
TECHNOLOGY AND ETHICS: ADAPTING TO THE POST-COVID PRACTICE OF LAW

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INTRODUCTION

- Practice of law has slowly been trending towards adoption of various technologies for practice management, billing, communications, etc.
- COVID-19 and related lockdown and travel restrictions have fast tracked adoption of technology
- This immediate need has caused some to adopt bad technology, operate technology without regards to ethics requirements, etc.

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COMPETENCY

- Tex. Disciplinary. R. Prof. Conduct 1.01, cmt. 8
- Lawyers are charged with becoming and remaining proficient and competent in the practice of law, including the benefits and risks associated with relevant technology

CONFIDENTIALITY

- Tex. Disciplinary. R. Prof. Conduct 1.05 (Confidentiality of Information)
- Lawyers must take care to protect confidential client information, which includes both privileged and unprivileged client information

ADVERTISING

- Tex. Disciplinary. R. Prof. Conduct 7.04 (Filing Requirements for Advertisements and Solicitation Communications)
- Lawyers need to submit advertisements to the Advertising Review Committee
- Tex. Disciplinary. R. Prof. Conduct 7.03 (Solicitation and Other Prohibited Communications)
- Lawyers cannot generally use social media or other forms of electronic communication for soliciting new clients

ADVERTISING

- Tex. Disciplinary. R. Prof. Conduct 7.02 (Advertisements)
- Lawyers must not include certain language regarding specialization in advertisements, and must conform to certain requirements regarding pricing advertised
- Tex. Disciplinary. R. Prof. Conduct 7.05 (Communications Exempt from Filing Requirements)
- Lawyers may not have to filing advertisements if they fit into certain exemptions, included social media not expressly offering legal services and intended for educational purposes

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