

Ethical Guidelines for Lawyers Using Technology

MUDD LAW
SPACE | INTERNET | CREATIVES | IP | STARTUPS

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COMPUTER AND
TECHNOLOGY
SECTION

Introduction

- The importance of technology in modern legal practice
- Ethical considerations lawyers need to keep in mind



Competence

- Tex. R. Disc. P. Rule 1.01: Competent and Diligent Representation; Comment 8
- ABA Model Rule 1.1 & Comment 8 to Rule 1.1
- Need for technological competence and staying updated



Confidentiality and Data Security

- Tex. R. Disc. P. Rule 1.05. Confidentiality of Information
- ABA Model Rule 1.6 & Rule 1.9(c)
- Confidentiality duties and safeguarding client information (clients and former clients)





Communication

- Tex. R. Disc. P. Rule 1.03
- ABA Model Rule 1.4 & Rule 1.6(c)
- Effective communication and protecting client information during communication

Advertising and Solicitation

- Tex. R. Disc. P. Rule 7.01(b)(2) “Solicitation communication”
- Tex. R. Disc. P. Rule 7.03 (a)(1) “Regulated telephone, social media, or other electronic contact”
- ABA Model Rule 7.1 & Rule 7.3
- Use of technology in lawyer advertising and solicitation
- Maintaining professionalism on social media and online platforms



Supervision of Non-Lawyer Staff

- Tex. R. Disc. P. Rule 5.03.
Responsibilities Regarding
Nonlawyer Assistants
- ABA Model Rule 5.3
- Responsibilities regarding
non-lawyer staff and
technology use





Preservation of Evidence

- Rule 3.03. Candor Toward the Tribunal
- ABA Model Rule 3.4
- Importance of preserving electronically stored information (ESI)

Data Breach Response

- Tex. R. Disc. P. Rule 1.03-Communication
- Comments to ABA Model Rule 1.4
- Communications: Protocols for responding to data breaches and notifying affected clients
- Texas Identity Theft Enforcement and Protection Act Sec. 521.052. BUSINESS DUTY TO PROTECT SENSITIVE PERSONAL INFORMATION
- Sec. 521.053. NOTIFICATION REQUIRED FOLLOWING BREACH OF SECURITY OF COMPUTERIZED DATA.



ESSENTIAL CLOUD-BASED SERVICES FOR SOLO/SMALL FIRMS



HAMADA SMITH



Criteria To Consider


- ✓ Is it secure?
- ✓ Will it increase efficiency, productivity, and effectiveness?
- ✓ Will it lower overhead?
- ✓ Is it platform and device agnostic?
- ✓ Is it collaborative and scalable?
- ✓ Will it level the playing field or provide an advantage?



Microsoft 365

- All The Apps/Services To Run A Modern High Tech Law Office for \$12.50 - \$22/mo/user (+\$16/mo/user for Phone Plan)
- Office 365 Suite; Unified Communications; Secure Collaboration and Storage
- Secure (Datacenters; Encryption; Compliance Certifications)
- Data Backups; Redundancy; 99%+ Uptime
- Scalable

RingCentral

- \$20-\$25/mo/user for Unified Message, Video, Phone (MVP)
- Rules-based calls (time, date, date range, caller ID, other parameters) and customized greetings for specific callers or situations
- Live transcription  transcribes meeting audio in real time
- Secure (Datacenters; Encryption; Compliance Certifications)
- 99%+ Uptime
- Scalable



Box.com

- \$30-\$40/mo/user Business Plus Plan or Enterprise Plan
- Documents are indexed and searchable using filters, boolean operators, and/or specific phrase searches
- Box Governance (add'l \$10/mo/user) - configure regulatory, legal, compliance, and security requirements for content in the cloud.
- Secure (Datacenters; Encryption; Compliance Certifications)
- Data Backups; Redundancy; 99%+ Uptime
- Scalable



