

Lawyers Beware: Sending Native File Documents to Third Parties May Violate Your Ethical Obligations

Minding Your Business Blog on January 5, 2017

The rules governing discovery of electronically stored information, though not fully developed, have matured enough to provide the basic "do's and don'ts" for attorneys. Frequently, a party must produce electronic documents, such as Word documents, in their native format, rather than producing paper copies, in response to discovery requests; this obligation includes producing the document's metadata, the data automatically embedded in an electronic file that contain information about the document, such as its origin and history of revisions. But what are a lawyer's responsibilities concerning the transmission or receipt of metadata outside of the discovery context? A recent ethics opinion from the State Bar of Texas offers some guidance—and a stern warning: attorneys risk violating state rules of professional conduct if they mishandle metadata... [Continue Reading](#)