

# Unfiltered Orange | Weekly eDiscovery News Update – April 17, 2013

Recognized nationally in [Forbes' Law and Technology Blog](#) as a leading source of trusted eDiscovery information, Orange Legal Technologies' [Unfiltered Orange](#) newsletter is published weekly to provide legal and technology professionals with current and relevant news and views related to the discipline of eDiscovery. With content ranging from legislation to lessons, from compliance to considerations and from social media to sanctions, [Unfiltered Orange](#) is your weekly best source for keeping up-to-date with all things eDiscovery.

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## *eDiscovery Updates* *Considerations*

- Appeals Court Upholds Decision Not to Recuse Judge Peck in Da Silva Moore – eDiscovery Case Law - <http://bit.ly/17d58S3> (Doug Austin)
- Connecting the Digital Dots to Catch the ‘Craigslist Killer’ – ABA Journal - <http://bit.ly/10QklaO> (Mark Hansen)
- Court Imposes Adverse Inference for Failure to Preserve Facebook – Electronic Discovery Law – <http://bit.ly/12VCy7j> (K&L Gates)
- Da Silva Moore: Second Circuit Denies Petition for Writ of Mandamus Compelling Recusal of Judge Peck - <http://bit.ly/ZmaTJM> (K&L Gates)
- Emails Form Valid, Statute Of Frauds-Friendly, Real-Estate Option Contract - [@ITLexOrg](http://bit.ly/155GCpM)
- “E-Merging”: Mergers and Acquisitions in Today’s Era of Big Data – <http://bit.ly/16XQcZT> (Michele Lange)
- Evolving Judicial Attitudes Towards Predictive Coding Suggest It May Be Time To Retire The Defensibility Question - <http://bit.ly/11ZzYyd> (Akiva Cohen)
- FRCP 37 – A Balancing Act, Part II - <http://bit.ly/16NMHoS> (Erik Post, Jim Vint)
- Federal Court in Manhattan “Likes” Service of Process via Facebook - <http://bit.ly/Zi7KKS> (Madeleine Hensler)
- Google Takes On FBI’s Warrantless Info Requests - <http://bit.ly/Zbfx0> (Ron Miller)
- IRS May Be Sifting Through Email in Defiance of Court Order - <http://bit.ly/17uVcq1> (Erika Morphy)
- IRS Thinks It Doesn’t Need A Warrant To Read Your Email - <http://huff.to/16UPFWK> (Matt Sledge)
- Industry Q&A: How are E-Discovery Tools Making Sense of Big Data? <http://bit.ly/17vJawA> (Noelle Knell)
- Is PredictiveCoding the Answer to Reducing the Costs of eDisclosure? The Lawyer - <http://bit.ly/ZjaYO9> (James Kent)
- Judge Peck’s Refuse to Recuse in ‘Da Silva Moore’ Remains After Appeal - <http://bit.ly/12Y33cn> (Monica Bay)
- Law Firm Falls Victim to Phishing Scam, Sued by Bank [@SharonNelsonEsq](http://bit.ly/122whYB)
- Lawyers Wary of Use of Social Media for Disclosure - <http://bit.ly/16QmNPo> (Joshua Sisco)
- Note to Counsel: Exhaust “Alternative Measures” to Restrict E-Discovery Parameters – <http://bit.ly/Zk01vO> (Mike Hamilton)
- Of Course Search Engines Can’t Be Required To Hide Unflattering Legal Documents - [@ITLexOrg](http://bit.ly/ZuJHIG)
- Pan-Pacific Data Privacy Laws And Regulations: Impact On US E-Discovery And Investigations - <http://bit.ly/10ZZZvZ> (Mukesh Advani)
- Q&A with Information Governance “Guru” Barclay Blair - <http://bit.ly/ZmwmFx> (Shelley Podolny)

