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September Luncheon Meeting

Wednesday, September 13th, 12:00 p.m.

**Ortiz Convention Center
402 Harbor Drive**

Speaker: J. A. "Tony Canales

Topic: To Be Announced

CLE Credit: To Be Announced

Cost: \$16.00 per person for members, \$21.00 per person for non-members if reserved by noon, Tuesday, September 12th, 2006. Call the Bar Office at 883-4022 to RSVP or e-mail us at sgonzales@corpusbar.com. All reservations must be paid for. "No Shows" will be billed. The cost at the door will be \$18.00 for members, \$23.00 for non-members.

NOTE

ADDED ADVANTAGE OF ADVANCE RESERVATIONS — THOSE WHO RSVP IN ADVANCE WILL HAVE THEIR CLE ATTENDANCE CARDS PRE-POPULATED SO ALL THEY HAVE TO DO IS TO SIGN THE CARD (AND, OF COURSE, STAY FOR THE PRESENTATION) IN ORDER TO OBTAIN THEIR CLE CREDIT — Just another service of your Corpus Christi Bar Association



Newsletter

September 2006

Metadata – The Hidden Electronic Threat to Attorney-Client Confidentiality

You would never tell opposition about conversations or strategy that could hurt the firm or its clients. Likewise, you would never give a computer hacker a roadmap for where to place macro viruses on your computer or network. Unfortunately, the simple act of creating documents in Word and WordPerfect can give away valuable information such as this without your even knowing about it. You do this through metadata. "Metadata" is "data on data." What this means to you is that every time you open, edit, or save a document, extra data is stored within the electronic version of the document. This "metadata" is used to enhance a document in a variety of ways, including storing file information on who created or edited the document, as well as when and where the document was saved. Even though metadata was designed to enhance your document, it can also inadvertently share confidential information with others.

Metadata exists in many software applications, but the major concern for lawyers is the information left behind in the electronic version of documents prepared with word processing software since court filings, agreements, and merger and acquisition documents, to name a few, are frequently shared in electronic format.

Most document producing software embeds metadata within documents as the files are created and edited. For example, the names of past and present authors, and the time spent editing the

document, even the e-mail address of the person sending the document through e-mail can be embedded. Knowing what metadata resides in your documents and removing the information can mean the difference between accidental disclosure or even malpractice and safeguarding your information.

Microsoft Word (and Excel and PowerPoint), WordPerfect, and PDF documents contain metadata. Some types of metadata are benign and useful while other types can provide others who view or work on your documents with information you may not want them to know. Unless removed, metadata travels with the document.

Metadata includes the following that can be found in Word and WordPerfect documents: authors, firm name, file location, file properties, versions, tracked changes, comments, hidden text, hyperlinks, styles, headers and footers, linked objects, small font, and matching font.

In Word documents you also can find fast saves, time spent in editing, and embedded objects.

In WordPerfect documents you also can find "Undo/Redo" history and non-visible portions of embedded OLE objects.

PDF files can contain authors, create data, filename, PDF version, page count, encryption status, permanent ID, changing ID, producer, creator, custom fields, title, subject, keywords, modification date, bookmarks (total number), and annotations (total number, type, and total type amount).

New York has issued an ethics rule addressing electronic sleuthing which states that "Lawyers may not ethically use avail-

able technology to surreptitiously examine and trace e-mail and other electronic documents. *Opinion 749 – 12/14/01: Code: DR 1-102(A)(4), DR 1-102(A)(5), DR 4-101, DR 7-102(A)(8), Canon 4, Canon 7, EC 4-1.* To date, Texas has issued no rules nor any ethics opinions specifically addressing mining of metadata; but the principles governing the inadvertent discovery of confidential material may apply.

The existence of metadata raises three questions:

1. Do lawyers have a duty to warn clients of the metadata risk?
2. Do lawyers have any kind of duty, in "zealously representing the interests of their clients," to look at the metadata in INCOMING documents?
3. If clients are warned, how do lawyers handle the public relations challenge of explaining why it has taken so long to bring this to light?"

