

Unfiltered Orange |

Weekly eDiscovery News Update – March 28, 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

- A Generation in Transition - bit.ly/H2JTaV (Craig Ball)
- Another Indemnity Costs Order for eDisclosure Failures - bit.ly/H6Ns27 (Chris Dale)
- Burden of Proving Alteration of Email Evidence — Best Evidence Issues under Fed.R.Evid. 1008 - bit.ly/H6sFM4 (Gregory Joseph)
- Computer Forensic Advances Raise Complex Issues – bit.ly/HkGOC9 (Stephen Treglia)
- Da Silva Moore Plaintiffs File Reply Brief In Support of Objections to Discovery Rulings - bit.ly/GH8LmX (K&L Gates)
- Da Silva Moore Plaintiffs Slash and Burn their Way Through eDiscovery - bit.ly/H2FLHY (Herb Roitblat)
- Deepwater' Illustrates Practical, Legal Challenges of Admitting eDiscovery – bit.ly/HkH8Ro (Leonard Deutchman)
- eDiscovery Best Practices: Hold It Right There! - bit.ly/GGhytR (Doug Austin)
- eDiscovery Issues Emerge as Wage-and-Hour Litigation Soars - bit.ly/H6ro7T (Maureen O'Neil)
- Ex-Juror Who “Friended” Defendant Faces Jail for Bragging on Facebook About Dismissal From Jury Duty – bit.ly/GFZakP (Gibbons)
- Facebook Firmly States Employers and Schools May Not Access Password Protected Content - bit.ly/H2KcC4 (Bradley Shear)
- Flattened By Race Tires: 3rd Circuit Limits What eDiscovery Costs Are Recoverable By Prevailing Party - bit.ly/GQtcMS (Mike Zabel)
- Has eDiscovery Been Solved By Software? bit.ly/GTpQOI (Adam Cohen, Jonathan Nystrom)
- How to Authenticate Incriminating Social Media Evidence - bit.ly/GIKVMF (John Patzakis)
- Is Linear Review Dead? <http://t.co/VnAvR5es> (Greg Buckles)
- Muppets? Goldman Conducts Company-Wide Email Review - reut.rs/GRagxu (Reuters)
- No Work Product Protection for Communications between Testifying and Consulting Experts - bit.ly/GOXJyf (Gregory Joseph)
- N.Y. Appellate Court Ruling Brings Clarity to Cost-Shifting in eDiscovery - bit.ly/GIIQAw (Mark Berman)
- OrcaTec's Herb Roitblat Gets The Measure of Da Silva Moore Plaintiffs – bit.ly/H6dkLB (Chris Dale)
- Patent Troll Clobbers eDiscovery Companies with Lawsuits - bit.ly/Hb0pok (Sharon Nelson)
- Predictive Coding Based Legal Methods for Search and Review - bit.ly/H6rY5x (Ralph Losey)
- Predictive Coding on Trial: Knives Out - bit.ly/GIJzlg (Katey Wood)
- Predictive Tagging: It's A Process, Not A Panacea - bit.ly/H6iguB (Bill Mariano)
- Privilege Waived: Insufficient Privilege Log Entries Doom Defendant's Privilege Claims – bit.ly/H9Xctq (Brandon Hollinder)
- Putting the Duh in Da Silva Moore - bit.ly/GTpane (Craig Ball)

