



News Release

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New Committee to Examine Ethical Issues Regarding Metadata

Chief Justice Stuart Rabner has announced the creation of a new committee to examine ethical issues regarding metadata.

Chaired by Supreme Court Associate Justice Anne M. Patterson, the Working Group on Ethical Issues Involving Metadata in Electronic Documents will consider whether existing attorney ethics rules allow lawyers who receive electronic document to “mine” the documents for metadata. Attorney Thomas P. Scrivo of McElroy, Deutsch, Mulvaney & Carpenter will serve as vice-chair.

“The Rules of Court that govern attorney ethics were not written with today’s technology in this area in mind,” said Chief Justice Rabner. “The working group will help the court consider what guidelines it should provide to attorneys given recent advances in technology and information systems.”

Metadata includes any information about the document other than the content, such as when it was created, who created and edited the document, and other information. The question of metadata mining is complicated in legal cases because of the right to discoverable and relevant evidence for parties in court cases as well as the duty to safeguard attorney-client privileged information, confidential information, and attorney work product as set forth in the Rules of Court.

The working group will consider the ethical obligations of attorneys sending and receiving electronic documents that contain metadata and will submit its report to the Supreme Court for review. The roster of committee members is attached.

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**New Jersey Supreme Court Working Group on
Ethical Issues Involving Metadata in Electronic Documents**

Supreme Court Associate Justice Anne M. Patterson, Chair

Thomas P. Scrivo, Esq., Vice-chair
McElroy, Deutsch, Mulvaney & Carpenter, LLP

Passaic Vicinage Assignment Judge Ernest M. Caposela

Charles Centinaro, Esq.
Director, Office of Attorney Ethics

Tax Court Presiding Judge Patrick DeAlmeida

Jay DiMarino, Esq.
A.J. DiMarino, PC

Judith H. Germano, Esq.
Germano Law LLC; also Senior Fellow, NYU Law School's Center on Law & Security

Professor Ellen P. Goodman
Rutgers School of Law-Camden

Brett R. Harris, Esq.
Wilentz, Goldman & Spitzer, P.A. (NJSBA designee)

Jeffrey S. Jacobson, Esq.
Director, Division of Law, Department of Law and Public Safety

John E. Keefe Jr., Esq.
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Bergen Vicinage Superior Court Judge Brian R. Martinotti

John P. McCarthy III,
Judiciary Chief Information Officer

R. Brian McLaughlin, Esq.,
Deputy Counsel to the Administrative Director of the Courts

David G. McMillin, Esq.,
Senior Attorney, Legal Services of New Jersey

Professor David L. Noll,
Rutgers School of Law-Newark

Professor David W. Opderbeck
Seton Hall University School of Law

Sherilyn Pastor, Esq.
McCarter & English

Seth Ptasiewicz, Esq.
Kroll Heineman Carton, LLC

Stefan J. Van Jura, Esq.
Assistant Deputy Public Defender, Appellate Section, Office of the Public Defender

Stephanie R. Wolfe, Esq.
Riker Danzig Scherer Hyland & Perretti, LLP

Lisa Martinez Wolmart, Esq.
Vice-President and Corporate Counsel, Enterprise Litigation Group,
Prudential Insurance Company of America

Monmouth Vicinage Superior Court Judge Mara E. Zazzali-Hogan

Staff: Carol Johnston, Esq.
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