I. **Post-Dec 2006 Federal Rules of Civil Procedure Changes**

A. **Cases**

*Ameriwood Industries, Inc. v. Liberman,* 2007 WL 685623 (E.D. Mo.) (court orders expert report with number of “hits” based on negotiated search terms, with expectation that parties will continue to meet and confer to refine search based on false positives)

*ClearOne Communications, Inc. v. Chiang,* 2008 WL 920336 (D. Utah) (court adjudicates dispute over conjunctive versus disjunctive operators between search terms)


*Haka v. Lincoln County,* 246 F.R.D. 577 (W.D. Wis. 2007) (where parties were initially unable to agree on scope of search terms to be used against four terabytes of data, and where costs of search were on par with amount of damages at stake, court ordered parties to divide cost of a search using a narrowed set of terms, but that defendant-public sector entity would pay 100% of the cost of any subsequent relevance and privilege review)

*United States v. O’Keefe,* 537 F. Supp. 2d 14 (D.D.C. 2008) (Facciola, J.) (in criminal case, court orders further explanation of whether keyword searches were thorough, citing to authorities arising in civil case law, and suggesting that in light of interplay of the sciences of computer technology, statistics, and linguistics, expert testimony may be needed in this complex area)

*Qualcomm Inc. v. Broadcom Corp.,* 2007 WL 2296441, at *33 (S.D. Cal.) (sanctions opinion involving underlying failure to disclose 200,000 emails prior to trial, where court
found “incredible that Qualcomm never conducted such an obvious search” using certain keywords).

*Victor Stanley, Inc. v. Creative Pipe, Inc.*, 2008 WL 2221841 (D. Md.) (Grimm, J.) (party deemed to have waived attorney-client privilege in failing to sustain their burden that the keyword search method used to identify privileged documents before turning documents over to opposing counsel was reasonable under the circumstances).

*Williams v. Taser Intern, Inc.*, 2007 WL 1630875 (N.D. Ga.) (court adjudicates search protocol with keywords plus use of simple Boolean operators)

**B. Law Reviews, Commentaries, and Miscellaneous Publications**


(Hon.) Ronald Hedges, *Rule 702 and Discovery of Electronically Stored Information*, Digital Discovery & E-Evidence, Vo. 8, No. 5 (May 1, 2008) (discussing *U.S. v. O’Keefe*).


*Sedona Best Practices Commentary on the Use of Search and Information Retrieval Methods in E-Discovery* (August 2007 public draft), http://www.thesedonaconference.org/content/miscFiles/publications_html


C. Ongoing Research and Workshops

http://trec-legal.umiacs.umd.edu/ (NIST TREC Legal Track), (see also “Open Letter to Law Firms and Companies in the Legal Tech Sector Re: Invitation to Participate in the TREC Legal Track,” at http://trec-legal.umiacs.umd.edu/ and at www.thesedonaconference.org/publications.)

http://www.umiacs.umd.edu/~oard/desi-ws/ Workshop on Supporting Search and Sensemaking For Electronically Stored Information in Discovery Proceedings (DESI), Eleventh International Conference on Artificial Intelligence and Law, Palo Alto, June 4, 2007


http://www.ediscoveryinstitute.org/ (legal nonprofit research project)

D. Blogs, Webinars, etc


II. Criminal Case Law Re: Search Protocols

*United States v. Adjani*, 452 F.3d 1140 (9th Cir. 2006) (issue of the propriety of seizing computers wholesale versus police conducting less intrusive, targeted keyword searching to segregate out intermingled relevant from nonrelevant evidence, discussed in 4th Amendment “search and seizure” context; held, issuance of search warrant arguably overbroad but seizure upheld as reasonable under circumstances)

*United States v. Hill*, 459 F.3d 966 (9th Cir. 2006) (same)

*United States v. Comprehensive Drug Testing*, 513 F.2d 1085 (9th Cir. 2008) (same)