



Technology Competence in Practice Proposed New Checklist

Law Office Management
Standards Committee

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**LIANS/NSBS Solo and Small Firm
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Background

- The Law Office Management Standard Committee (LOMSC) is responsible for developing and maintaining the Law Office Management Standards for review and approval by the NSBS Council
- The LOMSC Tech Sub-Group is currently working on tools and resources to assist practitioners in adhering to their technology competence obligations under the Code of Professional Conduct approved by Council
- **Progress has been made towards a Tech Competence Checklist, and the purpose of this Presentation is to seek feedback from you on the Checklist and proposed approach**

Code of Professional Conduct - Rule 3.1-2 [4A]

- **3.1-2** – A lawyer must perform all legal services undertaken on a client's behalf to the standard of a competent lawyer.



- [4A] To maintain the required level of competence, a lawyer should develop an understanding of, and ability to use, technology relevant to the nature and area of the lawyer's practice and responsibilities....

The Problem

- Clients, other lawyers and the court are increasingly expecting lawyers to advance work using technology
- As interactions become digitized the expectation on lawyers to be technologically competent increases
- Some practitioners have practices that are primarily based in paper and not digitized
- Others may have increasingly digitized practices but rely on support staff to navigate technology – this reliance on others creates risks when support isn't available
- These challenges are particularly pronounced with solo and small practices that don't always have the IT resources or support to help navigate these complexities



Our Suggested Approach

- LOMSC is considering the development of a new standard re Rule 3.1-2[4A] and other existing privacy legislation – BUT the obligation is already triggered by the Code so our primary purpose is to assist lawyers in adhering to their existing obligations
- Suggested approach is to offer lawyers a new **Tech Competence Checklist** to help them identify gaps in their basic tech skills so that they can work towards filling them
- The first step in developing competence is knowing what you need to work on





Structure of the Checklist

- The Checklist currently has 124 Yes or No questions organized by 22 different tech topics:
 - Email
 - Calendar and Scheduling
 - Document Management
 - Word Processing
 - Tasks and Bring Forwards
 - Contacts
 - Web Browsers
 - Computer Navigation and Systems
 - Video Conferencing
 - Spreadsheets
 - Presentations
 - PDFs
 - Printing
 - Practice/Case Management
 - Scanning
 - Mobile Devices
 - Internet and Networks
 - Digital Signatures
 - Cloud Based Tools
 - Time Entry
 - Financial Management
 - Research



Checklist Excerpt



**NOVA SCOTIA BARRISTERS' SOCIETY
TECH COMPETENCE CHECKLIST**

Last Updated on November 22, 2022

This checklist has been developed for Nova Scotia lawyers and law practices (the "Law Practice") in order to assess their own Tech Competence. The emphasis of these questions is on basic technology capabilities that the vast majority of practitioners should be generally familiar with in order to function independently. This is not intended to be an exhaustive list, and in some instances the identified capabilities listed may not be necessary based on the nature of a practice. In order for a practitioner to comply with their professional obligations of tech competence, there could be additional applications or functions where further competence is necessary. (for example, E-Discovery for large Commercial Litigation or Land Registry System for Real Property) Where a practitioner answers "No" to a particular question that is relevant to them based on the nature of their practice it is recommended to seek assistance from others or to search for training videos online (using Youtube or otherwise) to learn the specific capability.

#	Question	Yes	No
EMAIL (MS OUTLOOK, GMAIL, APPLE MAIL)			
1.	Can you create, send and respond to emails?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	Can you attach documents or add hyperlinks to your emails?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	Do you maintain a folder or other organizational system for finding emails previously received or sent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Do you have a system in place to ensure that emails you receive are properly tracked and diarized for follow-up as necessary?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Can you quickly retrieve emails you have sent or received with the ability to associate specific emails with particular clients, matters or projects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	Do you know how to avoid or take steps to prevent malicious email scams, viruses, and phishing attacks from compromising your computer and/or network security?	<input type="checkbox"/>	<input type="checkbox"/>
7.	Can you access your email from your mobile device?	<input type="checkbox"/>	<input type="checkbox"/>
CALENDAR AND SCHEDULING (MS OUTLOOK, GOOGLE CALENDAR, APPLE CALENDAR)			
8.	Can you create, send and accept appointments?	<input type="checkbox"/>	<input type="checkbox"/>
9.	Do you know how to ensure that you are available for meetings or appointments you receive from others?	<input type="checkbox"/>	<input type="checkbox"/>
10.	Can you accept or reject meeting times and propose alternate times based on your availability?	<input type="checkbox"/>	<input type="checkbox"/>



