

Ethics for Lawyers in the New Legal Industry –

How Technology is Changing the Legal Profession & Ethical Duty of Competency to
Represent Your Clients
Live on October 2, 2018
ISB

The Implications of Technology on the Legal Industry Today and ABA Model Rules 1.1 Comment 8, 1.6 & 5.4 (30 minutes) IRPC 1.1: Competence

Technology in the legal industry

- a. Positive - Ability to work remotely
- b. New ways to connect to clients
- c. New opportunities
- d. ABA – Rule 1.1 Comment 8 – requirement of competency by attorneys re: technology benefits and risks. Adopted by 31 states – including Idaho on March 17, 2014.
 - i. eDiscovery & Technology challenges &
 - ii. potential advantages to your client if you understand the technology
- e. ABA – Rule 1.6(c) – requirement to prevent the inadvertent or unauthorized disclosure of client information
 - i. eDiscovery cases
 - ii. Cybersecurity issues facing attorneys
- f. ABA Model Rule 5.4 – Professional Independence
 - i. Illinois – arguing for new ethics rules to permit lawyers to participate in lawyer matching services
 - ii. New Jersey – Supreme Court has prohibited lawyers from participating in lawyer matching services

WHAT'S YOUR TECHNOLOGY FOOTPRINT?

REBOOT YOUR LAW PRACTICE

Five Tips from Lee Holcomb, Author of Lifestyle Lawyer

Reboot Your Law Practice

What's your technology footprint? There's never been a better time to take a look at the technology you're using in your practice. Are your technology tools up-to-date, or maybe not so much? Here are 5 tips to reboot your business, increase your technology literacy, and keep you compliant with ethical obligations to maintain competency to represent your clients.

Technology changes

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HOW WE PRACTICE LAW

Traditionally, lawyers were rewarded for the number of hours they billed. Today's lawyers, on the other hand, are increasingly rewarded for seeing how to do things differently: for their judgment, creativity and emotional intelligence. The business of law is opening up new workflows: lawyers are learning to produce more with less, and using artificial intelligence to support the delivery of services and final products to clients.

Tip #1—Increase your technology literacy. Make sure you are well informed and up-to-date on technology solutions and the latest uses in the legal industry. ABA Model Rule 1.1 Comment 8

Technology creates

NEW JOBS FOR ATTORNEYS

Many corporations augment their legal departments by in-sourcing attorney-managed services. Is this of interest to you? Consider working with an ALSP or legal staffing agency that might be able to help you land a new legal job.

Tip #2—Check out Axiom, Counsel on Call, Elevate, DTI, Quislex, Morea Global, DataScribe LPO, Legal Zoom and TRU Staffing for potential new ways to work as a lawyer.

Technology knowledge

REQUIRES TRAINING

How can you use technology to distinguish yourself and become an expert in your field? Can you make a career around technology in the new legal industry? Certifications help keep you up-to-date and help differentiate you from other attorneys. It's tangible evidence that you're keeping pace with technology solutions and best practices.

**Tip #3—Some hot certification areas for attorneys:
Agile and Scrum, Certified Information Systems Security Professional (CISSP), Project Management Professional (PMP), Relativity Certification RCA, CIPP/US, CIPP/E, CIPM, and CEDS.**

Technology solutions

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SAVE TIME & MONEY

Good technology tools can save time and money. Consider automating the document signing process, legal case management software, or time-tracking software.

Tip #4—Consider new technology solutions you can integrate into your legal workflow to save time and money. Examples: Clio, DocuSign, Kira Solutions, Ross Intelligence, and TSheets.

ABA Model Rule 1.6(c)—prevent disclosure of client information

Technology marketing

GETS THE WORD OUT TO CLIENTS

You should always be thinking about how technology and social media can help promote your business.

Tip #5—Learn how to use digital marketing tools to promote yourself. However, it's important to be careful of potential ethical issues for lawyers and law firms. Contact your bar if you have questions; don't assume it's okay just because you see someone else doing it.

Information Economy

Knowledge is Gold

Not all attorneys are in the dark when it comes to understanding technology and its impact on the practice of law. But the average attorney doesn't understand the technology solutions on the market today or where our industry is headed. Having a baseline understanding of technology is paramount for all attorneys. In today's new legal world, technology literacy means being relevant and up-to-date. It also means you understand the possibilities and potential obstacles of using new technology, for yourself and your clients.





Automation

The Start of New Creative Legal Jobs

Technology isn't going to replace all lawyers. In fact, there's never been a better time to add some technology to your legal practice. The latest technology solutions are creating portable jobs, saving time and money, allowing attorneys to distinguish themselves in their legal careers and competently represent their clients. Entrepreneurial lawyers who can market their valuable skills (including things that machines can't do) will lead the way.

There are some extraordinary opportunities on the horizon--be ready for them!

LEE HOLCOMB—JD, CIPP/US, CEDS

Author of *Lifestyle Lawyer*



Lee Holcomb started her legal career in 1998 in Tennessee. In 2006, she made partner—and had her first child. When her husband took an overseas position with the U.S. State Department, Lee was at first reluctant to leave her firm. But her desire to have a second child led her to take a giant step. On December 23, 2006, with two small children, she boarded a plane to Poland. Shortly after she arrived in Warsaw, Lee began planning her return to the legal workforce. This would ultimately take her to India, where she essentially started over in a part-time position with an international legal outsourcing provider. Thus began her second legal career path, which would eventually lead her to become the Chief Operating Officer and Director of Legal Services of the same company. Lee is currently on the third stage of her career: as an author, speaker, consultant and yoga/wellness coach for stressed-out attorneys. For more information see www.lifestyleforlawyers.com.