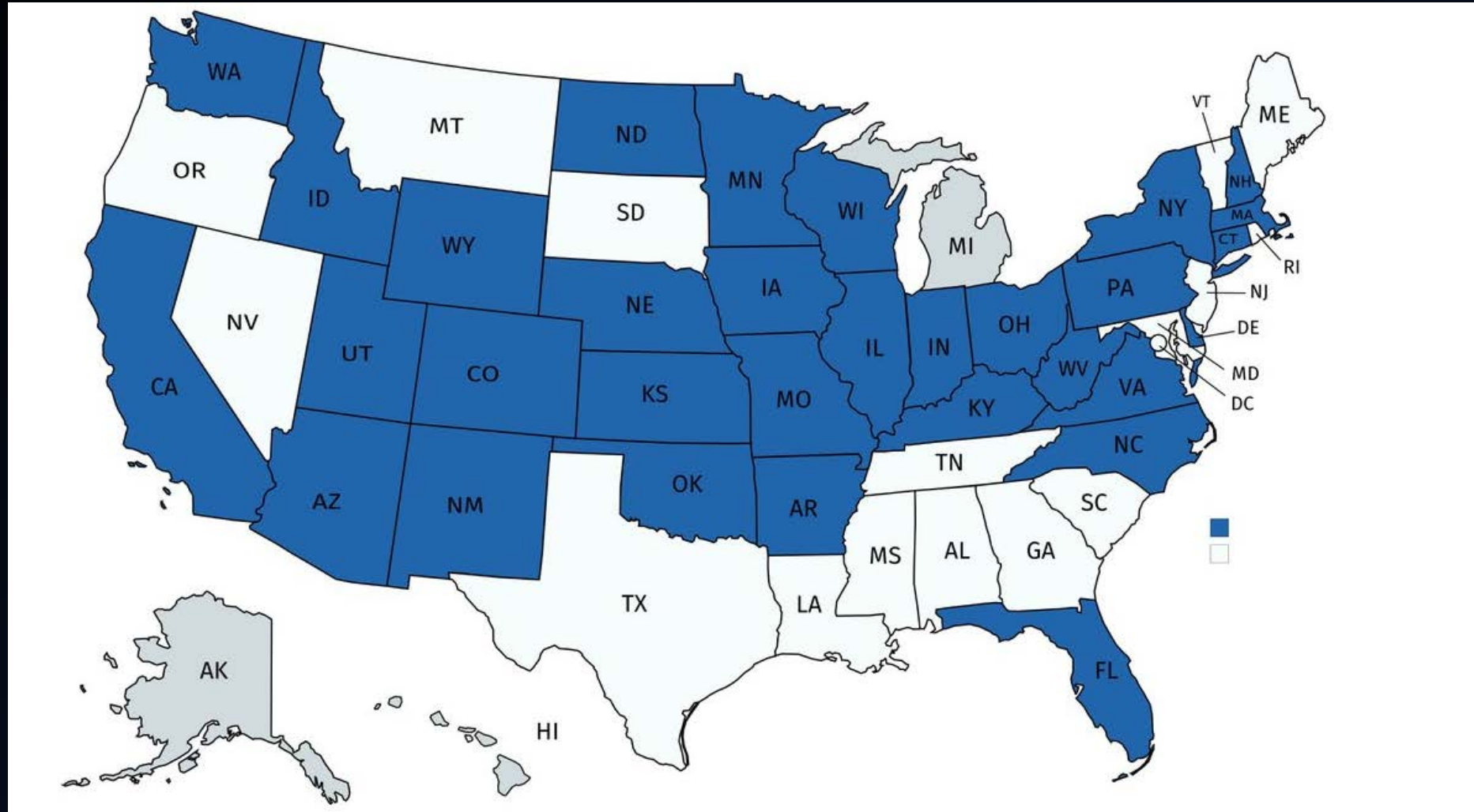# 2018: A Legal Research Odyssey

JAMIE BAKER

Function Level

- **Low-level Functions**
  - Document Review
  - Due Diligence
  - Document Management
  - Simple Document Drafting

- **High-level Functions**
  - Bespoke Drafting
  - Advocacy
  - Creative Legal Research
  - Negotiation
  - Sophisticated or Strategic Judgment

Context: The Duty of Technology Competence

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

- In August 2012, **comment 8** was amended to provide: "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** ...."

