

Unfiltered Orange |

Weekly eDiscovery News Update – February 29, 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>.

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eDiscovery News

Content and Considerations

- A Billion Dollar Fix for Free - <http://bit.ly/zD4RXW> (Craig Ball)
- A Practical Guide To Responding To Government Investigations - bit.ly/zS0diw (Roderick Thomas, Mark Sweet)
- A Good eDiscovery Team: eDiscovery Lawyers – Part II - bit.ly/AwOmmY (Dennis Kiker)
- All's "Well" for Halliburton: No Sanctions Result from BP's Spoliation Claims | Cozen O'Connor – bit.ly/yB8lqA (Diana Lin)
- Am I Naïve to Think Something Should Be Done? | Resolving Discovery Disputes - bit.ly/yQPD5z (Katherine Gallo)
- Beware: Courts May Force You To Pay Costs Of Unnecessary eDiscovery Actions - bit.ly/AinqyM (Austin O'Malley)
- Check For Privilege Before Turning Over Database: The Lesson In Thorncreek Apartments – bit.ly/yz9SHL (John Tredennick)
- Computer-Assisted Review "Acceptable in Appropriate Cases," Says Judge Peck - bit.ly/xn79DI (Matt Nelson)
- Computerized Document Review Defensible at Last? bit.ly/zwruTK (Ron Friedmann)
- Cost of Converting (Electronically Stored Information) Jardin v. DATAlegro, Inc. – bit.ly/A0LSpr (Jennifer Connelly)
- Courts Tackle Spyware Interceptions - bit.ly/AbezOp (Peter Crusco)
- Criminal Law Catches Up: New ESI Guidelines Issued – bit.ly/yVpQvH (Shira Scheindlin, Jeffrey Rabkin)
- Data Preservation is Critical in Trade Secrets Cases | Littler - bit.ly/zpf7Gm (Douglas Wickham)
- E-Discovery: Avoiding eDiscovery Offenses in State Courts - bit.ly/xXmfK9 (Matthew Prewitt)
- eDiscovery Court Pilot Programs: eDiscovery Templates that Legal Teams Should Utilize – bit.ly/wfc7pU (Mike Hamilton)
- Eleventh Circuit Reverses Order Compelling Production Of Unencrypted Computer Contents - bit.ly/xTpPPU (Federal Evidence Review)
- Federal Court Incentivizes Narrow eDiscovery Through Cost Shifting | Cozen O'Connor - bit.ly/wrqi8H (Lisa Myers)
- Federal Court Approves Use of "Computer-Assisted Review" to Find and Produce Relevant ESI in Discovery - bit.ly/xBfh4F (Jay Yurkiw)
- Government's "Recommendations for ESI Discovery in Federal Criminal Cases" Revealed - bit.ly/zpyZ4a (K&L Gates)
- Hard Drive of a Key Non-Party Witness is Searchable in Response to Subpoena | Gibbons - bit.ly/x1rkR6 (Stephen J. Finley)

