

RESOLUTION

WHEREAS, the Continuing Legal Education Committee of the State Bar of Texas, at a combined meeting with the State Bar Board Professional Development Committee is charged with thoughtfully creating, determining and advising the form, method and content of continuing education of Texas lawyers, and

WHEREAS, the practice of law is now inextricably intertwined with technology for the delivery of services, the docketing of legal processes, communications, and the storage and transfer of client information, including sensitive private and confidential information and other protected data;

WHEREAS, the continued competency of Texas lawyers to deliver services, communicate, and protect such information is dependent on technology skills and competency;

WHEREAS, the ABA's House of Delegates voted to amend Comment 8 to Model Rule 1.1, which pertains to competence, to read as follows:

Maintaining Competence

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology*, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject. (Emphasis added.)

WHEREAS, currently thirty-one states have adopted language similar to the ABA language quoted above, recognizing the necessity of clarifying the duty of competence an attorney should possess;

BE IT RESOLVED: It is the joint and unanimous vote of the above committees that the State Bar of Texas, including sections, practice groups or others designing or creating programs for the continuing education of lawyers or practice management, should endeavor whenever possible to include updated information on technology, technical skills, and the implementation required to operate in a manner with enhances the ethical and competent delivery of legal services, and the security of client information.

BE IT FURTHER RESOLVED: The above committees recommend that Texas Disciplinary Rule of Professional Conduct 1.01, comment 8 be revised as follows:

Maintaining Competence

8. Because of the vital role of lawyers in the legal process, each lawyer should strive to become and remain proficient and competent in the practice of law, including the benefits and risks associated with relevant technology. To maintain the requisite knowledge and skill of a competent practitioner, a lawyer should engage in continuing study and education. If a system of peer review has been established, the lawyer should consider making use of it in appropriate

circumstances. Isolated instances of faulty conduct or decision should be identified for purposes of additional study or instruction.

RESOLVED and unanimously adopted this 18th day of April, 2018.



Xavier Rodriguez, Chair
State Bar of Texas Committee on Legal Education



Gary L. Nickelson, Chair
State Bar of Texas Professional Development Comm.