

Robert D. Brownstone, Esq. –

Metadata & Electronic Redaction – Partial Bibliography (2/15/13)

A. Articles as to Microsoft Office Deficiencies

1. NSA, *Redacting with Confidence: How to Safely Publish Sanitized Reports Converted From Word to PDF* (3/18/08) <<http://www.nsa.gov/ia/files/support/I733-028R-2008.pdf>>. See also older version (2/2/06) <www.fas.org/sqp/othergov/dod/nsa-redact.pdf>
2. Applicant, *Correcting the Record: A Response to Redacting with Confidence* (Feb. 2, 2006) <web.archive.org/web/20070324173116/http://www.aiimexpo.com/exbdata/2834/brochures/Correcting_the_record.pdf>
3. Randall Farrar, *10 Reasons Why Microsoft Office's Document Inspector is Not an Enterprise Metadata Management Tool*, Esquire Innovations, Inc. (Sep. 24, 2008) <randallfarrar.com/10-reasons-why-microsoft-office%e2%80%99s-document-inspector-is-not-an-enterprise-metadata-management-tool-reason-10/>

B. Public Records Decisions (*some; there are MANY more on privacy, back-ups, etc.*)

- *Irwin v. Onondaga County Resource Recovery Agency*, 72 A.D. 3d 314, 895 N.Y.S. 2d 262 (4th Dep't **Feb. 11, 2010**) (ordering system metadata to be included in response to FOIL request for electronic photographs) <law.justia.com/cases/new-york/appellate-division-fourth-department/2010/2010-01238.html>
- *Lake v. City of Phoenix* ("Lake II"), 2009 Ariz. LEXIS 257 (**Oct. 20, 2009**) ("if a public entity maintains a public record in an electronic format, then the electronic version, including any embedded metadata, is subject to disclosure under our public records laws") <www.supreme.state.az.us/opin/pdf2009/CV090036PR.pdf>
- *O'Neill v. City of Shoreline*, 145 Wash. App. 913, 187 P.3d 822 (July 21, 2008) ("metadata associated with the e-mail . . . discussed at [the relevant] meeting, or some portion of it, is . . . a public record[; w]e do not rule on the more general question whether e-mail or metadata . . . transmitted to personal e-mail accounts, without more, is" a public record) <mrsc.org/mc/courts/appellate/145wnapp/145wnapp0913.htm>, *review granted*, 208 P.3d 554 (Wash. **Apr. 28, 2009**)
- *Burnett v. County of Bergen*, 198 N.J. 408, 968 A.2d 1151 (**Apr. 27, 2009**) (requiring requestor to pay costs of redacting Social Security Numbers – from land title records) <<http://njlaw.rutgers.edu/collections/courts/supreme/a-43-08.doc.html>>
- *Wiredata, Inc. v. Village of Sussex*, 298 Wis. 2d 743, 729 N.W.2d 757 (Ct. App. **Jan. 3, 2007**) (finding violation of open records law via disclosure of .pdf image files instead of provision of database access) <<http://www.wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=27629>>

C. Presentations by Brownstone

1. - 8. **Lorman Education Services** nat'l broadcast webinars – 4/13; 10/12; 8/11; 2/11; 8/10; 2/10; 8/09; & 2/09
9. - 22. **Strafford Publications** nat'l broadcast webinars co-presenter – [6/11](#); [8/10](#); [12/09](#); [5/09](#); 10/08; 5/08; [12/07](#); 9/07; 3/07; 11/06; 3/06; 12/05; 9/05 and 7/05
23. **California State Bar** – [1/11](#) (Webinar available on demand); 9/07 Annual Meeting live talk (Anaheim, CA)
24. **Ass'n of Legal Administrators** – 10/10 live talk (San Diego, CA)
25. - 33. **NCC** national broadcasts/webinars – [4/10](#); [8/09](#); [3/09](#); [9/08](#); [5/08](#); [2/08](#); [10/07](#); [4/07](#) & [11/06](#)
34. **Rossdale Group & Miami Legal Resources** national broadcast co-presenter – 3/10
35. - 36. **Legal Services Corporation (LSC)** conferences – 10/09 (St. Louis); 9/08 (San Antonio)
37. **San Diego Cty. Bar Ass'n** webinar – 6/09
38. - 39. **Blue Cross Blue Shield Ass'n Attys.** – webinar (7/08) & conf. (5/08, Glendale, AZ)
40. **Santa Clara County Bar Association (SCCBA)** panel – 9/07 (San Jose, CA)

