



SPECIAL COMMITTEE ON TECHNOLOGY AND THE PRACTICE OF LAW

Clyde R. Christofferson, chair

The Special Committee on Technology and the Practice of Law (technology committee) continued to monitor issues affecting implementation of electronic court filing in Virginia. Furthermore, the committee began reviewing application of the rules of evidence to electronic documents and electronic communication, and it continued looking into the use of Internet technology in support of pro bono activities.

The technology committee is monitoring ongoing practice related to the conflict between rights of privacy and rights of public access. New legislation effective in summer 2005 provided that personal and financial account data in divorce cases are to be maintained in a private addendum not available to the public. Committee members report that this new procedure is working well.

With regard to electronic filing, budget implementation issues are delaying active use of the Supreme Court of Virginia rule that authorizes electronic filing of pleadings in circuit court. The State Corporation Commission, under its own rules, has required electronic filing, but parties frequently agree informally to share pleadings electronically.

The committee followed the work of the Committee on Access to Court Records, established by Chief Justice Leroy R. Hassell Sr. to draft rules for public access to court records. Two members of the technology committee serve on the Chief's committee, which expects to issue its final report in August.

The committee began consideration of adaptation of rules of evidence that better accommodate the practice realities of electronic documents, beginning with a review of exemplar rules newly published for use by federal courts. The committee planned to monitor application of the rules of discovery and evidence to electronic mail, with particular reference to privileged communications.

The committee also expects to further explore use of Internet technology to facilitate the operations of pro bono entities. Internet software for such purposes has been developed elsewhere under grant programs, and is being made available across the country, including in Virginia (at www.probono.net/va). The committee will further consider prospects for leveraging pro bono efforts through technology.

