

LAW DEPARTMENT



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March 28, 2013

Greg Smith
89 Norwood Avenue
Newton, MA 02460

Re: Further Response to Public Records Requests Dated February 20 and
February 22, 2013

Dear Mr. Smith:

I am in receipt of your e-mail to the general law mailbox at the City of Newton. The City of
Newton Law Department responds as follows:

Request No. 2

You have refined your inquiry to request:

*Any records written by or addressed to the law department or its employees; or clients of the law
department related to education or education law since January 1, 2012.*

Response

The records you requested are protected by the attorney-client privilege and laws protecting
student records and will therefore not be produced. The Law Department has numerous cases
related to education and corresponds regularly with the Newton Public Schools regarding these
matters. The content of these documents is protected by the attorney-client privilege. The Law
Department also has regular correspondence with attorneys in ongoing education matters that
contain confidential student information and records.

Request No. 3

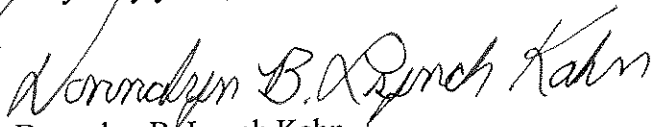
Seminars or other events on education law; including but not limited to invitations, agendas, subjects, handouts, and any communication before or after.

Further Response

While the City of Newton Law Department previously responded that it has attended seminars on education law since September 1, 2011, the department also advised that copying the materials provided in seminars may violate copyright laws and be prohibited.

You have now indicated that you would indeed like copies of these materials at the statutory costs. Please be advised that the Law Department's research indicates that providing these documents may violate the Copyright Act at 17 U.S.C.A. § 101 et seq. The provision of Law Department materials obtained at a paid seminar does not appear to fall within the Fair Use Doctrine as your request seeks entire works. See Advanced Computer Systems of MI, Inc. v. MAI Systems Corp., 845 F. Supp. 356, 365-366 (E.D. Va. 1994). The Law Department will therefore not produce these documents because it is unable to waive the exclusive rights to the materials held by the authors.

Very truly yours,


Donnalyn B. Lynch Kahn
City Solicitor