



# Ethics, Efficiency, and Economics Technology in the Practice of Law

An introductory overview of how to consider technology in the practice of law.

# Considering the use of technology.

- What are the ethical expectations for technology use?
- How does one organize/equip for technology efficiency?
- How can one minimize the economic costs of technology?

Ethics | Efficiency | Economics

# Ethical Expectations

In all professional functions  
a lawyer should be  
competent,  
prompt and  
diligent\*.

\*ABA Model Rules of Professional Conduct, Preamble 1(4), (2004)

# Ethical Expectations

A lawyer shall provide competent representation to a client\* .

Competent representation requires the legal knowledge, **skill**, thoroughness and preparation reasonably necessary\* .

\*ABA Model Rules of Professional Conduct, Rule 1.1, (2004)

# Ethical Expectations

## “Reasonable” or “reasonably”

when used in relation to conduct by a lawyer denotes the conduct of a reasonably prudent and competent lawyer\*.

\*ABA Model Rules of Professional Conduct, Rule 1.0(h), (2004)

# Ethical Expectations

What is reasonable in relation to a lawyer's understanding of technology?

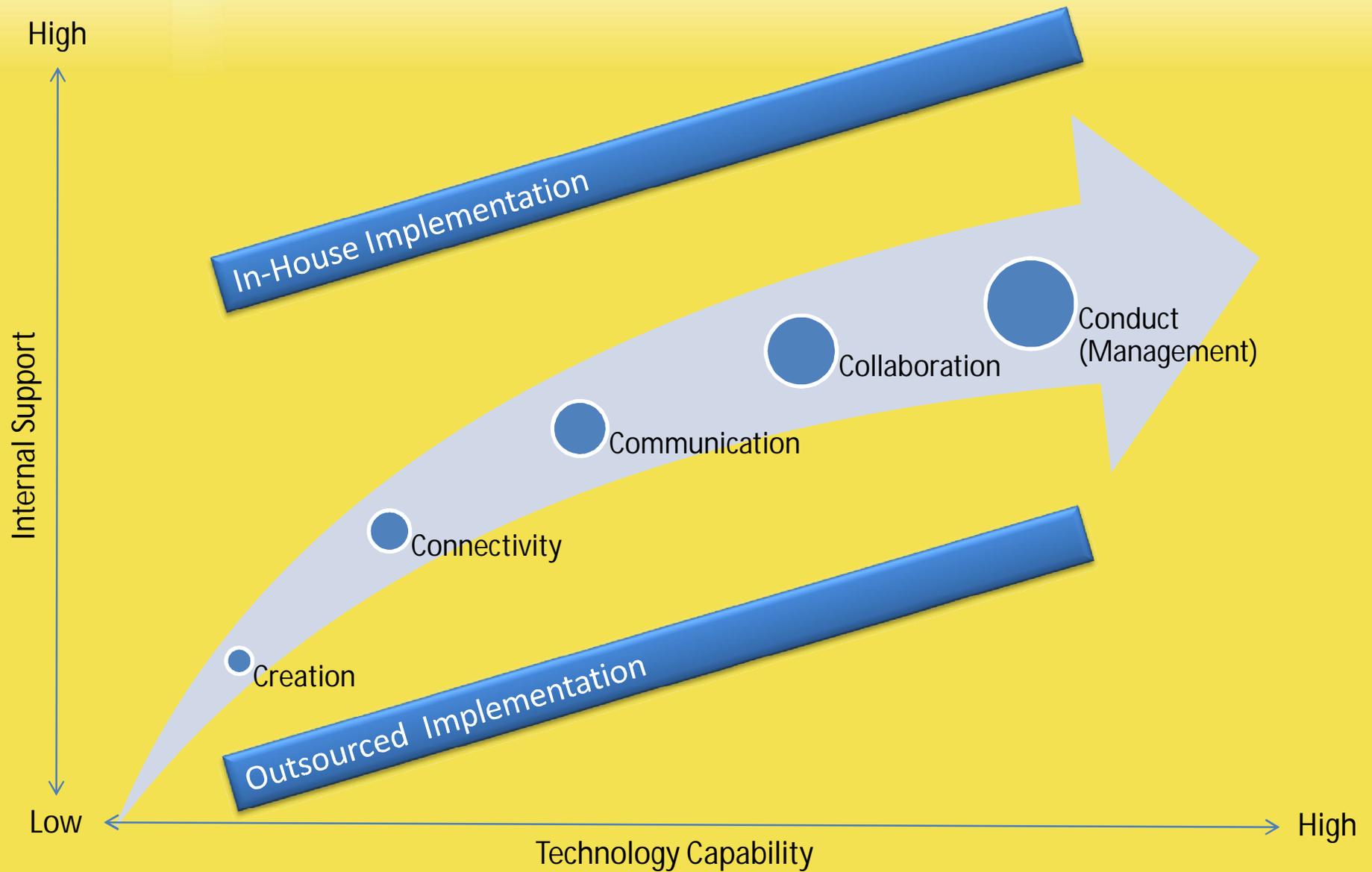
- Understanding of technology requirements.  
Create (ESI) | Connect | Communicate | Collaborate | Conduct (Management)
- Understanding of technology related requests.  
eMail | eFiling | Meet and Confer | Collection | Production | Storage
- Ability to articulate technology and requirements.  
Legal Team | Client | Opposing Counsel | Jury | Judge

Five critical areas in relation to a lawyer's understanding of technology:

- Creation (ESI\*).
- Connectivity.
- Communication.
- Collaboration.
- Conduct (Management).