Other Services To Consider

- Adobe Acrobat Pro \$19.99/mo/user
- VPN (e.g. NordVPN \$40/yr/user)
- Quickbooks Online (\$30/mo 1 user - \$60/mo 3 users)

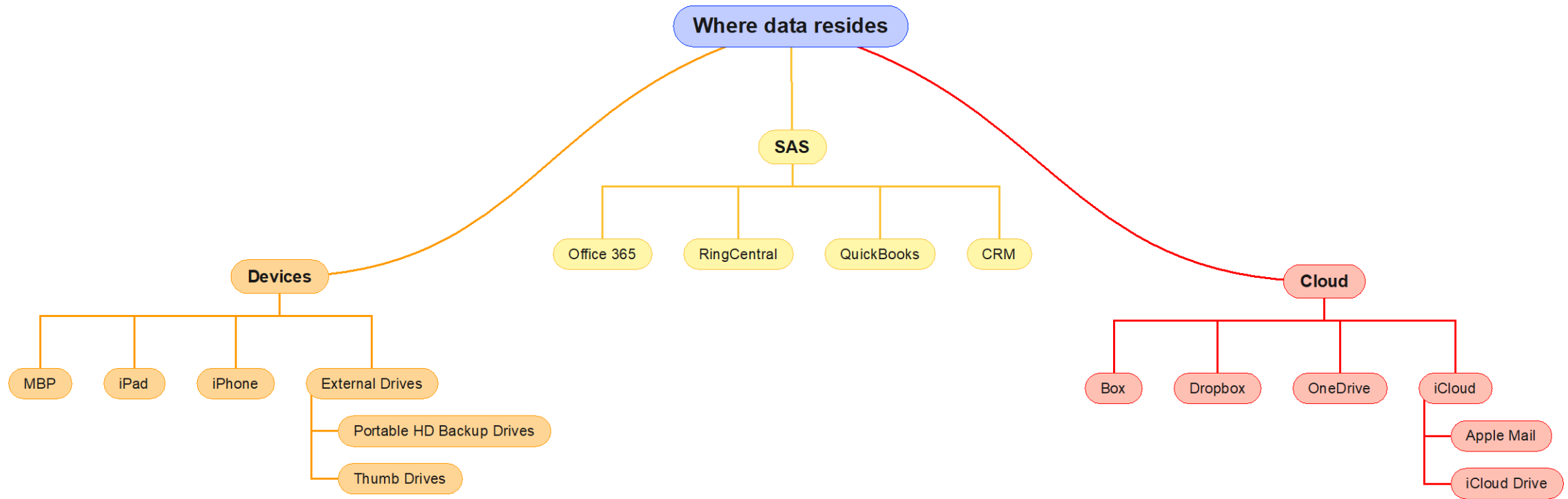


Outsourced Digital Services

- Convert high volume documents into searchable electronic documents
- Securely store or upload searchable files to connected storage
- Document review is accessible and scalable
- Manage assembly, load files, labeling/redaction, tagging, indexes for electronic production



But, With Great Power ...



GRAND TOTAL

1. Microsoft 365	\$38.00/mo.
2. RingCentral	\$25.00/mo.
3. Box.Com	\$50.00/mo.
4. Adobe Acrobat Pro	\$19.99/mo.
5. VPN	\$3.00/mo.
6. Quickbooks Online	<u>\$30.00/mo.</u>
total	\$165.99/mo.

Two Axioms To Follow

“Adapt what is useful, reject what is useless, and add to what is specifically your own.”

-Bruce Lee

“Deciding what not to do is as important as deciding what to do.”

-Steve Jobs

Useful Resources

- [Microsoft 365 Plans](#)
- [Microsoft 365 Detailed Comparison Chart](#)
- [Microsoft Azure Global Infrastructure](#)
- [RingCentral Trust Center](#)
- [RingCentral Certifications](#)
- [RingCentral Legal Documentation](#)
- [Box.com Plans](#)
- [Box.com Security](#)
- [Box.com Privacy Policy](#)





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