- How a Case Can Crash and Burn: Why Litigant Should Not Set Afire Computer After It Crashes (Preservation 101) bit.ly/x3G7H1 (Gibbons)
- Huge Hole in eDiscovery Process – bit.ly/zBhGqC (Josh Gilliland)
- In A Milestone for Predictive Coding, Judge Peck Says, ‘Go Ahead, Dive In!’ bit.ly/Aw2xdG (Bob Ambrogi)
- In eDiscovery Breakthrough, Judge Endorses ‘Predictive Coding’ - bit.ly/xkrjX6 (Alison Frankel)
- Is Predictive Analytics Going Mainstream? bit.ly/xL3AWv (Cat Casey)
- Judge Peck Issues Opinion on Computer-Assisted Review - bit.ly/wA6J26 (Monica Bay)
- Judge Orders Twitter User’s Identity Revealed In Bachmann Threat Investigation - bit.ly/yGOWPB (Mike Scarcella)
- Judge Peck’s Predictive Coding Game-Changer – bit.ly/zBqfuU (Craig Carpenter)
- LegalTech New York 2012 – A New Zealand Perspective - bit.ly/yOKGFI (Andrew King)
- New York State Reaffirms Influence of Zubulake and Pension Committee Federal Decisions - bit.ly/zUwmro (Michael Arkfeld)
- Ownership of Work Related Social Media – Recent Case Law - bit.ly/zE5wYf (Maxine Neuhauser, Susan Sholinsky)
- Plaintiffs Object to Predictive Coding Order, Argue Lack of Transparency in eDiscovery Process – bit.ly/yLWhJD (Philip Favro)
- Predictive Coding’s Silver Blaze: The Dogs Who Didn’t Bark In The Night-Time - bit.ly/wzoIXO (Chris Dale)
- Producing Party Must Pay for Discovery: Appeals Court – bit.ly/wK7a8l (Joseph Ax)
- Saved by the Judge – Understanding Keyword Searches and “Unallocated Space” bit.ly/xbRHFH (Michael Arkfeld)
- Service of Process Via Social Media and Authentication - bit.ly/yVBSaw (Bradley Shear)
- Size and Significance in eDiscovery Sampling - bit.ly/yTNmD7 (@OrangeLT)
- Still No Cure for the Malady of Jurors’ Social Media Use During Trials and Deliberations - bit.ly/zEIlFW (Gibbons)
- Taming Big Data - bit.ly/ACsmGw (Nick Patience)
- The Act of Production: Minimize Risk When Replying to a Subpoena - bit.ly/zRVZ7o (Michael Dockterman, Ira Greenberg)
- The Implications Of Pippins v. KPMG For The Preservation Of Evidence - bit.ly/AuP9Lk (Jon Resnick)
- The Next Governance Frontier: Social Media - onforb.es/wYojZ7 (Barry Murphy)
- The SEC and eDiscovery - bit.ly/wYCzbD (Wallis Hampton, Elizabeth Russo, Canaan Himmelbaum)
- Thoughtful Guidelines for eDiscovery in Criminal Cases - bit.ly/w65VFD (Craig Ball)
- Twittering Grievances May Be Expensive - bit.ly/wUS6xT (Joy Newborg)
- Use of Computer-Assisted Coding Is Endorsed to Comb Through Huge Number of Documents – bit.ly/zrGCSs (Mark Hamblett)
- U.S. District Judge Must Affirm Peck’s Decision - bit.ly/AmphIn (Albert Barsochinni)
- Woman Must Turn Over Unencrypted Computer Hard Drive to U.S. - bit.ly/wAuPVt (Solomon Banda)

Reports and Resources

- CNSI-4031 Cryptographic High Value Products (CHVP) (PDF) bit.ly/xHmRPd (Committee on National Security Systems)
- Microsoft Paper Focuses on Evolved Security, Privacy and Reliability Strategies for Cloud and Big Data – bit.ly/yR2QpG (Scott Charney)
- New Federal Guidelines Promote Uniform Treatment of eDiscovery in Criminal Proceedings – bit.ly/AjW6sa (Bracewell & Giuliani)
- New Research Reveals Cyber Risk Still Not Getting Adequate Attention from Boards and Senior Executives – prn.to/yvJMs5 (PR Newswire)
- Of Frightened Horses and Autonomous Vehicles: Tort Law and its Assimilation of Innovations – bit.ly/Av1qmR (Kyle Graham)
- Symantec 2012 State of Mobility Survey - bit.ly/xBg7PW (Press Release)
- The Buzz On Information Matters (eDiscovery and Information Governance) bit.ly/wuj188 (Redgrave)
- Want to Delete Web History Before Google Gathering Takes Effect? EFF Shows How - bit.ly/xJbFtq (Debra Cassens Weiss)

