

Keeping Your Confidential Information Safe(r)

Ethical obligations for electronically stored and transmitted information

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Ethics credit and useful information!

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Supreme Court of Texas, Misc. Docket No. 19-9016

Rule 1.01. Competent and Diligent Representation

- (a) A lawyer shall not accept or continue employment in a legal matter which the lawyer knows or should know is beyond the lawyer's competence, unless:
- (1) another lawyer who is competent to handle the matter is, with the prior informed consent of the client, associated in the matter; or
 - (2) the advice or assistance of the lawyer is reasonably required in an emergency and the lawyer limits the advice and assistance to that which is reasonably necessary in the circumstances.
- (b) In representing a client, a lawyer shall not:
- (1) neglect a legal matter entrusted to the lawyer; or
 - (2) frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.
- (c) As used in this Rule, "neglect" signifies inattentiveness involving a conscious disregard for the responsibilities owed to a client or clients.



Supreme Court of Texas, Misc. Docket No. 19-9016

The comment to Rule 1.01, Texas Disciplinary Rules of Professional Conduct, is amended as follows:

Rule 1.01. Competent and Diligent Representation

Comment:

Maintaining Competence

8. Because of the vital role of lawyers in the legal process, each lawyer should strive to become and remain proficient and competent in the practice of law, including the benefits and risks associated with relevant technology. To maintain the requisite knowledge and skill of a competent practitioner, a lawyer should engage in continuing study and education. If a system of peer review has been established, the lawyer should consider making use of it in appropriate circumstances. Isolated instances of faulty conduct or decision should be identified for purposes of additional study or instruction.



... the benefits and risks associated with relevant technology

- *Disciplinary Couns. v. Valenti*, 2021 WL 1555280 (Ohio 2021)
- *United States v. Montague*, 2016 WL 11621620 (W.D.N.Y. May 17, 2016)
- *City of Rockford v. Mallinckrodt ARD Inc.*, 326 F.R.D. 489 (N.D. Ill. 2018)
- *State v. Ratliff*, 849 N.W.2d 183 (N.D. 2014)
- *James v. Nat'l Fin. LLC*, 2014 WL 6845560 (Del. Ch. Dec. 5, 2014)



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... the benefits and risks associated with relevant technology



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"Balancing Your Technology Use and Your Ethical Obligations"