Protecting your clients and practice from accidental disclosure is something of which all need to be cognizant. There are two ways to reduce the amount of metadata stored in your documents. You can buy a third-party software designed to remove it, or you can print a document and then scan it into PDF. There are ways to reduce the risk without taking either of those steps.

Minimizing WordPerfect Metadata

Corel has published an article about how to minimize metadata in WordPerfect (www.support.corel.com and search "minimizing WordPerfect metadata"). Here are some steps you can take. You can **remove a comment** by right-clicking on it and clicking "Delete" in the box that appears or by viewing reveal codes and dragging the comment code out of the reveal codes window. To **prevent comments** from containing metadata, from the "Tools" menu, choose "Settings," and then "Environment." Select the "General" tab, and delete the information from the

"Name" and "Initials" boxes. Unfortunately, the time and date that the comment was made is not removed even when this option is configured. The "Undo/Redo" option in WordPerfect saves and stores historical information about edits made in the document. To disable this feature, from the "Edit" menu, choose "Undo/Redo History." Click "Options" and disable the "Save Undo/Redo Items with document" by removing the check mark from the box. Click "OK," and then "Close." To remove **summary details**, from the "File" menu, choose "Properties" and select the "Summary" tab. Remove from the boxes displayed the descriptive name, type, creation date, author, and other information that you do not want saved with the document.

Minimizing Word Metadata

Word 2002 and 2003 contain security options that are designed to remove some embedded metadata and show whether track changes or comments exist in a document. To display and configure these options, from the "Tools" menu, choose "Options" and select the "Security" tab. Check "Remove Personal Information From File Properties on Save." When that entry is checked, most of the information in the "File Properties" dialog box is removed, as are the last ten authors and the file path where the document is stored. Check "Warn Before Printing, Saving Or Sending A File That Contains Track Changes Or Comments." When checked, this option forces Word display a warning when a document containing tracked changes or comments is being saved, sent, or printed. You should also check the box for "Make Hidden Markup Visible When Opening Or Saving." If a document contains markup and the "Reviewing" toolbar filter is set to "Final" or "Original," this security option forces the changes to be visible on Open or Save. Unfortunately, these three settings only remove or identify a small set of the potential metadata in a document. *Adapted from articles by Donna Payne of Payne Consulting Group*

Donald M. Feferman J.D., C.P.A. Attorney At Law

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CCBA Dues Were Due July 1st

Have you paid your 2006 — 2007 dues yet? The new year started July 1st. Please check your records. If you have any questions whether your dues have been paid, please call Dick King at 883-4022 or e-mail him at dking@corpusbar.com. **Individuals who have not paid their dues by September 30th will be dropped from the CCBA membership rolls.** They will no longer receive blast e-mails, copies of the newsletter, nor discounted prices for seminars and luncheon CLE, and they will be deleted from the Pictorial Directory next year.

CCBA Board Actions

The CCBA Board met August 19th and took the following actions:

Agreed that members who had not paid their dues by September 30th would

be dropped from the rolls. Agreed to hold a raffle for a free lunch or a copy of the Pictorial Directory. Formed a committee to review the bylaws to see if modifications are Necessary.

Mark Your Calendars

Bold indicates seminar or new entry on the calendar

September

- 1 — Office Closed for installation of membership software**
- 4 — Holiday, Office Closed
- 13 --- Luncheon, 12:00 p.m., Ortiz Center
- 14 - 15 — SBOT Board of Directors Meeting at Omni Bayfront
- 16 — Drop of unpaid members from the membership rolls**
- 26 — Board of Directors Meeting

October

Annual "Coat, Blanket, and Warm Clothing Drive" begins

- 4 — Red Mass, Judge Carolyn Dineen King, 5th Circuit Court of Appeals
- 11 --- Luncheon, 12:00 p.m., Ortiz Center
- 24 — Board of Directors Meeting,
- 27 — Advanced Personal Injury Seminar**

November

- "Coat, Blanket, and Warm Clothing Drive" ends and donations distributed to homeless shelters; "Adopt a Family" Holiday Project begins
- 8 --- Joint Luncheon with Legal Professionals, 12:00 p.m., Ortiz Center
- 10 — Holiday, Office Closed
- 18 — Peoples Law School**
- 23 — Holiday, Office Closed
- 24 — Holiday, Office Closed
- 28 — Board of Directors Meeting

