## Practice Success 101

by Pete Roberts

"A lawyer shall provide competent representation to a client. **Competent representation** requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation." -Washington Rules of **Professional Conduct 1.1** 

s I sit in my office thinking about such things, I wonder how technology and lawyer competence interact. What follows are tips for ensuring that your technology use is as competent as your other services.

Computer Back-ups. RPC 1.15B includes suggestive language in Comment: [2]: "If trust records are computerized, a system of regular and frequent (preferably daily) back-up procedures is essential." [Emphasis added.] Back-up procedures? What is that? And what is this "system"? In the terminology section of the RPCs, there are 14 definitions, but there is no definition for "back-up" or "back-up system."

A back-up is a copy of important files located in another place. The purpose is to be able to retrieve the copy and use it if ever the main files become unavailable. Usual methods to back up files copy the files to a CD or DVD, flash drive, external hard drive, and/or secure location on the Internet. The reference to a "system" means that there are procedures that identify who does the back-up, when it is done, where the copy is located, and any other information necessary to properly administer back-ups that are reliable.

Checking the reliability of the backup involves creating a file, allowing the file to be backed up, deleting the file, and restoring the deleted file from the backup copy. The American Bar Association Legal Technology Resource Center offers a good article about back-up procedures at www.abanet.org/tech/ltrc/ fyidocs/databackupfyi.html. But there is more to being a competent lawyer in the technological age.

Passwords. Use a password to start the computer operating system. Go to Start

Control Panel User Accounts. Choose your account and set the password. What password to use? How about using

a phrase as the basis? "Pete Roberts lives in Edmonds." So, the password becomes PRliE. These are the first letters of each word in the phrase. The phrase is the mnemonic that helps you remember! Use upper-case and lower-case letters. Experts say that any computer is able to be hacked — even using a password. But a lawyer is held to a reasonableness standard. Not using a password can easily be considered unreasonable for a lawyer. The media has reported lawyers' computers being stolen and the data revealed.

What else? Consider putting a password on those attachments to e-mail to help preserve privacy. In Word, go to Tools > Options > Security. In Adobe Acrobat, go to File > Properties > Security. Use a password that is the recipient's last name and first letter of the first name.

Reply All. Try moving the Reply All e-mail button away from Reply. Go to Tools > Customize. You see a dialog box. Ignore that dialog box and move your cursor to the toolbar and drag and drop the Reply All button all the way over to the right, away from Reply. Close the dialog box.

Metadata. You have likely heard about metadata. Load a new fee agreement and go to File > Properties. Who is the author? If the name is not yours, delete the name and save the document. That other name is an example of metadata that could be embarrassing if seen by a client. Saving a file under a new file name can remove some

metadata and there are comprehensive metadata scrubbers out there; for instance, Google "metadata scrubber."

Compare and Merge. Compare and Merge Documents is a handy tool. Bring up the first document. Then go to Tools > Compare and Merge Documents. Then choose the second document to compare with the first. Notice that there is a checkbox for "Legal blackline." Check it! Choose "compare," and a third document is created noting the changes.

I hope that you will think of other tech competence areas and suggest them to me and to your colleagues when you attend an upcoming free monthly LOMAP Computer Tips Class. See www.lomap.org. ◊

Pete Roberts has 18 years of experience as a legal administrator in law firms. Pete has an MBA from The College of William & Mary and a certificate as Small Business Webmaster from the University of Washington. He is a frequent speaker and has consulted with more than 400 WSBA members in Washington, Idaho, Oregon, Illinois, and Alaska. Since 2001, Pete has been the practice management advisor in the WSBALaw Office Management Assistance Program (LOMAP). Reach him at 206-727-8237, peter@wsba.org, or www. lomap.org. He enjoys tennis, travel, and tries to enjoy the Seattle Mariners. Will they lose 100 games this year?