

ComplexDiscovery | Weekly eDiscovery Top Story Digest

July 17, 2013



Compiled by [@ComplexD](#) from online public domain resources, provided for your review/use is this week's update of key industry news, views, and events highlighting key electronic discovery related stories, developments, and announcements.

An information source for eDiscovery and information management professionals since 2010, the *eDiscovery Top Story Digest* is published weekly on the [ComplexDiscovery](#) blog and is also available via [email subscription](#).

Weekly eDiscovery Top Story Digest Update

eDiscovery Issues

- A Comprehensive Look at the Newly Proposed eDiscovery Amendments to Federal Rules of Civil Procedure - <http://bit.ly/15dW8ME> (Philip Favro)
- A Hurdle To Obtaining Electronic Evidence | Zelle Hofmann Voelbel & Mason LLP – [@JDSupra](http://bit.ly/12BCDiJ) - <http://bit.ly/12BCDiJ> (Eric Mandel)
- A Judge Needs to Call Balls and Strikes on Discovery Motions - <http://bit.ly/12tF0PU> (Katherine Gallo)
- A Load (File) Off My Mind | Ball In Your Court – <http://bit.ly/12JnGXj> (Craig Ball)
- ABA Requires Lawyers to Understand Technology - <http://bit.ly/15COjT> (Gina Sansone, Howard Reissner)
- Appellate Court Denies Sanctions for Routine Deletion of Text Messages – eDiscovery Case Law - <http://bit.ly/15qWykT> (Doug Austin)
- Avoiding Sanctions in E-Discovery When Producing Voluminous ESI | E-Discovery Law Insights - <http://bit.ly/1b6Vxmb> (David Cross)
- Build Better Relationships Between IT and Legal - <http://bit.ly/1dqhBF8> (Marlisse Silver Sweeney)
- Can Native File Productions be ENF (Enough)? EDRM - <http://bit.ly/12p3jTS> (Wade Peterson)
- Court Refuses to Disqualify eDiscovery Vendor for 'Switching Sides' in Case - <http://bit.ly/12BFU1G> (Bob Ambrogi)
- 'Da Silva Moore' Goes to Washington - <http://bit.ly/1dmo97K> (Victor Li)
- Da Silva Moore: Plaintiffs Petition for Writ of Certiorari on Question of Recusal - <http://bit.ly/15kph8N> (K&L Gates)
- DC Lawyers, Police Officials Facing Calls For Ethics Probe Over Spoliation Scandal – [@ACEDSonline](http://bit.ly/15jaonh)
- Decision Graphic: SEKISUI vs HART – No Prejudice, No Spoliation Sanction - <http://bit.ly/15ja3RF> (@LucidDataInc)
- Does Bad OCR Make for Good TAR? <http://bit.ly/1dbH5G4> (John Tredennick)
- Don't You Forget About Me: New Motion In Forced-Decryption Case - <http://bit.ly/12tECAV> (@ITLexOrg)
- eDiscovery: 7 Principles for Selecting Retained Counsel - <http://bit.ly/12HnvvH> (William Hamilton)
- eDiscovery: E-Storytelling Delivers Happy Trial Endings - <http://bit.ly/18Pzsl0> (William Hamilton)
- Grocery Shopping for Spoliation of Audio Evidence - <http://bit.ly/1dAKcaQ> (Josh Gilliland)

- Jackson Update: Some Useful Cases and Commentary | e-Disclosure Information Project - <http://bit.ly/1dqpYAL> (Chris Dale)
- Judicial Acceptance of Predictive Coding Highlights Need for Counsel to Consider Its Use - <http://bit.ly/1daZe7a> (Akiva Cohen)
- Internet 'Data Scraping': A Primer for Counseling Clients - <http://bit.ly/15z9Xp5> (Anthony Dreyer, Jamie Stockton)
- Is This the End of Sanctions for Negligent Spoliation? <http://bit.ly/156NPSy> (Andrew Hinkes)
- Limitations Placed on Discovery by Federal Rule of Civil Procedure 26 - <http://bit.ly/1b31wIS> (Michael Landis)
- McDermott and DOJ Embrace Predictive Coding - <http://bit.ly/158pcFh> (Geoffrey Vance, Alison Silverstein)
- Motion for Class Certification Filed in 'Da Silva Moore' Despite EDD Limits - <http://bit.ly/12HvYyR> (Victor Li)
- None of Your Beeswax! (Or, Do I Have to Invite Opposing Counsel to my Predictive Ranking Party?) <http://bit.ly/15kubTr> (John Tredennick)
- Party Sanctioned for Non-Specific Production and Excessive Use of Confidentiality Designation - <http://bit.ly/12tFc1M> (Brett Anders)
- Peck, Parties and Predictive Coding - An Update Of Filings - <http://bit.ly/15mXW67> (@ComplexD)
- Plaintiffs Take the Supreme Step in Da Silva Moore - eDiscovery Case Law - <http://bit.ly/1dqlkCx> (Doug Austin)
- Predictive Coding, Pizza, and Presentations at the DESI V Workshop - <http://bit.ly/13ecZQP> (Jason Baron)
- Redefining Project Management In An Evolving Legal Landscape - <http://bit.ly/1dmxk88> (Debra Rozier)
- Sanctions: Entry of a Default Judgment under Rule 37 for Discovery Violations - <http://bit.ly/125gMva> (Gregory Joseph)
- Search of Hard Drive Raises Fourth Amendment Issue, Circuit Says - <http://bit.ly/12TLuvG> (Mark Hamblett)
- Seeing With New Eyes - <http://bit.ly/18SX2nc> (Craig Ball)
- Taxation of Electronically Stored Information In Wine Case - <http://bit.ly/1dmwisO> (Cas Campaigne)
- Updated: Technology-Assisted Review: From Expert Mentions to Mainstream Coverage - <http://bit.ly/1b4PxKT> (@ComplexD)
- US and UK Rule Changes - Interview with US Magistrate Judge James Francis - <http://bit.ly/12oBaro> (Chris Dale)
- What We Talk About When We Talk About TAR - <http://bit.ly/15vJomH> (Cynthia Courtney)

