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Libraries & Legal Research: Resources for technological competency

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LIBRARIES & LEGAL RESEARCH

Resources for technological competency

BY VIRGINIA A. NEISLER

At the time this article was written, Michigan was one of 39 states that included understanding relevant technologies as a part of the duty of attorney competence.¹ In 2019, the Michigan Supreme Court formally adopted a new comment to MRPC 1.1.² With respect to competence as covered under this rule, their comment made explicit that all Michigan attorneys should “engage in continuing study and education, *including the knowledge and skills regarding existing and developing technology* that are reasonably necessary to provide competent representation for the client in a particular matter” [emphasis added].

In February 2020, the State Bar of Michigan issued ethics opinion RI-381 which held “lawyers have ethical obligations to understand technology, including cybersecurity, take reasonable steps to implement cybersecurity measures, supervise lawyer and other firm personnel to ensure compliance with duties relating to cybersecurity, and timely notify clients in the event of a material data breach.” The comment to MRPC 1.1 explicitly notes that the duty only exists to the extent that it is “reasonably necessary to provide competent representation for the client in a particular matter,” indicating that every attorney does not need to know about every technology used in every circumstance. Rather, attorneys should be aware of the technology they use in practice necessary for adequate representation. Staying up to date at a time when technologies are evolving at an exponential rate and knowing which technologies must be mastered is no simple task. Fortunately, there are many resources available to attorneys looking to boost their own and staff’s knowledge. Highlighted below are some of those resources.

STATE BAR OF MICHIGAN RESOURCES

What is technology competency? It can encompass everything from basic computing skills to a good understanding of data security or risks associated with using the web. Fortunately, the State Bar of Michigan has outlined core competencies attorneys may need in the technological competency section of its Practice Management Resource Center.³

In this section, attorneys will find competencies as defined by the State Bar, each with its own set of highlighted resources. Competencies are divided into seven main areas: collaboration, computer skills, cybersecurity, data security, e-discovery, e-filing, and internet. On each page is a description of the competencies encompassed under that area, notes on ethical considerations, training materials, articles, publications, and checklists, all designed with practicing attorneys’ needs in mind. There are both written and multimedia resources available, providing multiple modalities for learning.⁴

ADDITIONAL RESOURCES FOR TECHNOLOGICAL COMPETENCY

The American Bar Association (ABA) has also published a wide array of materials on legal technology. Its Legal Technology Resource Center provides publications, webinars, and free resources to “help lawyers identify opportunities, overcome obstacles, and understand how technology tools can improve their practices.”⁵ The site is designed to meet the needs of a wide range of attorneys and practices from small firms to big law including topics like buyers’ guides and disaster resources.

The ABA has also published books on software covering everything from common programs like Microsoft Office and Adobe to sophisticated practice management tools. More than point-and-click software manuals, these books explore the necessary considerations when determining what to purchase and how to implement the systems ethically and efficiently. The following titles are just some of the resources available through the ABA’s web store.

- Schorr, “Microsoft Office 365 for Lawyers” (Chicago: ABA Book Publishing, 2018). This book explores big picture questions attorneys must address when migrating to Office 365 such as how to make the right decisions about pricing and features for your needs.
- Siegel & Myers, “The Ultimate Guide to Adobe Acrobat DC” (Chicago: ABA Book Publishing, 2021). This book

features step-by-step instructions with screenshots for the most commonly used tasks attorneys perform with Adobe.

- Lauristen, “Working Smarter with Knowledge Tools” (Chicago: ABA Book Publishing, 2021). This book introduces readers to specialized legal knowledge management tools and offers guidance for choosing tools to optimize and streamline work.
- Davis & Levitt, “Internet Legal Research on a Budget: Free and Low-Cost Resources for Lawyers” (Chicago: ABA Book Publishing, 2020). Save your practice time and money by learning more about free, reliable web-based legal research tools.
- Nelson, Simek, and Maschke, “The 2020 Solo and Small Firm Legal Technology Guide” (Chicago: ABA Book Publishing, 2019). This book provides guidance to solo and small firms, taking a practical approach to technology adoption with an eye toward value for money.

For hands-on learning, the Procertas Legal Technology Assessment provides benchmarking assessment and self-directed training modules to help all users become proficient with common office software.⁶

STAYING CURRENT

Keeping up with current trends in legal technology is arguably one of the most difficult aspects of maintaining technological competence. Waiting years between technology tune-ups can be overwhelming, inefficient, and costly, so why not try one of these alternative methods for staying current?

FOLLOW A SPECIALIZED BLOG

- LawSites Blog <<https://www.lawsitesblog.com/>> [<https://perma.cc/J38Q-QYKU>]. This long-standing blog has been tracking legal technology updates since 2002. Lawyer and legal journalist Robert J. Ambrogi writes on innovation in legal platforms and companies, providing updates and insights into the rapidly evolving world of legal technology.
- Law Technology Today <<https://www.lawtechnologytoday.org/>> [<https://perma.cc/74MN-JVH2>]. This blog is published by the ABA Legal Technology Resources Center and is aimed at lawyers, IT professionals, and practice management experts. The blog offers practical guidance, strategies, and ongoing updates on legal technology trends.

ADD A LEGAL TECH PODCAST TO YOUR PLAYLIST

- Legaltech Week <<https://www.lawsitesblog.com/category/legaltech-week>> [<https://perma.cc/QZF3-ZZPE>].

Also from Robert Ambrogi, this weekly 15-minute podcast provides a bite-sized review of recent news on legal technology and innovation.

- Law Technology Now <<https://legaltalknetwork.com/podcasts/law-technology-now/>> [<https://perma.cc/C5Q7-66JY>]. Episodes explore top trends and developments in legal technology with a focus on access to justice and affordability of legal services.

ATTEND A CONFERENCE OR TAKE A CLE COURSE

- ABA TECHSHOW 2022 <<https://www.techshow.com/>>. The American Bar Association holds its annual legal technology conference in Chicago every March. In addition to continuing legal education programming on the latest tech, ethical considerations, and professional development, TECHSHOW features an expo hall where attendees can learn about a wide range of tools from the companies that make them.
- ILTACON <<https://www.iltacon.org/>>. The International Legal Technology Association hosts an annual conference for peer- and volunteer-presented programs on legal technology, professional development, practice management, and more.
- ICLE seminars on legal technology include “Essential Technology Tools for Every Law Office 2020” [<https://perma.cc/EZK9-HBRU>] and “Technology to Efficiently Work Remotely and Manage Your Workforce” [<https://perma.cc/GJK7-47LA>].



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ENDNOTES

1. Ambrogi, *Tech Competence*, LawSites <<https://www.lawsitesblog.com/tech-competence>> [<https://perma.cc/96D9-E6J4>]. All websites cited in this article were accessed February 23, 2022.
2. RI-381 (February 21, 2020), p 1 n 1.
3. *Technology Competency*, Practice Mgmt Resource Ctr, SBM <<https://www.michbar.org/pmrc/technology-competency>> [<https://perma.cc/8V3E-HMEX>].
4. *Id.*
5. *Legal Technology Resource Center*, ABA <https://www.americanbar.org/groups/departments_offices/legal_technology_resources/> [<https://perma.cc/K675-8P8X>].
6. *Legal Technology Assessment*, Procertas <<https://www.procertas.com/products/lta/>> [<https://perma.cc/G76E-9TFK>].