- Reducing the Risk of Post-Merger Discovery Surprises in M&A – bit.ly/HaNOpB (Chris Ruggeri, Bart Siegal)
- Search Strategy Advice From A Top eDiscovery Counsel - bit.ly/GGfMsM (Thomas Svoboda)
- Semantic Tech Can Take Pain Out Of eDiscovery - bit.ly/GOYd7C (Jennifer Zaino)
- Should the ‘Daubert’ Standard Apply to Predictive Coding? We May Know Soon - bit.ly/GTGnQ4 (Bob Ambrogi)
- The Technology Is Not the Issue, It’s How You Use It - bit.ly/GQsCII (Albert Barsocchini)
- Third Circuit Slashes \$360,000 in Recovered EDD Costs in ‘Race Tires’ - bit.ly/GMu04v (Saranac Hale Spencer)
- Tips On Working With The Government When They Are A Party In Litigation – bit.ly/HewyKp (George Kiersted)
- Trade Secrets and Social Media - bit.ly/GG6Iny (BLLAWG)
- Training of Predictive Coding Systems Fosters Debate - bit.ly/Hg5eyd (Evan Koblentz)
- UK Sanctions Order Emphasizes the Importance of Effective eDiscovery Tools - bit.ly/GD1jOb (Philip Favro)
- Update – Plaintiffs Attack Judge Peck’s Da Silva Moore Predictive Coding Order Again - bit.ly/GMwBNj (Brandon Hollinder)
- What’s Hot in eDiscovery - bit.ly/GHL0iB (Sharon Nelson, John Simek)
- What’s the Right Call on Computer Assisted-Review? bit.ly/GTnZ7e (Jon Resnick)
- Who’s Paying For This? First Department Requires the Producing Party to Initially Bear the Costs of Production in U.S. Bank N.A. v. GreenPoint Mtge. Funding, Inc. - bit.ly/H78vSn (Gibbons)
- You May Not Have to Pay Piper (or Pay Prevailing Party) for Reimbursement of eDiscovery Costs - bit.ly/GKXFtX (James Damiano)

Reports and Resources

- 5th Annual eDiscovery Survey Shows Market Maturing – bit.ly/Hgqu46 (Tom O’Connor)
- ABATECHSHOW® 2012 Conference and EXPO Schedule – bit.ly/HcGvO6 (ABA)
- Da Silva Moore v. Publicis Groupe & MSL Group, No. 11 Civ. 1279 (ALC) (AJP) (S.D.N.Y). Documents - <http://bit.ly/w5AQBa> (@ComplexD)
- EU Conference: Privacy and Protection of Personal Data | Technology Law Source - bit.ly/GGgdmS (Christina Hultsch)
- FTC Releases Final Privacy Report | HL Chronicle of Data Protection - bit.ly/HghCOQ (Mark Brennan)
- NIST Publishes Guidance for Electronic Health Record Usability and Security - bit.ly/GCZ2SY (InfoSecurity)
- The NLJ 250: Annual Survey of the Nation’s Largest Law Firms - bit.ly/GOYw2I (The National Law Journal)
- The Rear View Mirror on Google+: Top 5 Stories From Last Week’s Unfiltered Orange Newsletter - <http://bit.ly/H6vrRL> (@OrangeLT)
- The Risk of Insider Fraud U.S. Study of IT and Business Practitioners - bit.ly/H4IqCe (Ponemon Institute)
- Thirteen Ways to Steal a Bicycle: Theft Law in the Information Age (Introduction) - bit.ly/HgiWB8 (Stuart Green)

Sight and Sound

- Breaking Down Yahoo’s Patent Infringement Suit Against Facebook - bit.ly/GOqif7 (Colin O’Keefe, Vincent LoTempio) @LXBN
- Global eDiscovery & Da Silva Moore Technology Assisted Review Case Overview - bit.ly/GV6pE6 (Michele Lange, Jim Daley)
- Impressions From SXSWi 2012: Q&A With IBM Social Leaders George Faulkner & Susan Emerick - bit.ly/GFmF82 (Todd Watson)
- The “Eyes” Have It: Twelve Considerations for Statistics in eDiscovery - bit.ly/eDDStatistics (@OrangeLT)
- Predictive Coding: A Rose by Any Other Name – bit.ly/Hg7J0z (Sharon Nelson, John Simek, Dan Gallivan)

- Validating Predictive Coding, Da Silva Moore Case and Other Current Issues – bit.ly/H2JaGC (Karl Schieneman, Herb Roitblat)

