

SPECIAL COMMITTEE ON TECHNOLOGY AND THE PRACTICE OF LAW

Clyde R. Christofferson, Chair

The Committee on Technology and the Practice of Law had a program and EXPO booth at the VSB annual meeting. It monitored developments in privacy and electronic filing and reached out to local bar associations.

The committee cosponsored—with the Virginia Association of Law Libraries—an annual meeting program on legal research using the Internet. The program showed attorneys how to determine the reliability, authority, currency and accuracy of legal information offered by a number of Web-based legal information vendors, providing guidance for the busy practitioner concerned about whether to rely upon online sources for legal research. The legal research subject was a change of pace from the committee's 2002 program on tracking down electronic evidence, which focused on forensic techniques. At both programs, the committee sponsored a booth demonstrating various uses of technology in the law office, including a pilot project in electronic voting for bar officers.

The privacy of records that are accessible over the Internet is being addressed by the Virginia legislature. Technology has changed the practical availability of court records and revived old conflicts between privacy and public access. Sound legal principles for resolving these conflicts are being tested, and it is not clear how technology can be used to implement the desired protection within a legal process that can draw appropriate lines without undue burden on the parties or the court. The committee has pursued this topic over a number of years and is available to share its expertise.

The committee also followed developments in electronic filing of court records. The use of electronic filing raised many of the privacy issues now being addressed. The Virginia Supreme Court provided for electronic filing by rule and is obtaining support from contractors for the technical aspects of implementation. The current rule—used in pilot projects—requires consent of the parties and the judge. The rule may be changed to allow law firms to develop regular procedures for filing electronically—even if the other party does not.

The committee can present educational seminars to judges regarding electronic filing and access to court records. We are reaching out to local bar associations, asking them to participate in the work of the committee and to share their experience.

