



Taming Technology

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The ever-changing technology landscape presents legal practices with many challenges. Has technology enabled you to serve your clients better? Is your work more efficient, effective and enjoyable? Or has technology overtaken your current skills, policies and protocols and left you and your clients vulnerable? It's important to consider the emerging risks and deal with them appropriately. Technology is not tamed accidentally; it takes clear thinking, conscious effort and the proper allocation of time and resources.

Confidentiality and privilege

Firstly, we need to go back to basics. One of the fundamental professional obligations for practitioners is to maintain client confidentiality. How has technology affected this duty? The Rules of Professional Conduct and Practice state that practitioners, "must not, during, or after termination of a retainer, disclose to any person, who is not a partner or employee of the practitioner's firm, any information, which is confidential to a client of the practitioner and acquired by the practitioner during the currency of the retainer..." It also says, "A practitioner's obligation...is not limited to information which might be protected by legal professional privilege, and is a duty inherent in the fiduciary relationship between the practitioner and the client." We communicate with our clients in many different ways: in person, by telephone - either landline, mobile, Skype, or BlackBerry; by email; or by MSN Messenger. The list is continually growing. We also send documents in many ways: by mail,



courier, email, or facsimile. It is our duty to ensure that our systems are adapted to maintain client confidentiality and privilege across all forms of communication.

Efficiency and competency

The Rules of Professional Conduct and Practice require that practitioners only accept a retainer if we can act, "honestly, fairly and with competence and diligence in the service of a client..." Technology has influenced our efficiency and competency. At first glance, the benefits are clear: quick and easy production of documents, easier communication with clients, more information, accessible research tools...and again the list goes on.

The flipside is also evident. Less face-to-face contact with clients can result in misunderstandings, which lead to rework, time wasting and reduced client loyalty. This lack of personal contact makes it easier to make mistakes. How many of us have attached the incorrect document to an email or sent an email to the wrong contact?

While it has always been possible to make a similar error via the post by incorrectly addressing an envelope or enclosing a wrong document, the risk of making a mistake is greatly magnified with email. Quality control is an

issue, and work habits and office procedures can be outdated by rapid developments.

Identify the hotspots

Take time to identify the hotspots in your office. They may include areas such as email and other means of communication, staff technology skill levels, OH&S issues, office and workstation security, laptop/memory stick security, out-of-office security, employee privacy balanced against firm management issues and responsibilities, data back-up, virus protection, and document protection and retention.

Remember our charter

Finally, remember that historically legal service has been provided with thought and research. We need to ensure that we are not putting these skills at risk. Don't put your head in the sand and refuse to adapt or too readily embrace the latest 'advancement'. Weigh up the pros and cons and take the necessary steps to protect and benefit from the changing technology environment.

By understanding the risks and developing vulnerabilities, we can take action to minimise them. Develop policies and protocols that protect your client, your employees and your firm. When technology is tamed, it can help us fulfil our charter.

Law Society CPD
Taming Technology
Tuesday 13 November,
4pm - 6pm
Centrepoint Business Centre, Level
1, Paspalis Centrepoint, 48-50 Smith
Street Mall
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rier Harrington