Corporate Risk

- 5 Questions to Ask FCPA Due Diligence Vendors - <http://bit.ly/12rCmic> (Alexandra Wrage)
- Advisen Reports on Second Quarter 2013 Corporate and Securities Litigation - <http://bit.ly/15CNKGF> (Kevin LaCroix)
- Advising A Client Regarding Posts on Social Media Sites - Ethics Opinion 745, July 2, 2013 (PDF) - <http://bit.ly/15ku2zk> (NYCLA)
- Can Legal Project Management Succeed in the Unpredictable World of Litigation and Transactions? <http://bit.ly/18TWtJQ> (Samuel Goldblatt)
- Communicating With Customers After a Data Breach - <http://bit.ly/1b31PmX> (Catherine Dunn)
- Court Orders Company to Provide Privileged Communications to Dissident Director - <http://hvr.me/13eGsKB> (Michael O'Bryan)
- Developing Issues in IP Law - <http://bit.ly/15BvBJ6> (Yar Chaikovsky, Michael Barclay)
- European Court Adviser: Right to Be Forgotten Can Infringe Freedom of Expression - <http://bit.ly/12oBEhe> (Winston Maxwell)
- GPS Ruling by New York's Highest Court Sets Guideposts for Tracking Workers - <http://bit.ly/12EV01I> (Philip Gordon)
- How to Disclose a Possible FCPA Violation - <http://bit.ly/1duacou> (Michael Volkov)
- In-House Counsel Seeing Increase in Litigation - <http://bit.ly/12GfhUq> (Sue Reisinger)
- In Times of Catastrophe and Routine: The Need for Forensic Accountants - AICPA Insights - <http://bit.ly/190nYBY> (Eddy Parker)
- IP: Bringing Outside Counsel In - <http://bit.ly/1blo3R4> (Gideon Myles)
- Labor: The EEOC's Guidance on Criminal Background Checks - <http://bit.ly/18k5bSu> (Marcel Debruge)

- Litigation & Corporate Compliance Survey (PDF) – July 2013 – <http://bit.ly/1bjPbQz> (Alix Partners)
- NIST Releases new BYOD Guidelines to Boost Data Protection - <http://bit.ly/12rGXkl> (@ProofPoint)
- Off-Label and Online: Social Media Communication for Prescription Drug and Medical Device Companies - <http://bit.ly/1aYyR7C> (Ed Brown)
- Ohio Federal Court Permits Case Alleging Employer's Accessing Of Former Employee's Personal Emails - <http://bit.ly/12HzZU5> (Brian Hall)
- Pitfalls On Termination: Employer May Be Liable For Employees' Loose Talk – @JDSupra - <http://bit.ly/158s3hl> (James Irving)
- Privacy: The Next Frontier in Consumer Class Actions? <http://bit.ly/13eF3DI> (Lawrence Gresser, Karen Bromberg)
- Private Funds on Social Media—Proceed with Caution | Socially Aware Blog - <http://bit.ly/18k9ugD> (Jay Baris)
- PTO Launches Global Patent Search Tool - <http://bit.ly/12rDceV> (Lisa Shuchman)
- Regulators Finding New Ways to Use DPAs, NPAs - <http://bit.ly/1dqqq1O> (Catherine Dunn)
- SEC Adopts Repeal of Ban on General Solicitation; Proposes New Reg D Requirements - <http://bit.ly/1b4QsL2> (L&W Capital Markets Group)
- Stored Communications Act Can Apply to Personal Emails on Former Employee's Company-Issued Device - <http://bit.ly/18SzSxb> (@Hunton_Privacy)
- Take Down, Stay Down: Paris Court of Appeal: Hosting Providers Have No General Monitoring Obligation – <http://bit.ly/1dAHodS> (Christine Gateau, Pauline Faron)
- Teacher's Firing After Facebook Update Deemed "Shocking To One's Sense Of Fairness" - <http://bit.ly/12n9fb7> (@ITLexOrg)
- The State of Legal Pricing 2013 - <http://bit.ly/15BUg09> (Toby Brown)
- The Stored Communications Act Protects Public Posts to Social Media Sites - <http://bit.ly/157V254> (Jennifer Connelly)
- When Social Sharing Goes Wrong: Regretting The Facebook Post – <http://n.pr/1aUfRXR> (Elise Hu)

