



The Information Edge

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Useful Internet Sites and Articles

New Tech Requirements to Satisfy Duty of Competence

Texas Bar Journal, May 2019

On February 26, 2019, the State of Texas became the 36th state to formally adopt an expanded definition of a lawyer's competence which now includes "an ethical duty of technology competence." The Texas Supreme Court amended Comment 8 to Rule 1.01 of the Texas Professional Rules of Disciplinary Conduct. Comment 8 now reads: "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." The State of Bar of Texas Computer & Technology Section explained its understanding of what this means for lawyers in the following manner: "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 and confidential private information and other protected data." The author, Elizabeth Rogers, provides some further examples of how this rule might be applied. The first example she provides is that if there is an adaptable and affordable technological solution that delivers legal services more efficiently than another option, it may be a violation of Rule 1.01 to bill more time or money than is necessary to complete the services if the technology is not used. Her second example relates to the common law duty of protecting client data and satisfying obligations to protect personally identifiable information and health and financial information about clients. She states, "Although lawyers will not be expected to know specific technical details of a network or to become subject matter experts in the field of information security, compliance will require attorneys to understand limitations in their knowledge and to obtain sufficient information to protect client information, to get qualified assistance if necessary, or both." Ms.

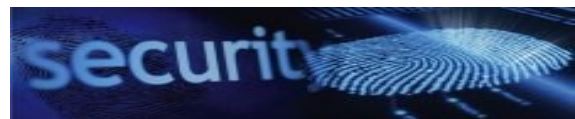
Rogers ends her article with the reminder that lawyers should feel comfortable using technology and also be aware of the risks that come along with its use and take any steps to guard against those risks. A copy of the complete article is available in the law library.



Proposed Bill Would Allow Lawyers to Bypass Courthouse Security with a Special Bar Card

Texas Lawyer Online—April 18, 2019

State Representative Gene Wu of Houston proposed House Bill 1359 which would allow lawyers to bypass courthouse security in all 254 counties. Both the House Judiciary and Civil Jurisprudence Committee voted to pass it on April 18, 2019. Under this Bill, lawyers would submit an application to the State Bar of Texas for a new court access card. The card has a photograph of the lawyer and would be acceptable for use in all courthouses in Texas. Representative Wu explained to members of the House Judiciary and Civil Jurisprudence Committee that "the Texas Bar would create a committee to accept applications and vet applicants, which would include a criminal history check to be repeated annually for card holders." Attorneys would pay a fee to cover the expense of issuing the cards but a portion of that fee would go back to the lawyer's home county for court security. According to the online article, members of the Texas Criminal Defense Lawyers Association, the Texas Trial Lawyers Association and Texas Lawyers Group testified in favor of this bill while people from the court systems in Dallas, Tarrant and Travis counties were opposed to the bill. A copy of the complete article is available in the law library.



Copies of these articles are available in the library, or from the law librarian via email:
droberts@co.collin.tx.us

Spotlight on the Supremes

In early February, Chief Justice Nathan L. Hecht delivered his third State of the Judiciary address before a joint session of the Texas Legislature. During this address Chief Justice Hecht detailed the need for bail reform and the need for more money for continued technological improvements for pretrial release considerations. His speech also highlighted reforms that protect people in the juvenile-justice system, and the mental-health needs for criminal offenders. A full copy of Chief Justice Hecht's speech is available [here](#).



In other Supreme Court of Texas news, Chief Justice Hecht requested that the Texas Judicial Council study guardianship proceedings in Texas and make extensive recommendations for reform. The reason for this study is that the population in Texas of residents over the age of 65 is expected to double in the next 25 years. The Office of Court Administration published the report that includes past and present reforms and future steps that may be necessary. A copy of the report is available [here](#).

Contact Information:

Diane L. Roberts
Law Librarian
Email: droberts@co.collin.tx.us

Bethany Fansler
Assistant
Law Librarian
Email: bfansler@co.collin.tx.us

Hours of Operation:
Monday–Friday
8:00 am–5:00 pm

Note: Computers will
automatically log off
at 4:50 p.m.

Did You Know?