States That Have Adopted Duty of Tech Competence

What The Duty Requires Today

Guidance for Complying with the Duty of Tech

Advisory Opinion: 2215

Year Issued: 2012

RPC(s): RPC 1.1, 1.6, 1.15A

Subject: Cloud Computing

Guidance for Complying with the Duty of Tech
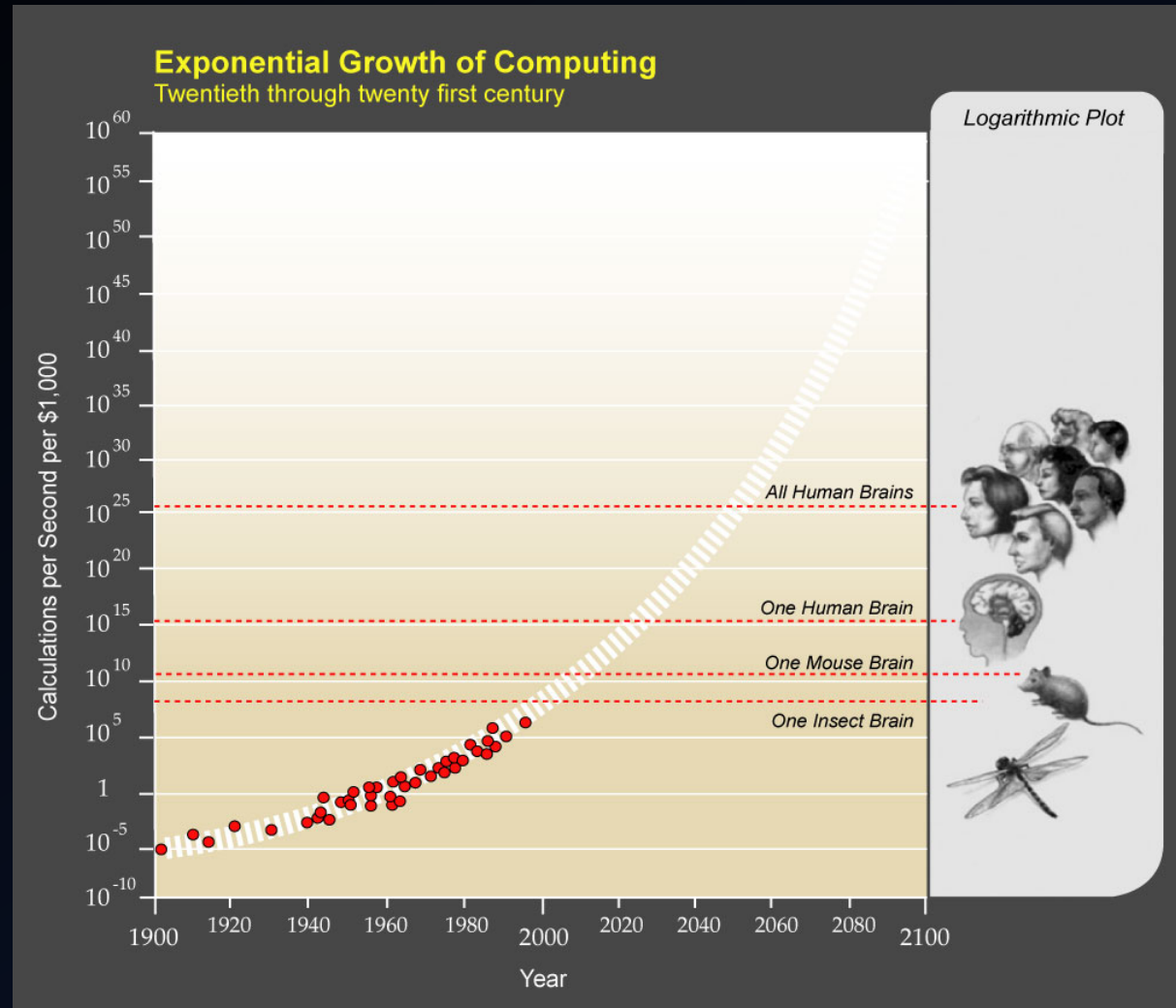
Guidance for Complying with the Duty of Tech