Technology Considerations

- Anyone Brushing Off NSA Surveillance Because It's 'Just Metadata' Doesn't Know What Metadata Is - <http://bit.ly/157WvrX> (Mike Masnick)
- Create An Intimate Map Of Your Life, Using Just Your Email Inbox - <http://bit.ly/1dBUEyY> (Mark Wilson)
- Federal Laws Relating to Cybersecurity: Overview and Discussion of Proposed Revisions (PDF) <http://1.usa.gov/1d9UazZ> (Eric Fischer)
- Florida IT Director Fired Over Zimmerman Trial - <http://bit.ly/12BCsUF> (Alison Diana)
- How to Succeed at Email Management if You're a Midsized Organization - <http://bit.ly/15Bw3Y6> (Richard Medina)
- IDC: Federal Cloud Spending to Rise Again in 2015 - <http://bit.ly/12GeUJE> (CJ Arlotta)
- Is Your Inbox a Treasure Box for the Bad Guys? <http://bit.ly/18ZbmKW> (Jeff Orloff)
- Junk Email Filtering and Deletion Options - <http://bit.ly/1b3apSA> (Jacob Rede)
- Passwords Are Not Enough: Without Two Factor Authentication Your Business Is At Risk - <http://bit.ly/12rJkDY> (Evan Daniels)
- PRISM-proof Your Web Searches - <http://bit.ly/13eGhyV> (Jack Newton)
- Text Analytics Key To Unlocking Big Data Value – Network Computing - <http://ubm.io/12rEgzw> (David Hill)
- The Death of IP Based Reputation - <http://bit.ly/13eGJgo> (Laura Atkins)
- The Limits of Facebook's Search Tool - <http://nyti.ms/12Tn3yG> (Vindu Goel)
- The Ongoing Challenge Of Data Migrations – <http://bit.ly/1aTXWAY> (@ChuckHollis)
- The Perfect Storm for Archiving is Forming Right Now - <http://bit.ly/18SD4sR> (Jerome Wendt)
- Twitter Accepts Jurisdiction of French Court - <http://bit.ly/12ESAAf> (Peter Vogel)
- Whose Data is it Anyway? <http://bit.ly/12oZGgB> (Lynn Elwood)
- Your Metadata: Here's What It Can Reveal About You - <http://bit.ly/15qTTb1> (Mike Wheatley)

Vendor News

- Got Predictive Coding? An Updated Short List of Providers and Terms - <http://bit.ly/15Kcnn5> (@ComplexD)
- Vendor Clips Weekly Update for Week Ending July 15, 2013 - <http://bit.ly/17iu10e> (@ComplexD)

2013 Events

JULY

Laguna Beach eDiscovery Retreat

July 28 – 29, 2013

Laguna Beach, CA

[Click here for more information.](#)

AUGUST

American Bar Association Annual Meeting

August 8-13, 2013

San Francisco, CA

[Click here for more information.](#)

ILTA 2013 Annual Conference

August 18-22, 2013

Las Vegas, NV

[Click here for more information.](#)

SEPTEMBER

E-Discovery for Corporate Market Conference

September 17 – 18, 2013

Houston, TX

[Click here for more information.](#)

2013 Conference on Preservation Excellence

September 18-19, 2013

Portland, OR

[Click here for more information.](#)

Hosting and Cloud Transformation Summit North America

September 23 – 25, 2013

Las Vegas, NV

[Click here for more information.](#)

Fifth Annual Intermountain eDiscovery Conference – 2013

September 26, 2013

Salt Lake City, UT

[Click here for more information.](#)

OCTOBER

Relativity Fest

October 6-8, 2013

Chicago, IL

[Click here for more information.](#)

Gartner Symposium/ITxpo

October 6-10, 2013

Orlando, FL

[Click here for more information.](#)

EDRM 2013-2014 Midyear Meeting

October 9-11, 2013

Saint Paul, MN

[Click here for more information.](#)

ACEDS 2013 Corporate E-Discovery Summit

October 10-11, 2013

San Francisco, CA

[Click here for more information.](#)

2013 EDI Leadership Summit

October 15 – 17, 2013

Santa Monica, CA

[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.](#)

DECEMBER

E-Discovery for Corporate Market Conference

December 11 – 12, 2013

Los Angeles, CA

[Click here for more information.](#)



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