Unfiltered Orange |
Weekly eDiscovery News Update – May 30, 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

- An Expert's Inadvertent Production Results in Waiver of Privilege Absent Sufficient Supervision by Counsel or Prompt Steps to Rectify Disclosure - bit.ly/KecxsL (K&L Gates)
- Can Employees Be Unretained Experts under Rule 26(b)(4)(D)? bit.ly/KQ7KLd (Gregory Joseph)
- Challenging Predictive Coding to Better Defend It - bit.ly/KLk7w3 (Michael Roach)
- Communicate, or It Could Mean Contempt – bit.ly/JyMQQZ (Kelli Clark)
- Could Cellphone Use Constitute Electronic Presence at Crime? bit.ly/LuvlA9 (Yosie St. Cyr)
- Da Silva Moore: Plaintiffs File Objections to Discovery Rulings - bit.ly/KMfRfS (K&L Gates)
- Did you know that $0.73 of every dollar spent on eDiscovery is related to document review? bit.ly/JPGDP1 (@OrangeLT)
- eDiscovery Cautionary Tales: Inadvertent Disclosure Leaves Naked Short Selling Practices Exposed – bit.ly/KKw3dZ (Doug Austin)
- eDiscovery Enters New Orleans Saints Headhunter Bounty Scandal - bit.ly/K0Ncm6 (Robert Hilson)
- Fields You Should Have in Your eDiscovery Database - bit.ly/LkhPje (Arman Gungor)
- Gartner: Top E-Discovery Vendors Eclipse $1B in 2010 Revenue – http://bit.ly/KYlyDB (Evan Koblentz)
- How Hard is Authenticating Social Media? bit.ly/KQ5NOR (Jason Krause)
- Inadvertent Disclosure By Expert Waives Privilege – bit.ly/KBQFpH (Doug Austin)
- Insights from the ABA National Institute on eDiscovery - Part 2 – bit.ly/K0eKIg (Wystan Ackerman)
- Is Your Privilege Mired in Your TAR? bit.ly/JyG29m (Greg Buckles)
- LegalTech West Coast 2012 – bit.ly/K9rQoG (Monica Bay)
- Litigation, e-Discovery, e-Motions, and the Triune Brain – bit.ly/Jwp23D (Ralph Losey)
- Metrics, Social Media, Magistrates, Monkeys and Mitigating Risk at CEIC 2012 - bit.ly/LunK4E (Chris Dale)
- On the Road to Judicial Acceptance of Predictive Coding – bit.ly/KYqUi5 (Gregory Markel, Erika Engelson)
- Predictive Coding is Not New, Just New to the Legal Industry – http://bit.ly/KWpLLT (Todd Haley)
- Shining a Light into the Black Box of eDiscovery Predictive Coding – bit.ly/K5DBKP (Matthew Nelson)
- Spoliation Equals Case Dismissal for Plaintiffs in NY Case - bit.ly/KdTe2y (Mike Hamilton)
- Successful Predictive Coding Adoption is Dependent on Effective InfoGovernance – bit.ly/LklcGG (Bill Tolson)
- Technology Assisted Review Backgrounder | Updated Through May 29, 2012 – bit.ly/IiTGtb (@OrangeLT)
- The 24/7 Andrew Peck Show - bit.ly/KLmizD (Monica Bay)
- The Ultimate Price–New York Court Dismisses Case as Spoliation Sanction – bit.ly/KWqdtx (Thomas Jones)

- The Use of Digital Forensics in Trade Secret Matters (Part 2 of 3) – bit.ly/JDFDxo (Jim Vaughn)
- Updated 5.22.12: Peck, Parties and Predictive Coding (1414 Page Single Searchable PDF With Index) bit.ly/xAztDv (@ComplexD)
- Who's Afraid of Big, Bad Electronic Discovery? bit.ly/KfnPeS (Helen Howlett)
- Wrapping Your Arms Around eDiscovery – bit.ly/KYmTtZ (John Horn, Michael McCartner)

