

TECHNOLOGICAL COMPETENCE FOR LAWYERS: DUTIES UNDER RULE 1.1

FRANKLIN COUNTY SUMMER BENCH BAR - 2017

WHY ARE WE TALKING ABOUT 1.1?

- Rule 1.1:

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

- Comment 8

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, **including the benefits and risks associated with relevant technology...**

WE WILL MOSTLY DISCUSS MITIGATING RISK

- Social Media – Advising Clients and Using it In Your Practice
- Maintaining Confidentiality of Client Communication in a cloud-based world
- Safekeeping client data in an age of ransomware attacks

ADVISING CLIENTS ON SOCIAL MEDIA

- Preventative Care
 - The most important tech advice you can give a client
- Damage Control
 - Do not destroy evidence

USING SOCIAL MEDIA IN YOUR PRACTICE

- Understanding the Risks
 - Ethical Issues
 - Appearance Issues
- Things to Avoid
 - Never pose as anyone else, or ask anyone else to pose as someone else

LET'S TALK SECURITY

- Rule 1.6(d):

A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized use of, or unauthorized access to, information relating to the representation of a client

MAINTAINING CONFIDENTIALITY OF CLIENT COMMUNICATION

- E-mail
 - If it's in an e-mail, it can go on the front page of the NYT
 - What are the alternatives?
- Text
 - Really?

SAFEKEEPING CLIENT DATA

- Data in the cloud
- General internet usage

Q&A AND QUICK TIPS



THE END!

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NOTES:
