

Lawyers and Technology - Ignorance Is Not A Defense!

By [Katelyn Dougherty, JD, ACP](#)

Not only must lawyers stay current with the law, but they must also stay current with technology.

Effective January 1, 2017, Florida adopted the Duty of Technology Competence. This adoption came after the American Bar Association officially approved a change to the [Model Rules of Professional Conduct](#) making it clear that lawyers have a duty to be competent not only in the law and its practice but also in technology.

Of course, the Model Rules are just that — a model. They guide the states in formulating their own rules of professional conduct. Each state is free to adopt, reject, ignore, or modify the Model Rules. Florida became the 25th state to adopt the Duty of Technology Competence for lawyer, which means lawyers licensed in the state of Florida are required to comply with the Duty of Technology Competence. See the full list of states that have adopted this [HERE](#).



What is a lawyer's Duty of Technology Competence? There are several broad areas, such as:

1. Knowledge of cybersecurity, and how to safeguard electronically stored client information;
2. Knowledge of E-Discovery, including the preservation, review, and production of electronic information, and metadata;
3. Knowing how to leverage technology to deliver legal services, such as automated document assembly, electronic court scheduling, and file share technologies;
4. Understanding how technology is used by clients to offer services or manufacture products;
5. Understanding the technology used to present information and/or evidence in the courtroom;
6. Understanding internet-based investigations through simple Internet searches and other research tools available online; and more.

AND IGNORANCE IS NOT A DEFENSE!

Lawyers aren't required to be experts in the field of technology, but they are expected to have a basic knowledge of the technology used by them and their clients.

Technology that lawyers may already be familiar with includes case management software, billing software, email, and the Microsoft Office Suite. Additionally, some lawyers, especially litigators, are expected to know how to use eDiscovery tools. These tools cut down on the time a lawyer spends researching a case. The inability to use these tools could cost clients time and adequate representation.

Additionally, pursuant to the Continuing Legal Education requirements established by the Florida Bar, lawyers are required to complete thirty-three hours of approved continuing legal education, three of which must be in approved technology programs. For more information about the Florida Bar's Continuing Legal Education requirements click [HERE](#).

Finally, check out companies such as [Above the Law](#) and [LawSites](#) as they offer reputable blogs on the topic, and of course, never hesitate to contact the [Florida Bar](#).

This Blog was written by Liberty Law Suites, Director of Operations, [Katelyn J. Dougherty, JD](#).

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