

# Unfiltered Orange |

## Weekly eDiscovery News Update – August 1, 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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### eDiscovery News

#### Content and Considerations

- Adverse Inference Sanction Issued in High Stakes Patent Dispute - <http://bit.ly/Q5HVMv> (Philp Favro)
- Back to Basics: What You Thought Everyone Knew About Legal Holds - <http://bit.ly/OAgtDH> (Dennis Kiker)
- Court Acceptance of Predictive Coding? Still a Waiting Game - <http://bit.ly/OpZFiQ> (Michael Hamilton)
- Criminal Search Warrants Showing Their Age - <http://bit.ly/MP6MDm> (BLLAWG)
- Da Silva Moore: Defendant Files Opposition to Plaintiffs' Objection to Denial of Motion for Recusal or Disqualification – <http://bit.ly/Q6WTOT> (K&L Gates)
- ECA – Before 26(f) - <http://bit.ly/LZlGaL> (Samantha Green)
- eDiscovery Traffic Control – Merging on the Litigation Superhighway - <http://bit.ly/ODzC6D> (Dennis Kiker)
- E-Discovery: Managing Litigation Vendor Costs and Information Flow - <http://bit.ly/M1rHDO> (Judy Selby, Brian Esser)
- Days Seven and Eight of a Predictive Coding Narrative - <http://bit.ly/Ox4J52> (Ralph Losey)
- Failure to Disable Auto-Delete And Follow Up On Litigation Hold Results in Adverse Inference - <http://bit.ly/Oz8IU6> (K&L Gates)
- Fourth Circuit Says Employees Can Copy Data The Employer Allows Them To See - <http://bit.ly/Oy2bU4> (Richard Renner)
- How Dangerous Is Self-Collection in eDiscovery? <http://bit.ly/Q5KoXg> (Sheila Mackay)
- HSR and Jail Time? The Importance of Being Earnest, and Getting Corporate Internal Investigations Right – <http://bit.ly/MKScwL> (Proskauer)
- Impact of Chin Decision on Pension Committee - <http://bit.ly/OxzPJJ> (Rachel Fendell)
- Is an Expert Who Agrees to Testify for No Compensation but with Expense Reimbursement “Specially Employed” within 26(a)(2)(B) Requiring a Written Report? <http://bit.ly/M0KNtE> (Gregory Joseph)
- Judge Scheindlin Issues Marching Orders for Electronic Records Search - <http://bit.ly/MKVbVS> (Mark Hamblett)
- The Latest Update: Peck, Parties and Predictive Coding - <http://bit.ly/xAztDv> (@ComplexD)
- Let's Ask Dad About the Attorney-Client Privilege - <http://bit.ly/LZcbZ0> (Josh Gilliland)
- Lucky Seven: My Top Document Management Tips - <http://bit.ly/LQj7Yh> (Jessica C. Mederson)
- No Request, No Motion to Compel - <http://bit.ly/Oqg5Yt> (Josh Gilliland)
- Of Mice, Men, and Social eDiscovery - <http://bit.ly/LSFH2J> (Norv Leong)

- On the Eve of Trial with Apple, Samsung is Dealt Adverse Inference Sanction - <http://bit.ly/LZc8MI> (Doug Austin)
- On Eve of Trial, Apple Obtains Adverse Inference Instruction for Samsung's Email Spoliation – <http://bit.ly/LPLcz8> (John Horan)
- Predictive Coding, eDiscovery, and Me - <http://bit.ly/LYwao> (Mark Dubois)
- Proposed Spoliation Rules Would Impact Apple-Samsung Trial - <http://bit.ly/QQTeoI> (Henry Kelston)
- Samsung Seeks Relief from Spoliation Sanction, Moves to Sanction Apple for Spoliation - <http://bit.ly/OBh0p6> (John Horan)
- Sanctions – Lead Counsel Responsible for Discovery Failures, Cannot Shift Blame - <http://bit.ly/Ox4XJi> (Gregory Joseph)
- Search and Collection of Data Efforts Critiqued in FOIA Case - <http://bit.ly/LRVEGf> (Stephanie Blair, Scott Milner, Denise Backhouse)
- See Samsung? Legal Holds ARE important! “Jury to Hear Samsung Destroyed Evidence” <http://bit.ly/QbbWY6> (Project Counsel)
- Selecting And Working With An eDiscovery Vendor - <http://bit.ly/OBhJq8> (Mayer Brown)
- Self-Collection Is Dead (Long Live Self-Collection!) <http://bit.ly/QdLSvj> (James D. Shook)
- Taking Technology-Assisted Review to the Next Level – (Free Registration Required) <http://bit.ly/OAfKCF> (Craig Ball)
- Ten Common eDiscovery Defensibility Situations - <http://bit.ly/M0Oco> (Chuck Kellner)
- The Antithesis of Diligence – Not Something You Want to Read About Your eDiscovery Efforts – <http://bit.ly/Oz9ISL> (Adam Losey)
- The Clawback Train Has Left the Station - <http://bit.ly/Ox5fQu> (Adam Losey)
- The Number of Pages in Each Gigabyte Can Vary Widely - <http://bit.ly/M7ZEhi> (Doug Austin)
- The Three-Pronged Relationship in eDiscovery: Corporate Counsel, Outside Counsel and eDiscovery Provider – <http://bit.ly/NYsu5i> (Lynn Frances)
- U.S. eDiscovery Concepts Collide with International Privacy Policies - <http://bit.ly/LZIRmj> (LexisNexis)
- Why Half Measures Aren't Enough in Predictive Coding - <http://bit.ly/LRNx2Q> (Chitrag Shah)
- Why (Some) Lawyers Don't Like Technology-Assisted Review - <http://bit.ly/LQkztN> (Dennis Kiker)