- New Developments in Cloud Computing and the Practice of Law | Xerox E-Discovery Talk - <http://bit.ly/ZsZ111> (Paul Matthews)
- Online Sales Tax Upheld In NY, Could Happen In Other States - <http://bit.ly/158R4Nj> (@ITLexOrg)
- SDNY Rules that First-Sale Doctrine Does Not Apply to the Resale of “Used” Digital Media - <http://bit.ly/1713cw7> (James Kang)
- Second Circuit Vindicates Judge Peck and Judge Carter in Da Silva Moore - [@ITLexOrg](http://bit.ly/16PxL9Q)
- Special Report: G.W. Bush’s 103.6 Million Missing Email Messages and the IT Archiving Challenge - [@DavidGewirtz](http://zd.net/YXSk1Z)
- Spoliation – The Sanction Should Have Some Correlation to the Degree of Fault - <http://bit.ly/11PSeKa> (Gregory Joseph)
- Social Media Use as Evidence of Juror Misconduct - <http://bit.ly/11YKw0o> (Richard Raysman, Peter Brown)
- Spoliated Evidence Keeps Plaguing TD Bank as New Fraud Victims of its Customer Await Turn in Court - <http://bit.ly/17uXEwM> (Robert Hilson)
- The Diamonds in the Mud - <http://bit.ly/17ibuj2> (Kris Howarth)
- The Duty To Preserve Social Media Information - <http://bit.ly/17qFexe> (Michael Schmidt)
- Project Management: The Human Hand That Guides E-Discovery - <http://bit.ly/17ibakv> (Andy Mower)
- What is Litigation Support? Database Administrator - <http://bit.ly/ZuDiNH> (Amy Bowser-Rollins)
- When Deactivating Your Facebook Account Becomes Intentional Destruction of eEvidence - <http://bit.ly/155EJcw> (Catherine Kiernan)
- Yet Another Request for Facebook Data Denied – eDiscovery Case Law - <http://bit.ly/157UlwM> (Doug Austin)

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**“If it’s really important, write URGENT  
in the subject line and I’ll be sure  
to ignore it immediately.”**

## Risk

- A Primer on Policing Your Trademark – Copyright & Trademark Matters - <http://bit.ly/ZjbuyB> (Ben Wagner)
- Article 29 Working Party Gives New Guidance on the Principle of Purpose Limitation – <http://bit.ly/17qBhbG> (Martin Flueger)
- Australia: Anonymisation on Information Commissioner’s Radar - [@DataGuidance](http://bit.ly/157TADx)
- Broker-Dealer Registration Requirements for Funds; Requirements for Funding Portals - <http://bit.ly/ZnHp14> (Anne Pinedo)
- California’s Right to Know Act: Are New Privacy Disclosure Requirements on Horizon? <http://bit.ly/17eK0uV> (Alexis Payne)
- Consultants: Nasdaq Cloud Satisfies Trading Records Compliance - <http://bit.ly/Z9GzFe> (Tom Steinert-Threlkeld)
- IBM Executives to Lobby Hard for CISPA | GamePolitics - [@GamePolitics](http://bit.ly/ZuCS9X)
- Directors’ Exercise of the Corporate Privilege - <http://bit.ly/Z9Ib1I> (Joseph McLaughlin)
- Dismissal to Bar Refiling in State Court of Frivolous Claim Filed in Fed Court Lacking Jurisdiction - <http://bit.ly/1239yM0> (Gregory Joseph)
- Don’t Keep That Data Breach Secret - <http://bit.ly/1712zCH> (Tam Harbert)
- How to Use Social Media for Regulation FD Compliance - <http://hvr.me/ZnOM8G> (Richard Sandler)
- Litigation: How the Internet Affects Personal Jurisdiction - <http://bit.ly/ZnOIpC> (Steven Blonder)
- M&A Representations and Warranties Insurance: What Every Buyer and Seller Needs to Know - <http://bit.ly/15gkgly> (Kevin LaCroix)
- Online Activities Generally Not Covered By Your E&O Policy - <http://bit.ly/16NHymX> (Dan Pennington)
- Part 24 – Discovery Ramifications of Insurer’s Attorney’s De Facto Claim Adjustment - <http://bit.ly/158RnYn> (Jeffrey Greyber)
- SEC Highlights Compliance and Ethics for Broker-Dealers | Cady Bar the Door - <http://bit.ly/ZbPNki> (David Smyth)
- Social Media: Growth, Risk, and Tactics - [@ComplexD](http://bit.ly/12gX7ME)
- The Computer Fraud and Abuse Act and Disloyal Employees: A Narrow Bridge To Nowhere? <http://bit.ly/170IMpP> (Gary Glaser, Jacob Oslick)
- Who Owns Your Social Media Account When Your Employee Leaves? <http://bit.ly/16XPBY1> (Leslie Paul Machado)
- Why Working From Home Still Works for Legal - <http://bit.ly/119YYPi> (Thomas Carroll)

## Resources

- An Update: Peck, Parties and Predictive Coding - [@ComplexD](http://bit.ly/ZjLIYi)
- April Update: eDiscovery and Technology-Assisted Review: A Backgrounder - [@OrangeLT](http://bit.ly/Y4wiJW)
- eDiscovery On Alltop - <http://bit.ly/10QpDTC> (Alltop)
- Model Code of Conduct Subscribers - EDRM - <http://bit.ly/154lwrT> (The Electronic Discovery Reference Model)
- Updated eDisclosure Systems – Buyer’s Guide – 2013 Edition (V1.2) Now Available - <http://bit.ly/154pdh7> (Legal IT Insider)

