

## **TECHNOLOGY AND THE PRACTICE OF LAW**

*Clyde R. Christofferson, chair*

The Special Committee on Technology and the Practice of Law (Technology Committee) is continuing to monitor privacy and public access of electronic court filings. A 2004 report that the Technology Committee wrote on this subject was considered by another committee appointed by Chief Justice Leroy R. Hassell Sr. and chaired by Circuit Court Judge Leslie Alden to draft rules for public access to court records in general — a broader issue than the case filings addressed by the Technology Committee. The Chief Justice's committee issued its final report in November 2006. Two members of the Technology Committee served on the Chief Justice's committee.

The Technology Committee had two subcommittees working on projects. One project was directed toward electronic discovery, an aspect of practice made more pressing by recent federal rules in this area. The subcommittee is planning a program to address practical problems presented by the technology of electronic discovery, such as the presence of metadata in discoverable electronic records. A second subcommittee explored suitable professional development for new or developing practices in technology law.

The committee discussed developing a program for a bar meeting that would address technology-driven innovations in trial practice. Innovations include the presentation of witnesses from remote locations and the use of multimedia recording devices for preparation of an appellate record. The committee also considered ethical implications of the use of technology, particularly in light of the dramatic effects of the Internet on how society communicates and conducts business. The Internet as a lawyer advertising medium is one area of examination. Another is use of technology in factual investigations, communications with parties and witnesses, and presentation of evidence.

Officers for fiscal 2008 will be Sharon D. Nelson, chair, and Blackwell N. Shelley Jr., vice chair.