#	Question	Yes	No
11.	Do you have a system in place to ensure that you respond to meeting requests?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Can you track when others have accepted or rejected your appointments and who will attend meetings?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Can you add attachments or links to appointments?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Can you find all future and past scheduled meetings for specific matters or clients?	<input type="checkbox"/>	<input type="checkbox"/>
15.	Can you access your calendar and schedule from a mobile device?	<input type="checkbox"/>	<input type="checkbox"/>
DOCUMENT MANAGEMENT (OPENTEXT EDOCS, NETDOCS, IMANAGE)			
16.	Can you save and access documents in your document management or file folder system where documents are stored?	<input type="checkbox"/>	<input type="checkbox"/>
17.	Can you associate specific documents with particular matters, clients or projects in your document management system and ensure that they are findable later by yourself and others on your team?	<input type="checkbox"/>	<input type="checkbox"/>
18.	Do you use consistent file naming conventions, folders and document types to ensure content is findable for yourself and others?	<input type="checkbox"/>	<input type="checkbox"/>
19.	Can you restrict access to certain individuals to specific documents saved in your document management system? (for example, if a file is screened or an ethical wall is in place)	<input type="checkbox"/>	<input type="checkbox"/>
20.	Can you search for specific clients, matters, projects or documents within your document management system?	<input type="checkbox"/>	<input type="checkbox"/>
21.	Can you delete, copy, move and rename documents in your document management or file folder system?	<input type="checkbox"/>	<input type="checkbox"/>
22.	Can you access document backups and restore deleted files?	<input type="checkbox"/>	<input type="checkbox"/>
23.	Can you access documents saved in your document management system from a mobile device?	<input type="checkbox"/>	<input type="checkbox"/>
WORD PROCESSING (MS WORD, GOOGLE DOCS, APPLE PAGES)			
24.	Can you create, edit and save documents?	<input type="checkbox"/>	<input type="checkbox"/>
25.	Can you apply different font styles and formatting to documents?	<input type="checkbox"/>	<input type="checkbox"/>
26.	Can you add cross references or bookmarks to documents?	<input type="checkbox"/>	<input type="checkbox"/>
27.	Can you add numbered and bulleted lists to documents?	<input type="checkbox"/>	<input type="checkbox"/>



Focus on Tech Capabilities and Not Specific Apps

- The Checklist isn't focused on specific applications but rather than on basic tech capabilities that could apply to any product or app
- For example, rather than the Checklist asking a question like:
 - Are you proficient with MS Word?
- Questions are focused on what you can specifically do with a Word Processor with questions like:
 - Can you create, edit and save documents?
 - Can you apply different font styles and formatting to documents?
 - Can you add cross references and bookmarks to documents?
 - Can you add numbered and bulleted lists to documents?
 - Can you save multiple different versions of documents and retrieve earlier versions as needed?
 - Can you generate comparisons or track changes between different versions of documents?

How would it be used?

- Answer Yes/No to each of the 124 questions by clicking the corresponding checkbox next to each question:

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EMAIL (MS OUTLOOK, GMAIL, APPLE MAIL)			
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2.	Can you attach documents or add hyperlinks to your emails?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	Do you maintain a folder or other organizational system for finding emails previously received or sent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.	Do you have a system in place to ensure that emails you receive are properly tracked and diarized for follow-up as necessary?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.	Can you quickly retrieve emails you have sent or received with the ability to associate specific emails with particular clients, matters or projects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- Flag all the questions you answered “No” to and then focus on the gaps to upgrade your Tech Competence

What to do when you identify a gap?

- The Internet is full of simple step by step videos on how to carry out basic tech tasks
- For example, if you answer “No” to a question on how to organize your email, then just type in the question into Google or Youtube “*How to organize my emails in Outlook*”, watch the video and follow along on your computer
- **Tip:** Purchase a second monitor if you don't already have one



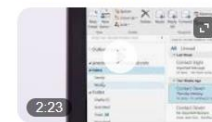
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In Part 01 of this **Outlook Quick Steps** tutorial, I walk you through the steps you need to take to get your unruly **inbox** under cont...

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4 key moments in this video



Limitations on the Checklist

- It isn't an exhaustive list – given that Rule 3.1-2[4A] depends on the nature and areas of a lawyer's practice, there could be other competencies that need to be developed to meet that Code that aren't on the list (Land Registry System, PPSA, e-Discovery platforms, SEDAR, etc)
- The Checklist is focused on basic capabilities from a user perspective – as a result lawyers that run their own practices where many different hats so they may also need to familiarize themselves with more IT governance issues like Backups, Security and the Cloud, Servers, Hardware, Networking, etc
- Some practitioners may be able to rely on support to maintain their competence which at times could lower the personal Tech Competence expectations on them (e.g an assistant that organizes your schedule)



Feedback

- If you would like to review the draft checklist email Paul Saunders (psaunders@stewartmckelvey.com) and ask for a copy
- Send any comments or feedback to Paul for review by the Tech Sub-Group and LOMSC
- **And... tell me what you think right now by asking questions or providing feedback using the chat feature**

Questions and Feedback

Do you think this resource would be helpful?

Does the proposed approach make sense?



Do you think you would use this?

What are we missing in the checklist?