#### *Reports and Resources*

- ABA Tech Survey: A Third of Lawyers Use Tablets, a Few Still on Dial-Up - <http://bit.ly/OqgWs1> (Evan Koblentz)
- An Updated Technology Assisted Review Backgrounder – <http://bit.ly/IiTGTb> (@OrangeLT)
- Comparison of Info Sharing, Monitoring and Countermeasures Provisions in the Cybersecurity Bills – <http://bit.ly/OzpGfq> (CDT)
- Confused? Analysing the Scope of Freedom of Speech Protection vis-à-vis European Data Protection (PDF) <http://bit.ly/OzamQ0> (David Erdos)
- IAALS Offers Training And Solutions To Challenges Of eDiscovery - <http://bit.ly/OAgZlk> (IAALS)
- Majority of Companies Expanding Cloud Computing Skills: Survey - <http://onforb.es/LS0ymJ> (Joe McKendrick)
- FFIEC Issues Statement on Cloud Computing - <http://bit.ly/Ozaxea> (Hunton Williams)
- NIST Updates Computer Security Guides - <http://bit.ly/OxR0e9> (Patience Wait)
- The Rear View Mirror on Google+: 5 Top Stories From Last Week's Unfiltered Orange Newsletter – <http://bit.ly/Oxa6kv> (@OrangeLT)
- The Rise of the “Connected Viewer” – Pew Internet (PDF) <http://bit.ly/O4FfLB> (Aaron Smith, Jan Boyles)

#### *Sight and Sound*

- Carmel Valley eDiscovery Judicial Panel on Predictive Coding - <http://bit.ly/M0PB28> (Karl Schieneman)
- Case in Point for Monday, July 30th, “Litigation Dismount” <http://bit.ly/Oxab80> (Tom Fishburne)
- Handy Infographic on Lawyer Glut, Outsourcing, Other Happy Topics - <http://on.wsj.com/M22ZTR> (WSJ Law Blog)
- Infographic: How Police Investigators Are Using Social Media - <http://bit.ly/M23ptj> (Doug Wyllie)
- T.J. Johnson Previews ILTA 2012 (Video) - <http://bit.ly/M2eavL> (Monica Bay)

- Time for the Gold? Go with OneO®. <http://bit.ly/Oyars8> (@OrangeLT)