Reports and Resources

- Broken Promises of Privacy: Responding to the Surprising Failure of Anonymization – bit.ly/KsGFQw (Paul Ohm)
- Cost of Compliance Survey – 2012 (PDF) bit.ly/KHsdDF (Stacey English, Susannah Hammond)
- Gartner's Magic Quadrant for eDiscovery Software Provides a Useful Roadmap for Legal Technologists – bit.ly/JyWJSh (Dean Gonsowski)
- Google Releases New Copyright Transparency Report - bit.ly/JwuxPK (Electronic Frontier Foundation)
- Governmental Access to Data in the Cloud - Comparative Analysis – (PDF) bit.ly/KWoV1J (Winston Maxwell, Christopher Wolf)
- Information Security Oversight Office's Report for Fiscal Year 2011 (PDF) – 1.usa.gov/KYlOT0 (John Fitzpatrick, NARA
- Network Neutrality and the Need for a Technological Turn in Internet Scholarship - bit.ly/KWu0XT (Christopher Woo)
- New AIIM Study Finds Killer Apps Will Drive Big Data Initiatives – mwne.ws/JyGkxa (Marketwire)
- On the Order of 100,000 In-House Lawyers in the United States? bit.ly/KsDkB0 (Rees Morrison)
- The Rear View Mirror on Google+: Top 5 Stories From Last Week's Unfiltered Orange Newsletter - bit.ly/KWFzuK (@OrangeLT)
- Total Cost of Ownership of Open Source Software | London School of Economics (PDF) bit.ly/K9bkVN (Maha Shaikh, Tony Cornford)
- Vision for Information Governance in Europe - bit.ly/K9eN6P (DLM Forum)

Sight and Sound

- A Surprising Statistic: Do You Know If You Have A Legal Hold Initiated? bit.ly/KtpIWe (@OrangeLT)
- Case in Point: "eDiscovery Hunger Games" – bit.ly/JPGbjM (Tom Fishburne)
- Compliance Reporting Forces Risk Management, Security Evolution (Podcast) bit.ly/KFNhJz (Ben Cole)
- IBM's Mike Rhodin on Insight-Driven Computing (VideoCast) - bit.ly/KFNWe9 (Todd Watson)
- U.S. Cross Border eDiscovery vs. EU Data Protection: Clash of the Titans - bit.ly/KDBDja (Monique Altheim)
- U.S. Not Unique in Government's Level of Access to Cloud Data—Hogan Lovells' Christopher Wolf – bit.ly/JyVO0N (@LXBN TV)

Technology and Tactics

- 7 Ways to Build Credibility During Government FCPA Investigations - bit.ly/LuuoYv (Catherine Dunn)
- 10 Steps for Responding to a Corporate Data Security Breach – bit.ly/KWtLvW (David Fagan, Stephen Satterfiled)
- A Primer on How to Create A Sound Social Media Policy – onforb.es/KLTc3n (Barry Murphy)
- A Primer on Why Consumer Focused Cloud-based Backup Solutions Will NOT Meet SMB Needs – bit.ly/K9cPmF (Jerome Wendt)
- A Warning to All of the 'ABA Certified Paralegals' - bit.ly/KHtKd5 (Bruce Carton)
- Amended UK Cookie Regulation Grace Period Expires; Implied Consent Can Be Valid – bit.ly/KYmHej (Conor Ward)
- Are Search Engine Results Protected Speech Under the First Amendment? bit.ly/KfjE2L (Peter Vogel)
- Business World Gets a New Way to Monitor Employee Text Messages - bit.ly/KfmQeX (Jon Brodkin)
- Crossing the Divide Between Commitment to Records and Info Management and Practice - bit.ly/KCEMjm (Sue Trombley)
- Customizable Cloud SLAs on the Way, Researchers Predict - bit.ly/LgMAZK (Brandon Butler)

- Data Breaches Continue To Be A Problem For Health Care Providers - bit.ly/LgOLwi (Colin Zick)
- Detecting Photoshop Fraud - bit.ly/LgOlpE (John Edwards)
- EU Sets Timeline for Consideration of Data Protection Reform - bit.ly/LuuDTC (Hogan Lovells)
- Facebook Demands In Illinois - bit.ly/Luu24c (Michael Schmidt)
- Federal Judge Sets 'Fair Use' Limits on Digital Copying – bit.ly/K4CDOU (Alyson Palmer)
- Google Obliges Website Copyright Takedown Requests 97% of the Time – bit.ly/K9dq7T (Peter Vogel)
- Google Tackles Piracy By Removing Millions of URLs - cnet.co/K4wGld (Dara Kerr)
- IBM Opened Pandora's Box When It Embraced BYOD - bit.ly/JDyoFE (Sharon Nelson)
- Illinois' New Social Media Password Law Raises Substantial and Unjustified Obstacles for Employers – bit.ly/KYtpkm (Philip Gordon)
- Microsoft, IBM and SAP Lead Push for OASIS of Open Web - bit.ly/JwJYYs (Stuart Lauchlan)
- Social Media, Passwords, and the Hiring Process: Privacy and Other Legal Rights – onforb.es/K7uqM1 (Lisa Quast)
- Some Frequently Committed Email Management Sins And How To Avoid Them - bit.ly/K4xOFp (John Mello)
- The Cloud and the PATRIOT Act | Slaw - bit.ly/KWnTmw (John O'Sullivan)
- The Legal Ambiguities of Social Media – bit.ly/JKNyPQ (Jeffrey Berman, Erin Foley)
- Troubleshooting Certificates from Public Certificate Authorities - bit.ly/KWZGc9 (Casper Manes)

