

Redaction Failures: How to (Properly) Shield Confidential Information in Public Filings



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1

Today's Goal

By the end of this CLE, you should be able to answer three questions:

- Why do I need to know how to redact information?
- What happens if I don't redact information properly?
- How do I redact information properly?

2

Why redact?

3

Why redact?

**You may be
required to
by law.**

- The “default” status of most publicly filed documents is public, not private or sealed.
- A law, regulation, or court order may require you to keep certain information confidential.
 - Witness, victim, or party identities (e.g., confidential informant, minor)
 - Confidential personal information (e.g., SSN, medical information)
 - Trade secret or other confidential business information (e.g., financials, source code)
- Such information may need to be redacted in public-facing filings

4

Why redact?

**It's your
ethical duty.**

- ABA R1.1 / Tex. R1.01 – Duty of Competence
 - Comment 8 – “. . . a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology”
- ABA R1.6 – Confidentiality of Information
 - 1.6(c) - “A lawyers shall make reasonable efforts to prevent inadvertent or unauthorized disclosure of . . . information relating to the representation of a client.”
 - Tex. R.1.05 – “ . . . shall not knowingly reveal confidential information”

5

**What happens if I
don't know how
to redact?**

6

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