Lake City, UT

[Click here for more information.](#)

OCTOBER

Relativity Fest

October 6-8, 2013

Chicago, IL

[Click here for more information.](#)

Gartner Symposium/ITxpo

October 6-10, 2013

Orlando, FL

[Click here for more information.](#)

EDRM 2013-2014 Midyear Meeting

October 9-11, 2013

Saint Paul, MN

[Click here for more information.](#)

ACEDS 2013 Corporate E-Discovery Summit

October 10-11, 2013

San Francisco, CA

[Click here for more information.](#)

2013 EDI Leadership Summit

October 15 – 17, 2013

Santa Monica, CA

[Click here for more information.](#)

Innovate

October 17-18, 2013

Orlando, FL

[Click here for more information.](#)

LawTech Europe Congress 2013

October 21 – 22, 2013

Prague, Czech Republic

[Click here for more information.](#)

ACC 2013 Annual Meeting

October 27-30, 2013

Los Angeles, CA

[Click here for more information.](#)

NOVEMBER

KMWorld 2013

November 6-8, 2013

Washington, DC

[Click here for more information.](#)

The Advanced eDiscovery Institute

November 21-22, 2013

Washington, DC

[Click here for more information.](#)

DECEMBER

E-Discovery for Corporate Market Conference

December 11 – 12, 2013

Los Angeles, CA

[Click here for more information.](#)



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