



## *The Sedona Conference Commentary on Ethics & Metadata (2013)*

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With electronic communications now common in the practice of law, attorneys must know how to protect confidential information when transmitting ESI. At the same time, once the duty to preserve is “triggered” in the litigation context, metadata should be preserved and may be subject to discovery. The Sedona Conference Commentary on Ethics and Metadata helps judges and practitioners navigate through ethical issues involving metadata that arise in both the discovery and non-discovery contexts. Metadata is often oversimplified as “data about data,” so the Commentary elaborates the different kinds of metadata and how an attorney must act when she sends metadata and when she receives it. The Commentary provides clarity where contradictory rules among state bar associations exist, and spells out attorneys’ ethical duties regarding protecting client confidences that may be contained in metadata, preserving and producing discoverable metadata, and handling metadata inadvertently produced by an opposing party or counsel.

The full text of *The Sedona Conference Commentary on Ethics & Metadata* is available free for individual download from The Sedona Conference website at [https://thesedonaconference.org/publication/Commentary\\_on\\_Ethics\\_and\\_Metadata](https://thesedonaconference.org/publication/Commentary_on_Ethics_and_Metadata).

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