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# Law and Modern Technology: Lack of Tech Knowledge in Legal Profession May Cause Injustice

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# Law and Modern Technology: Lack of Tech knowledge in legal profession may cause injustice.

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## Abstract

There is no such field where technology hasn't reached. It will be a dream to think something without technology. In today's world every field requires tech knowledge. The courtroom and law offices have changed with the evolution of technology. Most courts don't accept paper files anymore. Law offices use virtual file to store client information. However, due to old age or other reason a significant number of attorneys and judges are not competent in technology.

This paper will examine the use of technology in our legal system and what problem arises due to lack of proper tech knowledge. Increasing use of computer and internet in the courtroom and law office, trial presentation, keeping client's confidential data secure, legal researching, e-filing document with the court require tech knowledge. This paper will discuss the necessity of tech knowledge, ethical obligation, expert's opinions and case laws to demonstrate that to practice laws nowadays requires tech knowledge.

After examining all relevant materials, this paper has revealed that to comply with the digital world all legal professionals should have enough tech knowledge for better litigation and avoid errors in the litigation.

## Methods and Materials

To support my research, I have used descriptive method. Accordingly, legal methodology is a scientific discipline dealing with methods of discerning laws and legal phenomena. Descriptive research, as its name suggests, describes the state of affairs as it exists at present.

The Materials have used to support and reach the findings;

- A comprehensive literature Review.
- Several statutes, case laws, Memos have been reviewed.
- American Bar Association's Annual Tech report.
- ABA's legal technology survey report.
- ABA's Model Rules of Professional Conduct

### 10 Things Thriving Lawyers Do

1. Ask for help
2. Get involved in their communities
3. Take breaks, weekends, and vacations
4. Say NO to protect their time, priorities, and commitments
5. Give up people pleasing
6. Work in teams
7. Use technology to do more, faster
8. Engage in activities that calm the mind
9. Set their own definition of success
10. Develop themselves and others

## Findings

### E-Discovery:

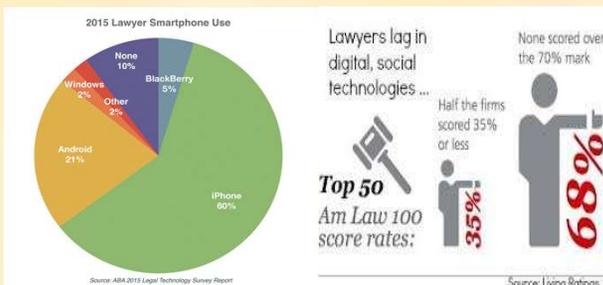
E-Discovery required technological skill. Without efficient tech skill, lawyer may agree to discovery plan which is not possible or too costly during pretrial conference. Also, may fail to ask opposite counselor to produce relevant evidence in a useable format.

### Failure to Google :

Courts have started to lose patience with litigants who complain they didn't know something they could easily have found online. Basic search skills are basic tech competence - even for judges. It is always better for a legal team to search for information about clients, other parties, witnesses, maps and anything that might support to win a case. The court said, "You may not have a duty to Google, but you would be foolish not to."

### Missing Important documents:

According to Huffington Post, 85 percent of world population use email as contact method. Only some lawyers and junk mailers still use the post office to communicate. Email has been around for over 20 years, and it is free, reliable, and much faster. Delayed delivery of documents may cause harm to a legal team. Many courts require lawyers to have a working email address on file to receive case notifications. Supreme Court of South Carolina Order in Appellate Case No. 2012-213164. that pursuant to Rule 410(g), SCACR, required to provide a valid email address.



### Wasting Clients Money:

Clients started realizing that lawyers' technological incompetence results in wasted time. Without competency it takes more billable hours to even write a motion using MS Word. In 2012, Kia Motors corporate counsel D. Casey Flaherty began administering a technology audit to Kia's outside counsel. He tested their ability to perform fairly basic tasks with Word, Excel, and Acrobat. Flaherty was tired of getting badly structured Word documents and PDFs. He cut the pay rates who failed to comply with basic technology. They all failed.

## Case Laws

### Dubois v. Butler, 901 So. 2d 1029 (Fla. Dist. Ct. App. 2005)

In *Dubois v. Butler*, a Florida appellate court questioned the effectiveness of an attorney who only checked directory assistance in an effort to get an address to serve the missing defendant. The court compared such a method in the age of the Internet and social media as the equivalent to using "the horse and buggy and the eight track stereo."

### Cajamarca v. Regal Entmt. Grp., 11-cv-2780 (EDNY 8/31/2012)

The court formally reprimand and sanction an attorney for, among other things, failing to investigate a client's Facebook activity. The court reasoned that a lawyer without a working knowledge of the functionality of various social media platforms should look to professionals in the field of electronic discovery for assistance in dealing with social media. NYSBA Social Media Ethics Guideline No. 1 (2015).

## Conclusion

A lawyers owes a duty of care to a client. Lawyers should work for Client's best interest. To comply with the world of technology lawyers must have technological skill.

Without Tech skill or lack tech skill may cause monetary damage to client. Failure to e-file or conduct relevant e-discovery may cause error in the litigation Which might cause injustice to clients. Technological incompetence may lead legal malpractice and lawyer may hold liable for.

ABA Model Rules of Professional Conduct Rule 1.1 Provide that A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

## References:

- o ABA Model Rules of Professional Conduct
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