Technology and Tactics

- Alternative Fee Arrangements Are a Tool, Not a Strategy - bit.ly/GFBzAH (Roya Behnia)
- California Court Rules Gathering ZIP Codes for Fraud Prevention Does Not Violate Credit Card Act - bit.ly/HgbohT (Nihar Shah)
- Cookies in Europe – Consent Requirements - bit.ly/GDyNsX (Megan Muir)
- Embracing Digital Services: When Will the Legal Technology Vendors Catch Up? bit.ly/Hcxi8v (Charles Christian)
- Facebook App Lets You Add Enemies Online - on.mash.to/Hg9SfM (Sam Laird)
- France Shooting Suspect Tracked Down Through IP Address - on.mash.to/GG7XDC (Zoe Fox)
- Get Started with EMS Using Get-Mailbox - bit.ly/HgfHJW (Casper Manes)
- Giant Movers in the Cloud - nyti.ms/H6r7So (Quentin Hardy)
- “Hacktivism” 2012: Verizon’s Take on Data Breaches and How They Can Be Avoided - bit.ly/GSGwSf (Zach Arbeitel)
- ICC Issues Policy Statement on Issues Related to Cross-Border Law Enforcement Access to Company Data – bit.ly/GGeKgg (Hunton Williams)
- Implementing an Information Governance (IG) Program – Where to Begin? bit.ly/GIKja2 (Open Text)
- ISPs Commit To New Cybersecurity Measures - bit.ly/GQrlrx (Grant Gross)
- Keys To Creating A Successful Inside-Outside Counsel Partnership | Metropolitan Corporate Counsel - bit.ly/GOVFqf (Miro Casseta)
- Legal Process Outsourcers Don’t Fall Foul of Indian Advocates Act - bit.ly/GG6VHv (Mark Ross)
- Let Lawyers Bring Devices to Work - bit.ly/H7nKuD (Rakesh Madhava)
- Mayor Warns of the Pitfalls in Social Media - nyti.ms/GGgV3r (Michael Grynbaum)
- Messy Info Systems Could Cost Firms Millions - bit.ly/GMAjGD (Stephanie Quine)
- Negotiating the Risks of Click-, Shrink- and Browse-Wrap User Agreements - bit.ly/GOVcEg (Julie Machal-Fulks)
- Never Skip the Pristine Version – bit.ly/HcDRrx (Amy Bowser-Rollins)
- Pinterest Updates Terms Of Service – <http://tcrn.ch/GLy3pd> (Ingrid Lunden)
- Plans to Introduce First Overarching Data Protection Regime in Singapore will Help Attract Business - bit.ly/GMvVHP (Pinsent Masons)
- SAS Makes Its Bid to Democratize Data Analysis – nyti.ms/GOW4sC (Steve Lohr)
- Senators Question Employer Requests for Facebook Passwords - nyti.ms/HgdYnZ (NY Times)
- Social Media at Work Raises Issues of Account Ownership - bit.ly/Hg7g1o (Michael Masri, Pedram Tabibi)
- Solid State Storage Poised to Throw Monkey Wrench in Current Customer Storage Refresh Cycles - bit.ly/GQqMxV (Jerome Wendt)
- The Evolving Role And Expectations Of The Chief Ethics And Compliance Officer - bit.ly/GQr3Rk (Scott McCleskey)
- The Importance of Natural Language Processing for Content Analytics – bit.ly/HkE9bE (Johannes Scholtes)
- Tips for Avoiding ‘Inbox Anxiety’ - bit.ly/GOXrrd (John Mello)
- What Not To Do If You’re Suing a Facebook Billionaire - bit.ly/GSPcbh (Alison Frankel)
- Who Owns Publicly Filed Documents? bit.ly/GR8BYM (Peter Vogel)

Vendor Views

Industry Landscape

- A Look At The Elite Eight? Eight Key Services For eDiscovery From Orange Legal Technologies - <http://bit.ly/GKXfMV> (@OrangeLT)
- AccessData: EDRM Buyer’s Guide Part V – Collection - bit.ly/GOX67V (Caitlin Murphy)
- Autonomy Powers Intelligent Document Management and Process Automation at IKEA Italy - prn.to/GLGF8M (PR Newswire)

