

# Practicing of Law Across State Lines, Cross Border Issues and Privacy



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## Agenda

- Technology Competency Obligation
- Cross Border Transfers
- Privacy Law Issues and Hot Topics
- Looking to the Future
- Incident Response
- How to Become Technologically Competent?

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## Level of Comfort with Technology



Luddite



Technophile

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# LAWYERS' DUTY OF TECHNOLOGY COMPETENCE

## ABA Model Rule 1.1 - Client-Lawyer Relationship

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

In 2012, the American Bar Association revised the Model Rules of Professional Conduct to include the "duty of technology competence" in Rule 1.1, Comment 8.

[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, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

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## The Rule In Texas



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