## Senses

- Cartoon: The Importance of Search? [@OrangeLT](http://bit.ly/ZgVpXe)
- Audio: Episode 6: A Higher Bar for Global Compliance - [@MichaelBramnick](http://bit.ly/10U1600)
- Video: Borg Challenge: Part Five Where I Summarize My Findings - [@RalphLosey](http://bit.ly/YZKfcZ)
- Video: How Good Is Your Predictive Coding Poker Face? (Part Two) - <http://bit.ly/1710qXz> (Matthew Nelson)
- Video: Tom Baldwin on Insourcing Litigation Support - <http://bit.ly/153w2j1> (Monica Bay)

## Technologies

- 10 Mistakes to Avoid When Buying and Using Smartphones - <http://bit.ly/15hV26h> (Alan Cohen)
- BigData Drives Big Demand For Storage - <http://bit.ly/12iRI7Z> (BizTech2)
- Cloud Interest Pushes 451 Group Up to Fourth-Largest Analyst Firm - [@DuncanChapple](http://bit.ly/17sRSMj)
- DNS Bug Disclosure: ICANN Releases New Guidelines – <http://bit.ly/16Z5jjU> (Evan Daniels)
- Android Operating System Now Target of EU Antitrust Charges - <http://bit.ly/ZfKpt9> (Peter Vogel)
- EU Accepts Google Antitrust Proposal - <http://ubm.io/12j11on> (Thomas Claburn)
- Google Introduces a Tool for Planning for Your Digital Afterlife - <http://nyti.ms/16Z4rMa> (Clair Cain Miller)
- GC Goes Public With ‘Patent Troll’ Strategy - <http://bit.ly/17ifxfg> (Brian Glaser)
- Meg Whitman: Autonomy Is An ‘Almost Magical Technology’ – Business Insider - <http://read.bi/16UM4rE> (Julie Bort)
- Microsoft Takes Aim at Amazon With a New Cloud Service - <http://nyti.ms/119YQPN> (Nick Wingfield)
- Military Intelligence Tries To Tame Data ‘Monster’ - <http://ubm.io/11YKYMh> (Jeff Bertolucci)
- Prescriptive Analytics And Big Data: Next Big Thing? <http://ubm.io/ZuJ020> (Jeff Bertolucci)
- Speak Up, the Internet Can’t Hear You - <http://nyti.ms/16Z4lyF> (David Streitfeld)
- Still Don’t Want to Take Email Security Seriously? <http://bit.ly/115jJOG> (Jeff Orloff)
- The Honeynet Project: Watch Cyberattacks in Real Time - [@SharonNelsonEsq](http://bit.ly/10WqkLe)

## 2013 Events

### APRIL

#### 2013 ALA Annual Conference and Exhibition

April 14-17, 2013

Washington, DC

[Click here for more information.](#)

#### LawTech Futures

April 30, 2013

London, UK

[Click here for more information.](#)

### MAY

#### Information Governance & eDiscovery Strategy Exchange

May 5-7, 2013

San Diego, CA

[Click here for more information.](#)

#### Inside Counsel – 13th Annual Super Conference

May 6 – 8, 2013

Chicago, IL

[Click here for more information.](#)

#### EDRM 2013-14 Kickoff Meeting

May 7-9, 2013

St. Paul, MN

[Click here for more information.](#)

#### CEIC 2013

May 19 – 22, 2013

Orlando, FL

[Click here for more information.](#)

**MER '13 – The National Conference on Managing Electronic Records**

May 20 – 22, 2013

[Click here for more information.](#)

**LegalTech West Coast**

May 21-22, 2013

Los Angeles, CA

[Click here for more information.](#)

**JUNE**

**The Fifteenth Annual International Techno Security Conference**

June 2-5, 2013

Myrtle Beach, SC

[Click here for more information.](#)

**7th Annual Governance and eDiscovery Summit**

June 12-13, 2013

Sydney, Australia

[Click here for more information.](#)

**International Conference on Artificial Intelligence and Law**

June 10 – 14, 2013

Rome, Italy

[Click here for more information.](#)

**AUGUST**

**ILTA 2013 Annual Conference**

August 18-22, 2013

Las Vegas, NV

[Click here for more information.](#)

**SEPTEMBER**



**Fifth Annual Intermountain eDiscovery Conference – 2013**

September 26, 2013

Salt Lake City, UT

[Click here for more information.](#)

**OCTOBER**

**EDRM 2013-2014 Midyear Meeting**

October 9-11, 2013

Saint Paul, MN

[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.](#)

*For Complete Events Calendar Visit – [Click here.](#)*



### **About Orange Legal Technologies**

OrangeLT™ is a leading provider of electronic discovery litigation, audit, and investigation technology and services for law firms and corporations. Having served over 1,000 clients since inception and with over 250 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 technology and 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.

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