- Avalon Document Services Leverages Equivio Analytics Technology to Streamline eDiscovery Services – yhoo.it/GIbTTk (PR Newswire)
- Behind The Top 100: D4 Expanding Its Size And Range – on.rocne.ws/GTfJcG (Diana Carter)
- BlackBag Technologies Announces BlackLight™ 2012.R1 Mac OS X, iPhone, and iPad Forensics Software Release – bit.ly/GH9NQ6 (PR Web)
- Carmel Valley eDiscovery Retreat Chooses BlackStone Discovery to Guide Advanced Analytics Discussions – bit.ly/HaPyiw (Press Release)
- Catalyst, CaseCentral Among EDD Vendors Targeted by ‘Patent Troll’ – <http://bit.ly/HkZQIG> (Evan Koblentz)
- CommVault Elevates Standards for Excellence in Technical Support - bit.ly/GDCWwT (Press Release)
- DataStax Enterprise 2.0 Adds Enterprise Search Capabilities to Smart Big Data Platform - bit.ly/GlanRd (Press Release)
- E-Discovery ECA Specialist Venio Plans Production, Next Comes Review - bit.ly/GMuHMD (Evan Koblentz)
- ESG Lab Validates NexGen Delivers the First Midrange SAN with Storage QoS – bit.ly/HeyDG4 (Business Wire)
- eTERA Consulting Nominated for Best of National Law Journal Legal Vendor Awards - bit.ly/GMtYex (PR Web)
- First Advantage Litigation Consulting Announces Acquisition of DLR Legal - bit.ly/GHQ5Hu (Press Release)
- Gallivan Upgrades Digital WarRoom E-Discovery Suite – bit.ly/HkHwzs (Evan Koblentz)
- GGO Releases version 8.3 Digital WarRoom E-Discovery Platform - bit.ly/GSUCTH (PR Web)
- Guidance Software Announces 2012 Annual Meeting of Shareholders - bit.ly/H6zVru (Marketwire)
- Index Engines Revs Up With Octane - bit.ly/GOVivN (Sean Doherty)
- Integreon eView: Adaptive Coding with Review Expertise - bit.ly/GH9qoo (Christine Taylor)
- Leading eDiscovery Authority Thomas Barnett Named Managing Director at Stroz Friedberg - bit.ly/H6qMPI (Business Wire)
- Nikon Corporation Takes Control of eDiscovery Process With Symantec’s Clearwell eDiscovery Platform – bit.ly/H6pBj4 (Marketwire)
- OrcaTec: Roitblat Publishes Critique: Argument in Da Silva Moore Case Isn’t About Predictive Coding - bit.ly/GTGhoY (PR Web)
- Quantum Unveils Software Platform Based On vmPRO Technology For Cloud-Based Data Protection - bit.ly/GFEzal (CompTechReview)
- Recommind: Predictive Coding And Patented Workflow: A Defensible eDiscovery System - bit.ly/H6i5zy (Howard Sklar)
- RenewData® Introduces Non-Native Encrypted Tape Extraction - bit.ly/H7jif9 (Business Wire)
- Rocket Matter Launches API and Integration with Automatic Time Tracking Tool Chrometa – bit.ly/HevLt0 (Benjamin Stevens)
- Servient Releases Version 4.3 of its eDiscovery Platform Featuring Further Automation of Predictive Review – bit.ly/GOH3Xy (PR Web)
- SHMsoft: Houston Start-Up brings Big Data Technology to E-Discovery Private Beta - bit.ly/GOVzyP (PR Log)
- Special Counsel First eDiscovery Staffing Firm To Require Permanent Project Manager CEDS-Certification – bit.ly/GFS9R9 (ACEDS)
- StoneTurn Announces Bay Area eDiscovery Alliance with BlackStone Discovery - yhoo.it/GIc3tX (Business Wire)
- Stroz Friedberg Opens New e-Discovery Operations Center in Purchase, New York - bit.ly/GFRfUz (Business Wire)
- Tech Start-Up of the Week: Cernam - bit.ly/H6eOFF (Silicon Republic)
- UHY Advisors Joins Guidance Software Global Partner Program – <http://mwne.ws/GR8vU0> (Marketwire)
- Workshare Updates Intuitive Share Point interface for Microsoft Office Users - bit.ly/GQseQC (Announcement)
- ZyLAB: eDiscovery – A Focus On Cost Saving And Winning - bit.ly/H6Nceb (Mary Mack)

2012 eDiscovery Events

MARCH

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

eDiscovery and Digital Evidence Conference

May 23 – 25, 2012

Tempe, AZ

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. 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>.