*Technology and Tactics*

- 2012 Olympics Magnify the Importance of Implementing a Social Media Policy - <http://bit.ly/QQRBaO> (Devin Krugly)
- A Growing Trend – Employers Prohibited from Requesting Employee or Applicant Social Media Log-In Info – <http://bit.ly/M0MmHZ> (Frederick Lah)
- Avoiding Minefields in a Changing Data Privacy and Security Landscape - <http://bit.ly/MNH15e> (James DeGraw, Christine Santariga)
- Baylor’s Accidental Doc Dump Provides Grist For Bias Suit - <http://bit.ly/LPDkxr> (Karen Sloan)
- Can Employers Ask Applicants for Social Media Login Information? <http://bit.ly/LQSzwF> (Debbie Kaminer)
- Cloud Guidance Rains Down in July – <http://bit.ly/Op5KvI> (Sue Ross, David Kessler, Pam Harbour, Bob Wilson)
- Conclusion of Online Defamation Series – Anti-SLAPP - <http://bit.ly/LROqlu> (Travis Crabtree)
- CSO Magazine Publishes Hogan Lovells Article “Dangerous Assumptions About Clouds” - <http://bit.ly/OAi7oW> (Hogan Lovells)
- Cybersecurity Act Now Pending in U.S. Senate - <http://bit.ly/Oy1PNm> (Eric Johnson)
- Expert Witness: CEO of CMP.LY Talks Social Media Disclosures - <http://bit.ly/LST3HB> (Laura Waldman)
- “Facebook Firing” Claims Under State Law Too - <http://bit.ly/LSAyre> (Michael Schmidt)
- Google, Zippers, and Quirky Trademark Law - <http://bit.ly/M3kByG> (BLLAWG)
- Growing Recognition of Subjectivity in Expert Testimony - <http://bit.ly/OqcERs> (Edward Imwinkelried)
- He “Likes” Me, He “Likes” Me Not – Lawsuit, Changes Landscape of Privacy Litigation - <http://bit.ly/OzaGyo> (Elizabeth Berman)
- How to Impose Technological Restraints on Criminal Offenders - <http://bit.ly/Oza9wm> (Art Bowker)
- Major Changes in Store with Exchange 2013 - <http://bit.ly/LYTYux> (Casper Manes)
- McKinsey Says Social Media Could Add \$1.3 Trillion to the Economy - <http://nyti.ms/OruVxR> (Quentin Hardy)
- Oops- Google Found Street View Wifi Data - <http://bit.ly/OBjHqG> (Peter Vogel)
- Securely Deleting Data from Mobile Devices - <http://bit.ly/Ox41od> (Sharon Nelson, John Simek)
- Skype Chats, User Data More Available To Police - <http://wapo.st/OpZowk> (Craig Timberg, Ellen Nakashima)
- Social media stats: In-House Counsel’s New Media Use By The Numbers - <http://bit.ly/M9aofs> (Ashley Post)
- Startup Floats Cloud Storage for Lawyers - <http://bit.ly/LT0lJf> (Evan Koblenz)
- “Stop” Texting to Prevent Unwanted Lawsuits - <http://bit.ly/NYu5rV> (Robert Forbes)
- Technology on Trial: Human Rights Court Upgrades Its Transparency - <http://bit.ly/OsyvI5> (Claire Duffett)
- The FTC Is Monitoring Data Breaches . . . And Appears to Be Eager to Bring Enforcement Actions – <http://bit.ly/Ox623S> (John Gotaskie)
- The Good, Bad, and Ugly News From Black Hat USA 2012 - <http://bit.ly/O3d27W> (Sean Doherty)
- The NLRB Weighs In (Again) On Social Media Policies - <http://bit.ly/Oqh0YV> (Anna Ferrari, Susy Hassan, Nathan Salminen)
- Twitter Messages within Scope of UK Communications Laws, High Court Rules - <http://bit.ly/Orw48G> (Pinsent Masons)
- What Will The Future Of IT (And Technology) Look Like?” <http://bit.ly/Oz9jQ6> (Tim Sheedy)
- Why Cloud Should be Part of your Business Mobilisation - <http://bit.ly/OqWbhl> (Matt Henkes)
- Why Social Media Sites Should Be Protected From Employers - <http://bit.ly/LS028h> (Lynne Bernabei, Alan Kabat)
- Wiley Rein Law Firm Breached by Chinese Hackers - <http://bit.ly/Oz8eI3> (Sharon Nelson)