Efile Now Provides a Redaction Tool

According to *CourTex*, the newsletter from the Office of Court Administration, the OCA worked closely with Tyler Technologies to create a redaction tool for electronic filers. The redaction tool works by scanning uploaded PDF documents for sensitive information and makes its own recommendations to the filer as to items that may need redacting. The filer then has the ability to review the document and make any changes to redactions. The average use of this tool is 1,000 documents daily.

Uniform Bar Exam to Replace Texas Bar Exam

Beginning in February 2021, the existing Texas Bar Exam will be replaced by the Uniform Bar Examination. Texas is the 35th state to adopt this exam. The changes will do away with the 12 Texas Essays and 40 item Procedure and Evidence sections. Because those essays will be eliminated, the Supreme Court directed the Texas Board of Law Examiners to create and administer a separate Texas Law Component on only a handful of Texas law topics. The goal of this new component is to ensure newly licensed attorneys are familiar with Texas Law (*Texas Bar Journal*, May 2019).

Important Announcement

IOUs have been discontinued. Cash payment is due at the time the service is rendered. If you do not have cash to pay for copies, prints or faxes the library is unable to release the documents until payment is received. Faxes are \$1.50 for the first page and \$1.00 for each subsequent page. An alternative to receiving faxes is to have the documents sent to an email address. Prints and copies are \$0.10 per page.



WestlawNext Tips

Using West Topics and Key Numbers

Each legal issue when searching for a case is identified by topic, assigned a key number and summarized in a headnote in the West Key Number System. By using the Key Number System while searching a topic, the researcher can view all key numbers and the case summaries that fall under each number. To begin, simply type the search terms in the main search box and click on the magnifying glass:



On the next screen, click on Key Numbers on the left side of the page:



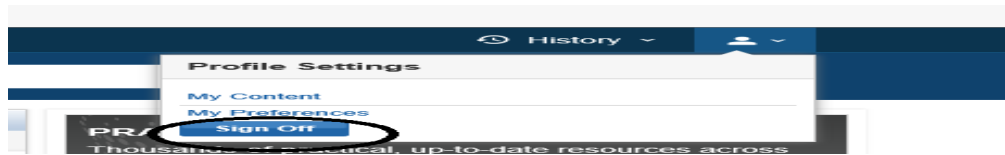
Once the Key Number is selected, the researcher will see all the relevant topics that fall under the search terms and can select the applicable topic:



Once the applicable topic is selected, a list of all the case summaries under that topic will appear for fast searching:



As always, remember to sign out of WestlawNext after each search:



Tech Tips: More Useful Apps and Law Blogs

The American Bar Association has two websites about technology that are useful for attorneys and their staff on how to better use technology in the office or in court. The first website is called [Law Technology Today](#). Law Technology Today relies on the input of practicing attorneys, technology professionals and practice management experts to provide current blogs, videos and “quick tips” about how to best use technology. The second website is the [Legal Technology Resource Center](#). This site provides additional technology resources for attorneys including webinars and the latest TechReports about what tech is trending in the legal field. One of the most helpful resources is the Buyer’s Guide which rates tech products and services based on topics such as case management, tablets and computers.



**The Law Library
will be closed on
Monday, May
27th for Memorial
Day and Thursday,
July 4th for
Independence Day.**



New on the Shelf

- Bankruptcy Code, Rules & Official Forms—2018-2019
- Federal Jury Practice and Instructions Civil Companion Handbook, Volumes 1 and 2—2018-2019
- West's Federal Sentencing Guidelines Digest—2019 Edition
- Federal Sentencing Guidelines Manual, Volumes 1 and 2—2018 Edition
- Texas Criminal Jury Charges—Revision 19
- Texas Pattern Jury Charges: General Negligence, Intentional Personal Torts & Worker's Compensation—2018 Edition
- O'Connor's Federal Rules: Civil Trials—2019
- O'Connor's Texas Rules: Civil Trials—2019
- O'Connor's Texas Causes of Action, 2019
- O'Connor's Texas Causes of Action Pleadings—2019
- Texas Law of Wills—2018-2019
- Handbook on Texas Discovery Practice—2018-20019
- Texas Worker's Compensation Manual—2019 Edition
- Texas Employment Law—Revision 19
- Handbook of Texas Lawyer and Judicial Ethics: Attorney Tort Standards and Attorney Ethics Standards—2019
- Davis's Texas Estate Planning Forms—2019

Legal Humor