Sight and Sound

- A Pinteresting Look At Ethics? From Ethics to eDiscovery - bit.ly/yKMN5o (@OrangeLT)
- Breaking Down the White House Privacy Framework with Foley Hoag's Colin Zick - bit.ly/Arrp1a (@LXBN)
- Former Judge Ronald Hedges on the Collision of Privacy and EDD - bit.ly/xBfu7t (Monica Bay)
- John Facciola, Michael Arkfeld on the ABA Ethics 20/20 Project – bit.ly/xLxr4r (Monica Bay)
- Judicial Perspectives on Tech-Assisted Review – Video - bit.ly/y00kFq (@Xerox_XLS)
- Legal Talk Network: Digital Detectives Podcast: “The Best Resources for Staying Current eDiscovery” – bit.ly/ykDnMi (PR Newswire)
- LegalTech 2012: The Mashup App – Most Excellent Technology Adventure [With Video] bit.ly/zf0BJa (Greg Bufithis)
- Video of White House Event Announcing New Internet Privacy Approach – <http://ow.ly/1hAKA0> (Hogan Lovells)

Technology and Tactics

- 5 Issues to Consider Before Deploying Cloud-Based Email for Law Enforcement - bit.ly/yFu7zP (Matt Williams)
- 6 Shining Examples of Cloud Computing in Action – <http://onforb.es/ynmBCq> (Joe McKendrick)
- 7 Tips for Starting Information Governance Projects - bit.ly/yPP1UF (Mark Diamond)
- Archive Now and Simplify Data Migrations | The VAR Guy - bit.ly/AeSyBI (Randy Cochran)
- Are Outside Counsel Using SEO, Social Media to Reach GCs? bit.ly/wTzTLJ (Shannon Green)
- Assessing the Risk of Cybercrime - bit.ly/zkMObd (Marc Mayerson, Darren Teshima)
- Can You Screen Employees Using Facebook? bit.ly/yZGKMa (Beverly Michaelis)
- Cloud Storage in the Age of SOPA and Megaupload - bit.ly/z5o3Yx (Ben Schorr)
- Conflicts Arise When Complying With U.S. and E.U. Laws - bit.ly/y1QIJU (Catherine Dunn)
- Dell Is Hoping It's More Than a Server Company - nyti.ms/AlmB0Z (Quentin Hardy)
- DLA Piper Sponsors Open-Source Think Tank - bit.ly/z2nHC4 (Evan Koblenz)
- Don't Be Ambushed by Your Cloud Provider - bit.ly/z0ceem (Mary Jander)
- Download Your Facebook Info for eDiscovery or Curiosity - bit.ly/wcyZ0X (Jason Velasco)
- Facebook Conducting “Test” SMS Snooping - bit.ly/yBh015 (Adam Smith)
- From the Experts: Cloud Computing's Hidden Export Regulation Risks - bit.ly/zkKHXP (Chad Breckinridge)
- FTC Approves New COPPA Safe-Harbor Program | Covington – bit.ly/xbM8UJ (Michael Beder)
- Grandfather Provision of Massachusetts Data Security Requirements Expiring - bit.ly/yMIMBj (Jeremy Logsdon)
- Healthcare: A Special Area For Privacy And Data Protection - bit.ly/vZ5PNO (Jo-Ellyn Klein)
- How Europe is Dealing with Privacy Online - bit.ly/w4ONJq (Viviane Reding)
- Internet Privacy Bill of Rights - bit.ly/yJcZC (Peter Vogel)
- IT Leaders Must Swallow the Automatic ‘No’ and Focus on Making Things Happen - bit.ly/yLB7UK (Doug Caddell)
- KPMG-Wharton Survey Indicates Boost for M&A Activity in 2012 - bit.ly/ykJMrn (PR Newswire)
- Lessons Learned: The VeriSign Breach - bit.ly/x3R36o (Anthony Di Bello)
- Maximizing Information Technology Return on Investment - bit.ly/zdX1Bj (Edward Poll)
- New Social Media Darling Pinterest and Copyright Law | Slaw - bit.ly/whOba1 (Connie Crosby)
- Plucking the Eye Out of Email Storms - bit.ly/x97IjX (John Mello)
- Proactive Cyber Security Means Knowing Your Adversary and Educating your Ally - bit.ly/wGWuab (Russ Gould)
- Protecting Copyright Holders and Potential Infringers – bit.ly/xh8Hiz (Edward Spiro, Judith Mogul)
- Sun Co-founder McNealy's Startup Wayin raises \$14M - bit.ly/wZ8nGL (San Jose Business Journal)
- Stratfor E-Mails Contain Deal Details Involving Willkie and Jackson Walker - bit.ly/Aoj3UW (Brian Baxter)
- Strong General Counsel And The New Reality - bit.ly/yoG14w (Al Driver)
- The Top Ten Pitfalls In ITaaS Transformation - bit.ly/xKCW4t (Chuck Hollis)