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D. Publications by Brownstone

1. Robert D. Brownstone, *Electronic Redaction – Be a Do-Bee, not a Don't-Bee*, Cal. State Bar Sections E-NEWS (Mar. 30, 2010) (copy available from author)
2. Robert D. Brownstone, **eFiling: Conversions, Redactions and Uploads, Oh My!**, 30 The Bottom Line No. 5, at 3-8 (Oct. 2009) <www.fenwick.com/FenwickDocuments/the-bottom-line_2009_vol-30_no-5.pdf#page=3>
3. Robert D. Brownstone, *Cal. Guide to Opening & Managing a Law Office*, Ch. 6, Technology, Cal. State Bar (2009): **Computer Security, Privacy & Ethics Concerns**, pp. 268-90 (co-author); **eFiling**, pp. 291-309, purchase at <<http://sections.calbar.ca.gov/About/SectionsBookstore.aspx>>
4. Robert D. Brownstone, **Metadata: To Scrub or Not To Scrub; That is the Ethical Question**, Cal. B.J. (Feb. 2008) <http://apps.calbar.ca.gov/mcleselfstudy/mcle_home.aspx?testID=27>
5. Robert D. Brownstone and Gideon Grunfeld, **Saying Goodbye Just Got More Expensive; Complying With New Ethics Opinion Regarding Returning Electronic Data to Client at End of Representation**, 29 The Bottom Line, No. 2 (Feb. 2008) <<http://www.fenwick.com/Media/Documents/-saying%20goodbye-%20robert%20brownstone.pdf>>
6. Robert D. Brownstone, Todd R. Gregorian and Michael A. Sands, **Secrets Easily Leaked by Friend or Foe In Publicly Filed .PDF Documents**, 13 No. 1 Cyberspace Lawyer 1 (West Jan./Feb. 2008) (co-author) (longer version of **Exposing Redaction** below), *available upon request from the authors*
7. Robert D. Brownstone, Todd R. Gregorian and Michael A. Sands, **Exposing Redaction**, L.A.D.J. & S.F.D.J. (Oct. 15, 2007), available at <<http://www.fenwick.com/publications/pages/intellectual-property-bulletin-fall-2007.aspx>>
8. Robert D. Brownstone, **Redaction Reaction; Do's and Don'ts**, 28 The Bottom Line, No. 3, at 7, 24 (June 2007), *available upon request from the authors*
9. Robert D. Brownstone, **Preserve or Perish; Destroy or Drown – eDiscovery Morphs Into EIM**, 8 N.C.J. L. & Tech. (N.C. JOLT), No. 1, at 1, 2, 9-11, 42, 44-50, 53, 57 (Fall 2006) <http://jolt.unc.edu/sites/default/files/8_nc_jl_tech_1.pdf>
10. Robert D. Brownstone, **The Complexity of Metadata**, EDRM (May 2006) <http://edrm.net/wiki2/index.php/Records_Management_-_The_Complexity_of_Metadata>
11. Robert D. Brownstone, **Collaborative Navigation of the Stormy e-Discovery Seas**, 10 Rich. J.L. & Tech. 53, (2004) <<http://law.richmond.edu/jolt/v10i5/article53.pdf>>, at 1, 2, 8, 12, 20.
12. Lisa M. Arent, Robert D. Brownstone and William A. Fenwick, **EDiscovery: Preserving, Requesting & Producing Electronic Information**, 19 Santa Clara Computer & High Tech. L.J. 131 (2002) <<http://www.fenwick.com/publications/pages/ediscovery.aspx>>, at 3, 14 (.pdf pp. 17, 28)

Full Brownstone Bio & Bibliography available at
<fenwick.com/bobbrownstoneinsights>