\*ESI: Electronically Stored Information = all information on computers. 11/06, Third Branch

# Legal Technology Reference Model



Technology enables the creation of Electronically Stored Information.

- Data Structures.

Structured | Unstructured

- Data Formats.

Still Image | Moving Image | Sound | Textual | Web Archive | Generic

- Data Volume.

Uncompressed | Compressed

- Data Security.

Unencrypted | Encrypted

- Data States.

Active | Static | Residual

# Economic Technology

Technology enables the creation of Electronically Stored Information.

- Data Structures.
- Data Formats.
- Data Volume.
- Data Security.
- Data States.

## Hardware

- Personal Computer
- Monitor
- Network Interface Capability (Wire and/or Wireless)
- Electrical Protection System
- Storage Backup
- Multifunction Printer/Scanner/Fax

## Software

- Operating System
- Productivity Suite
- Email Enablement Application
- Security Suite (AntiVirus/Spyware)
- Media Playing Application
- HTML Viewing Application
- PDF Creation/Viewer Application
- Compression/Decompression Application

# Efficient Technology

Connectivity of technology accelerates efficiency.

- Personal Area Networks.
- Local Area Networks
- Campus Area Networks.
- Metro Area Networks.
- Wide Area Networks.
- InterNetworks.
- Data Storage Networks.

# Economic Technology

Connectivity of technology accelerates efficiency.

- Personal Area Networks.
- Local Area Networks
- Campus Area Networks.
- Metro Area Networks.
- Wide Area Networks.
- InterNetworks.
- Data Storage Networks.

## Hardware

- Server
- Electrical Protection System
- Network Switch / Router (Wire and/or Wireless)
- Storage Backup

## Software

- Server Operating System
- Server Security Suite (AntiVirus/Spyware)
- Firewall\*

## Service

- Internet Connectivity

\*Firewall can be hardware and/or software enabled.

# Efficient Technology

Communication is the benefit of Connectivity.

- eMail.
- Instant Messaging.
- Podcasts/Videocasts.
- SMS/Text Messages.
- RSS Feeds.
- Voice Mail.
- Webinars.
- Websites.

\*Integrated or External.

# Economic Technology

Communication is the benefit of Connectivity.

- eMail.
- Instant Messaging.
- Podcasts/Videocasts.
- SMS/Text Messages.
- RSS Feeds.
- Voice Mail.
- Webinars.
- Websites.

## Hardware\*

- Video Camera
- Microphone

## Software

- Server Email Enablement Application
- Server File Sharing Application
- Instant Messaging Application
- RSS Feed Reader

## Service

- Instant Messaging Service
- SMS/Text Messaging Service
- Voice Mail Service
- Webinar Service
- Website Host

\*Integrated or External.

Collaboration is the benefit of connected communication.

- Blogs.
- Conferencing Applications.
- Message Boards.
- Wikis.

\*Can be delivered via server software and/or online service provider.

# Economic Technology

Collaboration is the benefit of connected communication.

- Blogs.
- Conferencing Applications.
- Message Boards.
- Wikis.

## Hardware

- Video Camera
- Microphone

## Software

- Blog Enablement Application\*
- Online Conferencing Application\*
- Message Board Enablement Application.\*
- Wiki Enablement Application\*

## Service

- Blog Service\*
- Online Conferencing Service\*
- Message Board Service.\*
- Wiki Service\*

\*Can be delivered via server software and/or online service provider.

# Efficient Technology

Conduct (Management) of technology is reasonable.

- Billing and Accounting.
- Case Management.
- Document Management.
- Information Backup.

\*Can be delivered via server software and/or online service provider.

# Economic Technology

Conduct (Management) of technology is reasonable.

- Billing and Accounting.
- Case Management.
- Document Management.
- Information Backup.

## Hardware

- External Storage Capability

## Software

- Billing and Accounting Application\*
- Case Management Application\*
- Document Management Application.\*
- Automated Information Backup System

## Service

- Billing and Accounting Application\*
- Case Management Application\*
- Document Management Application.\*

\*Can be delivered via server software and/or online service provider.

# Legal Technology Reprise

Are you competent in leveraging technology in representing clients\*?

Is your knowledge, and skill, in relation to technology reasonable\*?

\*ABA Model Rules of Professional Conduct, Rule 1.1, (2004)

# Technology in the Practice of Law

As a **general** rule,  
the most **successful** man in life  
is the man who has the **best** information.

*Benjamin Disraeli*