## Vendor Views

### Industry Landscape

- 4th Annual Intermountain eDiscovery Conference to Provide Latest Information on Digital Discovery – <http://bit.ly/N9gdcf> (@OrangeLT)
- AccessData Group Brings Mobile Phone Examiner Plus (MPE+) to the Legal Market - <http://bit.ly/M3118a> (Business Wire)
- AccessData Releases Cyber Intelligence & Response Technology (CIRT) Version 2 - <http://bit.ly/NYw9jC>(Business Wire)
- Are The Software Giants Dominating The eDiscovery Market? | eDiscovery Journal – <http://bit.ly/PMJ2Re> (Barry Murphy)
- Catalyst CEO John Tredennick Named ‘Fastcase 50’ Honoree – <http://bit.ly/NYi7hN> (Press Release)
- CommVault Announces First Quarter Fiscal 2013 Financial Results - <http://bit.ly/M1wzc3> (Press Release)
- CommVault Expands Fujitsu Partnership to Advance Modern Data Protection and Management – <http://bit.ly/LZcnYb> (Press Release)
- CPAGlobal Expands IDS Management Service - <http://bit.ly/Oprdop> (Announcement)
- DCIG – Report from the 2012 Carmel Valley eDiscovery Retreat - <http://bit.ly/LS9Tej> (Charles Skamser)
- Decisiv Categorization Solves Massive Email Management Problem - <http://mwne.ws/LQjwX> (Marketwire)
- DriveSavers Announces Expansion for eDiscovery and Forensic Analysis Services – <http://bit.ly/M12yce>(Business Wire)
- Epiq Systems Announces Second Quarter 2012 Results With Record Operating Revenue of \$89.8 Million – <http://on.mktw.net/OAo6tV> (Globe Newswire)
- eTERAConsulting Executive Todd Haley Named Adjunct Professor at Georgetown University - <http://bit.ly/Oz7AdH> (PR Web)
- Eversync Puts Key Backup Appliance Differentiators into Its New Line of Data Protection Appliances – <http://bit.ly/LNvPCx> (Ben Maas)
- GGO – A Look Inside Hosted eDiscovery Pricing - <http://bit.ly/Oq3vZc> (Megan Miller)
- Guidance Software Extends Leadership in Financial Services Industry - <http://bit.ly/MM9kSG> (Business Wire)
- Guidance Software Reports 2012 Second Quarter Financial Results - <http://bit.ly/M1ZGMf> (Business Wire)
- Huron Consulting Group Announces Second Quarter 2012 Financial Results - <http://bit.ly/Q6PNdt> (Business Wire)
- InterLegis Offers Predictable, All-Inclusive Pricing Model for Discovery360™ Hosted - <http://bit.ly/Oz7Mto> (PR Web)
- IntraLinks Announces Date of Earnings Release and Conference Call for 2Q 2012 Financial Results – <http://on.mktw.net/LQyO1T> (PR Newswire)
- IPRO Offers Free Trial of Litigation Review Software IPRO Eclipse SE - <http://bit.ly/QbMjK7> (Press Release)
- IronMountain Management Discusses Q2 2012 Results – Earnings Call Transcript - <http://bit.ly/OqhspU> (Seeking Alpha)
- Kroll Ontrack Launches Australian Partner Portal - <http://bit.ly/Ox6pLQ> (Peter Dinham)
- Lagniappe: Unfiltered Orange – A Searchable PDF Of eDiscovery News Between Jan. 1, 2012 – July 4, 2012 – <http://scr.bi/OtHxVb> (@OrangeLT)
- Leading Analyst Firm Ranks IntraLinks as Lead Vendor in Team Platform and Social Software Suites Category – <http://on.mktw.net/OAn4Or> (PR Newswire)
- LegalHoldPro: Conference on Preservation Excellence to Debut September 27-28, 2012 in Portland, OR. <http://bit.ly/OqlBKF> (Press Release)
- LuciData Strengthens eDiscovery Services with iCONNECT’s XERA - <http://bit.ly/MKRKhQ> (PR Web)

- Metalogix Announces Powerful Solution To Consolidate Critical File Share Content Into SharePoint – <http://bit.ly/M8oH3Q> (Press Release)
- Nextpoint – eDiscovery: Leveling The Playing Field – Solo & Small Firm Discovery eBook - <http://bit.ly/Op6hxK> (Nextpoint)
- Oracle Continues Buying Spree - <http://on.wsj.com/Q4RPhv> (Melodie Warner)
- Reed Elsevier CEO Engstrom Says Breakup Is Not on Board Agenda - <http://bloom.bg/LROOR5> (Kristen Schweizer)
- Sonian Archive Review & Rating – PC Magazine - <http://bit.ly/Oy1JFB> (Fahmida Rashid)
- Symantec CEO Firing Probably Won't Impact Clearwell - <http://bit.ly/LQiAFT> (Evan Koblenz)
- Symantec CEO's Ouster Intensifies Pressure: Real M&A - <http://buswk.co/OBi509> (Kathleen Chaykowski, Alex Barinka)
- TechLaw Solutions: Managed Review Services Benefit Corporations And Law Firms - <http://bit.ly/OxyxhP> (John Thatcher)
- TERIS Among First eDiscovery Service Providers to Adopt SSAE-16 SOC 2 Security Standards - <http://bit.ly/Ozpkpn>(PR Web)
- Thomson Reuters Acquires Online Brand Monitoring Tool - <http://bit.ly/MP67BX> (Sean Doherty)
- Troutman Sanders eMerge Selects Relativity - <http://on.mktw.net/M0IVB8> (Globe Newswire)
- X1 Discovery and the National White Collar Crime Center Partner to Fight Cybercrime - <http://bit.ly/M16U3g> (Press Release)

## 2012 eDiscovery Events

### AUGUST

#### **ILTA Annual Conference 2012**

August 26 – 30, 2012  
Washington, DC

### SEPTEMBER

#### **Intermountain eDiscovery Conference 2012**

September 13, 2012  
Salt Lake City, UT

#### **ACC Annual Meeting**

September 30 – October 3, 2012  
Orlando, FL

### OCTOBER

#### **EDI Leadership Summit 2012**

October 17 – 19, 2012  
Fort Lauderdale, FL

### NOVEMBER

#### **LawTech Europe Congress**

November 12, 2012  
Prague, Czech Republic

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>.