- Three Aspects of Backup Software Management that May Never Go Away - bit.ly/A8AAat (Jerome Wendt)
- Tweets on Trial: Law Enforcement Subpoenas Twitter Account - bit.ly/AsjvyD (Mario Anzuoni)
- Two Lawyers Sue West and LexisNexis for Reproducing Legal Briefs - bit.ly/z8yD5g (Debra Cassens Weiss)
- Will 'Big Data' Transform Your Industry? bit.ly/zkBrAd (McKinsey)
- Will The FBI Be Shutting Down Your Internet Access On March 8? bit.ly/wojUze (John Mello)
- What is "Reasonable" for a Law Firm With Respect to Protecting Client Data? bit.ly/Ai7NhM (Sharon Nelson)

Vendor Views

Industry Landscape

- BlackStone Discovery Leverages OneO eDiscovery Platform to Support Audio Communications Leader – bit.ly/xB8URY (Press Release)
- Caringo's Object Storage Platform Fully Integrated with Symantec Enterprise Vault 10 – bit.ly/zAlozR (Press Release)
- Catalyst and Exterro Partner to Unify the Full Litigation Lifecycle - bit.ly/zix1W4 (Press Release)
- Compiled Services Releases New Version of ReadySuite E-Discovery Software - bit.ly/wflA7k (Press Release)
- Considering Predictive Coding? | Orange Legal Technologies – <http://bit.ly/znmHLg> (@OrangeLT)
- Digital Forensics and Discovery Services Provider Expands to Taiwan – bit.ly/wBF1vx (PR Web)
- Digital Reef Expands Legal Service Provider Partnership Program - bit.ly/w5hpxV (Business Wire)
- Digital Reef Selected by KMWorld as one of 100 Companies That Matter in Knowledge Management for 2012 - bit.ly/y6pJf (Business Wire)
- Exterro E-Discovery From A to Zeta - bit.ly/zF7VQr (Jason Krause)
- Fast-Growing VeDISCOVERY, LLC Emerges From Parent - bit.ly/A50KeY (Metropolitan Corporate Counsel)
- Former DOJ Cybercrimes Chief Michael DuBose Joins Kroll - bit.ly/A8vNM2 (Matthew Huisman)
- FTI Consulting, Inc. Reports 2011 Fourth Quarter and Full Year Results - prn.to/wJIosR (PR Newswire)
- Guidance Software And FireEye Ally To Eliminate Advanced Malware - bit.ly/zzvASs (Business Wire)
- HP: 'Baby Tiger' Autonomy Will Drive Channel Business - bit.ly/yoiG5I (Kevin McLaughlin)
- Introducing Europe Legal Technologies™, A Joint Venture of AltLaw and Global EDD Group - bit.ly/wA18Tt (Press Release)
- Iron Mountain Reports 2011 Fourth Quarter and Full-Year Financial Results - bit.ly/yCiQVU (Business Wire)
- kCura Recognized at Stevie Awards for Sales and Customer Support - bit.ly/xR04j9 (Press Release)
- LegalTech Micro Briefs – Part 1 – <http://bit.ly/yOwmQi> | Part 2 - bit.ly/zs1C9P (Greg Buckles)
- Litigation Industry Veteran Mike Boris Joins IE Discovery bit.ly/xOgaWG (PR Newswire)
- New Jive Connector with Alfresco Makes Social and Enterprise Cross-Platform Publishing a Reality – bit.ly/ztiKPt (Mike Johnston)
- Nuix: The Convergence of eDiscovery and Information Governance – The Movie – bit.ly/AzCwTD (Chris Dale)
- Proofpoint Extends Data Protection To Box File-Sharing Cloud - bit.ly/wCrLvM (Robert Mullins)
- Recommind – Predictive Coding: Serving Corporate Counsel's eDiscovery, Compliance And Other IM Needs – bit.ly/zE28wS (Craig Carpenter)
- Relativity: Avalon Document Services Becomes Relativity Premium Hosting – Partner bit.ly/wWqXpF (Press Release)
- Seal Software Partners With Nuix to Bring Contract Visibility/Management to Corporations - bit.ly/zfXDs9 (Press Release)
- SFL Data Experts Earn Relativity Certified Administrator Status - yhoo.it/A1ZKZW (PR Web)
- Solix Technologies and ASG Software Form Partnership - bit.ly/zxymBR (Business Wire)
- StoredIQ Named to KMWorld's 2012 List of 100 Companies That Matter in Knowledge Management – bit.ly/yb1OJp (Business Wire)
- Syngence Hires a CTO and a VP of Product Development – bit.ly/A2BkOr (Evan Koblentz)