December

- "Adopt a Family" Holiday Project ends and food and other donated items distributed to "adopted" families; Judges' Fish Fry
- 22 — Holiday, Office Closed
- 25 — Holiday, Office Closed

January 2007

- 1 — Holiday, Office Closed
- 10 — Luncheon, 12:00 p.m., Ortiz Center
- 15 — Holiday, Office Closed
- 23 — Board of Directors Meeting

February 2007

- Mock Trial
- 14 — Joint Luncheon with CPA's, 12:00 p.m., Ortiz Center
- 27 — Board of Directors Meeting

March 2007

- Nominating Committee, Docket Call, 12 — 16 CCISD Spring Break
- 7 — Coastal Bend Women Lawyers Association Luncheon**
- 27 — Board of Directors Meeting

April 2007

- Election of New Board, Advanced Civil Trial Law Seminar
- 2 — Passover Begins

- 6 — Good Friday,
- 8 — Easter
- 11 — Annual Meeting Luncheon, 12:00 p.m., Ortiz Center
- 24 — Board of Directors Meeting

May 2007

- Criminal Law Seminar
- 3 — Law Day Reception, 5:30 p.m.— 7:30 p.m., Ortiz Center
- 4 — Law Day Luncheon, 11:30 a.m., Ortiz Center, Judge Carl E. Stewart, 5th Circuit Court of Appeals
- 22 — Board of Directors Meeting
- 28 — Holiday, Office Closed

June 2007

- Docket Call, Baseball with the Bench, State Bar Annual Meeting
- 26 — Board of Directors Joint Meeting with new Board

CCBA New Members

We welcome the following new members:

Bruce L. Collins, III, phone 883-3006

Mikhal Gongora, who has joined the Law Office of James B. Ragan

Kirby D. Hopkins, who is with Drucker, Rutledge & Smith L.L.P., phone(281)681-3515

Robert S. Nichols, who is with Bracewell and Giuliani, L. L.P., phone (713) 221-1259

Linda Rhodes-Schauer, phone 884-2800

N. J. Welsh, III, phone 883-1704

Actually Said In Court

Attorney: This myasthenia gravis, does it affect your memory at all?

Witness: Yes

Attorney: And in what ways does it affect your memory?

Witness: I forget

Attorney: You forget? Can you give us an example of something you forgot?

CCBA Directory Errata Sheet September 2006

Additions:	Corrections:	Deletions:
<p>Pg. 23 – Collins, Bruce L., III (Catharine) 1610 Wells Fargo Tower (78477) Office, 883-3006 Fax, 884-2998</p> <p>Pg. 31 – Gongora, Mikhail Law Office of James B. Ragan 723 Coleman Ave. (78401) Office, 884-7787 Fax, 884-9144 E-Mail, gongora76@aol.com</p> <p>Pg. 37 – Hopkins, Kirby D. (Jennifer) Drucker, Rutledge & Smith, L.L.P. 10003 Woodloch Forest Dr., Ste. 225 The Woodlands, TX 77380 Office, 281-681-3515 Fax, 281-681-3543</p> <p>Pg. 47 – Nichols, Robert S. Bracewell & Giuliani LLP Pennzoil South Tower 711 Louisiana, Ste. 2300 Houston, TX 77002 Office, 713-221-1259 Fax, 713-222-3269 E-Mail, bob.nichols@bracewellgiuliani.com</p> <p>Pg. 52 – Rhodes-Schauer, Linda (Don) 615 N. Upper Broadway, Ste. 2000 (78477) Office, 884-2800 Fax, 884-2822 E-Mail, lrhodes-schauer@sbcglobal.net</p> <p>Pg. 61 – Welsh, N.J., III 426 S. Tanchua (78401) Office, 883-1704 Fax, 883-0129</p>	<p>Pg. 30 – Garza, G. Rudolph, Jr. E-Mail, rgarza@davlin.net</p>	