



Essential Technology Competence for Attorneys

Presented to the University of Texas School of Law Continuing Legal Education Department

Elizabeth A. Rogers, CIPP/US
Partner, Michael Best & Friedrich

April 13th, 2022

© Elizabeth C. Rogers

1



Introduction

Professionals of all kinds have been forced to adapt to working remotely. For lawyers, this means using technology effectively but also in compliance with legal and ethical obligations towards clients and their information.

- **Novel and accelerated uses of videoconference and document sharing/hosting technology**
- **Ethical duties of competence and confidentiality**
- **Security and privacy requirements**
- **Practical considerations**
- **Platforms: Zoom, Teams, Dropbox, Google Drive and others**

2



Use Cases

Many applications already common in certain practice areas, often with tech-savvy corporate clients, are becoming more widespread

- Video conference with clients and opposing counsel or parties
- Transaction diligence data rooms
- Esignature and contract negotiation platforms
- Slack, Teams, and other internal collaboration



Use Cases

Others are more novel

- Mediation and arbitration (AAA-ICDR Virtual Hearing Guide for Zoom)
- Hearings: According to the Office of Court Administration, Texas courts held more than 10,000 hearings via Zoom from March 30 - April 10

Use Cases

- Texas Supreme Court hearing oral argument via Zoom
- Current OCA guidance (effective June 1 and after) instructs courts to “use all reasonable efforts to conduct proceedings remotely”

<https://blog.texasbar.com/2020/04/articles/coronavirus/texas-courts-held-over-10000-remote-hearings-in-past-2-weeks-oca-estimates/>

[https://go.adr.org/rs/294-SFS-](https://go.adr.org/rs/294-SFS-516/images/AAA269_AAA%20Virtual%20Hearing%20Guide%20for%20Arbitrators%20and%20Parties%20Utilizing%20Zoom.pdf)

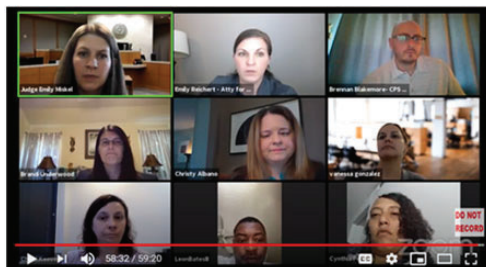
[516/images/AAA269_AAA%20Virtual%20Hearing%20Guide%20for%20Arbitrators%20and%20Parties%20Utilizing%20Zoom.pdf](https://go.adr.org/rs/294-SFS-516/images/AAA269_AAA%20Virtual%20Hearing%20Guide%20for%20Arbitrators%20and%20Parties%20Utilizing%20Zoom.pdf)

5

Use Cases

Even jury trials

- On May 18, the 470th District Court of Collin County heard jury selection via Zoom in what is believed to be the first remote jury trial in the U.S.



- <https://www.reuters.com/article/us-health-coronavirus-courts-texas/texas-prepares-for-a-pandemic-first-a-jury-trial-by-zoom-idUSKBN22U1FE>

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Cybersecurity and Protecting Against Cyber Scams

Also available as part of the eCourse

[First Friday Ethics \(November 2022\)](#)

First appeared as part of the conference materials for the
2022 First Friday Ethics (November 2022) session

"Cybersecurity and Protecting Against Cyber Scams (Replay)"