- X1 Social Discovery: Tompkins v. Detroit Metropolitan Airport: Systematic Public Search of Social Media Evidence – bit.ly/xRiqk4 (John Patzakis)
- ZyLAB Honored for 8th Consecutive Year by KMWorld as One of the “100 Companies That Matter in Knowledge Management” - bit.ly/xE24rx (Press Release)
- ZL Technologies’ Unified Archive® Earns DoD 5015.02 Certification for Records Management – mwne.ws/x9X5a1 (Marketwire)

2012 eDiscovery Events

MARCH

IP Counsel Forum

March 7 – 8, 2012
San Jose, CA

AIIM 2012 Conference

March 20 – 22, 2012
San Francisco, CA

The Sedona Conference Institute’s 6th Annual Program on Staying Ahead of the eDiscovery Curve

March 22 – 23, 2012
St. Louis, MO

ABA TECHSHOW 2012

March 29-31, 2012
Chicago, IL

APRIL

ACEDS 2012 Conference

April 2 – 4, 2012
Hollywood, FL

Hosting and Cloud Transformation Summit – Europe

April 2-3, 2012
London, UK

12th Annual Super Conference

April 23 – 24, 2012
Chicago, IL

MAY

2012 World Technology Law Conference & Annual Meeting

May 3 – 4, 2012
Washington, DC

INSIGHT 2012 Law Firm IT – Conference and Exposition

May 8 – 9, 2012
London, UK

EDRM 2012 – 2013 Kickoff Meeting

May 16 – 17, 2012
St. Paul, MN

CEIC 2012

May 21 – 24, 2012
Summerlin, NV

LegalTech West Coast 2012

May 22-23, 2012
Los Angeles, CA

JUNE

ILO Global Counsel Congress

June 14, 2012
New York, NY

JULY

Carmel Valley eDiscovery Retreat

July 22 – 24, 2012
Carmel, CA

AUGUST

ILTA Annual Conference 2012

August 26 – 30, 2012
Washington, DC

SEPTEMBER

Intermountain eDiscovery Conference 2012

September 13, 2012 (Planning)
Salt Lake City, UT

ACC Annual Meeting

September 30 – October 3, 2012
Orlando, FL

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. OrangeLT™ offers a complete suite of electronic discovery services to include 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>.
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