Vendor Views
Industry Landscape

- OrangeLT™ Mentioned As "Tracked Vendor" By Gartner In 2nd Annual E-Discovery Software Report - bit.ly/K9oRwv (@OrangeLT)
- 17a-4 llc Offers Legally Enforceable e-Disclaimer™ to Compliance Services Clients " bit.ly/KFQFEe (PR Web)
- AccessData Group Named a Leader in Gartner's 2nd Annual Magic Quadrant for eDiscovery – bit.ly/LjQUEa (Business Wire)
- Autonomy CEO Lynch Among 27,000 Leaving HP - bit.ly/K0NCsP (Evan Koblentz)
- Autonomy Positioned In Leaders Quadrant Of The 2012 Magic Quadrant For e-Discovery Software – on.mktw.net/KBPuXw (PR Newswire)
- Avansic Announces Addition of XERA - bit.ly/KFOCQw (Press Release)
- Daegis Receives ISO/IEC 27001 Compliance Certification for Information Security – bit.ly/KbY9mW (Business Wire)
- eDiscovery Consolidation – SuperiorGlacier Makes Another Acquisition – bit.ly/KbX7Y8 (Charles Christian)
- eDiscovery Software Winners And Losers Update - bit.ly/KdVYNw (Barry Murphy)
- EPIQ Systems Now Covered by Analysts at William Blair. (EPIQ) – bit.ly/JyNA8V (ABMN)
- Exterro a Visionary in Gartner's 2012 Magic Quadrant for E-Discovery Software - bit.ly/K0lA0A (Exterro)
- Guidance Software Continues Support for 2012 Georgetown eDiscovery Training Academy - bit.ly/Luuwap (Business Wire)
- IBM Completes Acquisition of Vivisimo – prn.to/KHuC1j (PR Newswire)
- Inside and Outside Counsel Need to Implement Stronger Social Media Policies - bit.ly/KGmjBq (Kevin Nichols)
- Iris Data Services Announces VISION All-Inclusive eDiscovery – bit.ly/K9bGLT (PR Web)
- LDiscovery Selects conceptSearch to Deliver Improved E-Discovery and Litigation Support – bit.ly/KHrpi6 (PR Web)
- LawTech Europe Congress Announces Sasha Hefler as Chief Strategy Officer For European Conference – bit.ly/KsAbkD (PR Web)
- Leading West Coast eDiscovery Firm TERIS Adds Pamela Ringer-Britz – bit.ly/KFMFUc (PR Web)
- Lela Laurent Joins Pitney Bowes and Other Recent Moves - bit.ly/KHoAxN (Monica Bay)
- Masters Conference Announces Anthony Diana as 2012 Conference Chair - bit.ly/LkCnIh (PRLog)
- McDermott Will & Emery & Nextpoint Announce Next-Generation Enterprise Cloud Archiving Engagement – bit.ly/KHoRRa (PR Web)

- New EnCase Cybersecurity Software Connector Offers Real-Time Malware Validation and Response - on.mktw.net/K9dwMT (Business Wire)
- Nuix Scales Up Forensic Software – bit.ly/KYr2y3 (Evan Koblentz)
- OpenText Releases New Capture Center Software – bit.ly/KHoje9 (Sean Doherty)
- PageFreezer Selected as Winner in 2012 Red Herring Top 100 Americas Award - bit.ly/K7vmQp (Press Release)
- Perkins Coie Selects Recommind for Enterprise Search - bit.ly/KfFpiT (Press Release)
- PowerSearch Celebrates One-Year Anniversary – bit.ly/KFQsRr (PR Web)
- Pitney Bowes Expands eDiscovery Platform & Capabilities; Enhances Legal Client Services - bit.ly/JZAO5V (Business Wire)
- Smarsh Unveils Archiving Product – bit.ly/KCNjCN (Davis Janowski)
- SuperiorGlacier Acquires Intelligent Discovery Management (IDM) - mwne.ws/KLgYwf (Marketwire)
- Symantec Positioned as a Leader in Magic Quadrant for eDiscovery Software bit.ly/KHGdgR (Press Release)
- UBIC Included Among "Visionaries" in Gartner's 2012 eDiscovery Magic Quadrant - bit.ly/JyXBWY (PR Web)
- Women in Technology Names Sensei Enterprises President Sharon Nelson, Esq. Winner of 2012 Small Business Leadership Award - bit.ly/KGuPjY (Announcement)
- Workshare Updates Metadata Cleaning Server - bit.ly/KFRM6P (Evan Koblentz)
- ZyLAB Embraces Predictive and Concept Searching" bit.ly/LuWYcn (Jasmine Ashton)
- ZyLAB Named a "Leader" in Analyst Firm's 2012 Magic Quadrant for eDiscovery Software – bit.ly/KHuOxC (Press Release)

2012 eDiscovery Events

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
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.