



What Is The Special Committee on Technology and the Practice of Law?

by Kellam T. Parks



I am sure that many in the Virginia bar didn't even know there was a Special Committee on Technology and the Practice of Law (the committee), never mind our mission and what we do to further that mission. Given the impact this subject has on our profession, we felt it appropriate to address these topics and invite the bar to participate and give feedback.

The committee, which I co-chair with Lisa Ann Robertson, includes twelve other members and James M. McCauley from the Virginia State Bar. Our members are from all over the commonwealth and represent all types of practice (solo, small firm, large firm, public sector, etc.) We have regular telephonic meetings, approximately every four weeks, and a yearly in-person meeting in Richmond at the bar's offices.

Our mission is simple. We educate and advise the bar and the public in areas where law and technology intersect. With the Supreme Court of Virginia's decision to adopt Rules of Professional Conduct that require lawyers to be aware of the risks and benefits of relevant technologies, we have accepted the mission of educating the bar on technology issues relevant to the practice of law. To effectuate our mission, we have done several things.

Continuing Legal Education (CLE)

One of our primary activities is leading CLEs. In October, 2014, Charles B. Molster, then chair (and a continuing ex-officio member), and I put together a CLE through Virginia CLE for the Tidewater area: "Practicing Law in the Digital Age: Successfully Leveraging Technology for Your Practice and Trials." That CLE included materials provided by McCauley, and out of that CLE the committee created a 1.5-2.0 hour ethics CLE: "Let's Talk Tech: Bringing Lawyers and Technology

Together in an Ethical and Practical Way.” In this CLE we discuss the topics of lawyers’ general duty of competence, social media, marketing, cloud computing, virtual law offices, and inadvertent disclosures. We constantly update the materials and provide real-world examples of how these things intersect with the practice of law. The presenters are active practitioners from the committee and a VSB representative, such as McCauley or Seth M. Guggenheim, assistant bar counsel.

We have been presenting this CLE in conjunction with the Conference of Local Bar Associations (CLBA) and their Solo & Small Firm Practitioner Forums over the last two years. This year we were on the Eastern Shore, Fredericksburg, and Blacksburg with the CLBA. We also presented this CLE this year to the Lynchburg Bar Association, The Virginia Association of Defense Attorneys, and The Old Dominion Bar Association. We are always open to presenting to different groups and areas of the commonwealth, so if your organization is interested, please contact us. We can insert this ethics CLE into an existing CLE or it can be a stand-alone CLE for two hours of credit.

Independent of the committee’s formal CLE, our members routinely present CLEs on technology and the law across the commonwealth through Virginia CLE, NBI, and to various educational institutions.

Virginia Lawyer Magazine

Going hand-in-hand with presenting CLEs, members of the committee write an article for each issue of this publication. We attempt to keep the bar up to date with new topics or updates to old topics as technology moves forward and impacts our profession.

Website: www.vsb.org/site/about/technology-and-the-practice-of-law

Our committee has a website, which we are in the process of expanding, to provide specific resources to the bar, such as the most prevalent ethical rules and Legal Ethics Options. We are also providing links to published articles

and a calendar with the CLEs at which we are presenting. This website will be regularly updated with useful, up-to-date information.

Survey of Courtroom Tech Policies

We are working on a comprehensive list of the technology policies of the various courts around the commonwealth. Once we have finished the compilation, we’ll post it to the website and update it at least once a year to ensure its accuracy.

In conclusion, the committee members are working hard to stay on top of the ever-evolving subject of technology and how it is impacting our profession. Membership on the committee is an initial three-year commitment, with the possibility of extending it to a second three-year term. If you are interested in serving, keep an eye out for annual solicitations from the VSB. Even if you do not have the time or ability to serve, if you have anything to contribute, or if you have questions or concerns about items within our bailiwick, please contact us.

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Kellam T. Parks is a managing member of Parks Zeigler PLLC in Virginia Beach, which is a paperless, technologically-driven law practice. He is co-chair of the Technology and the Practice of Law Special Committee of the Virginia State Bar and frequently writes and speaks on the topic of the use of technology in the practice of law. He focuses his practice on credit reporting, personal injury, and domestic relations matters.