THE STATE BAR OF CALIFORNIA
STANDING COMMITTEE ON
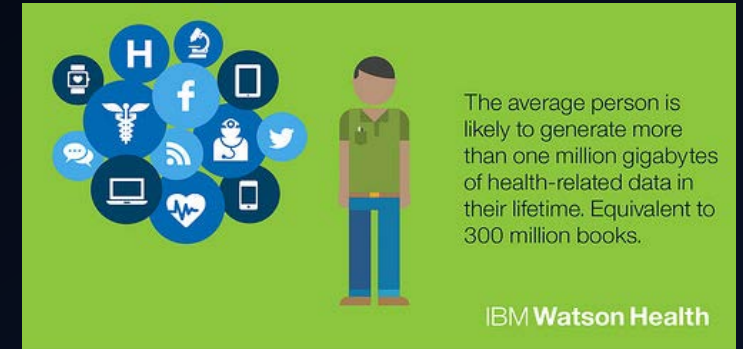PROFESSIONAL RESPONSIBILITY AND CONDUCT
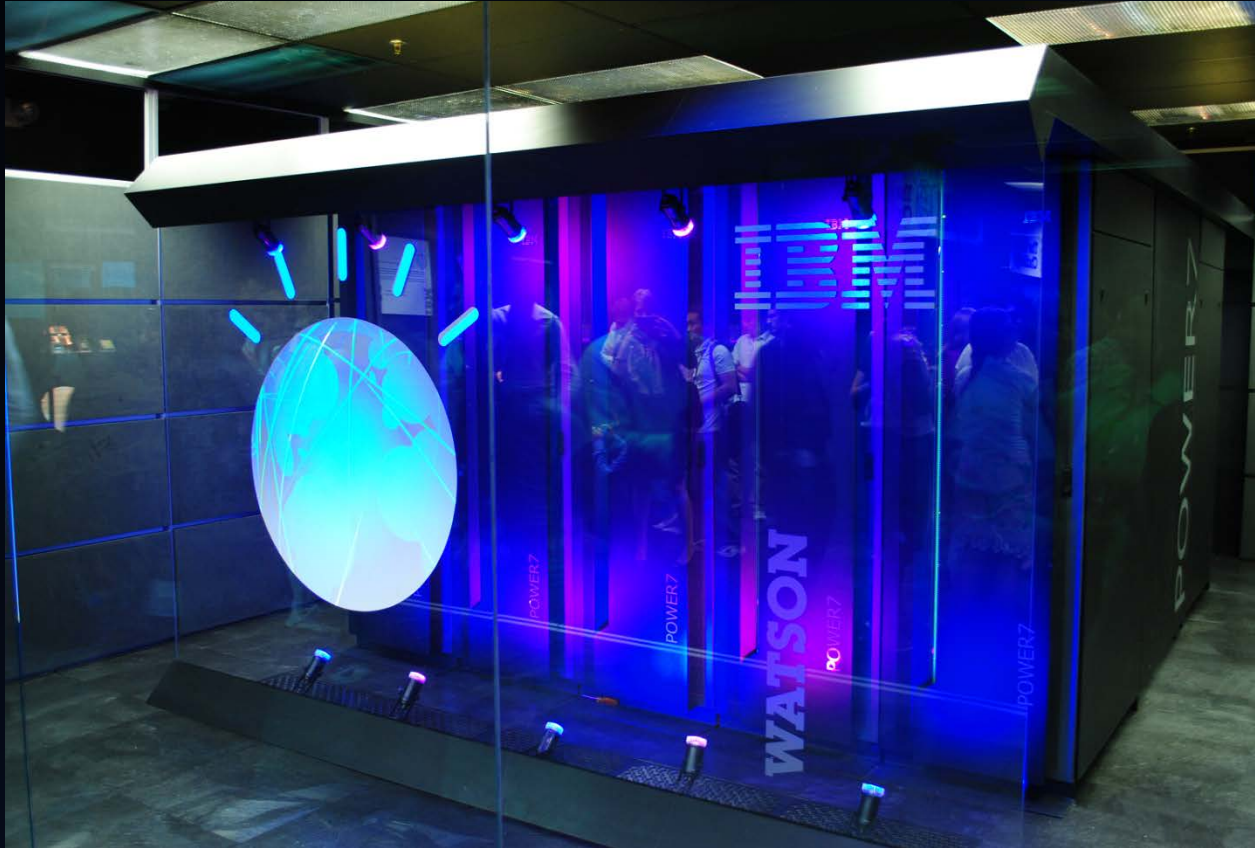FORMAL OPINION NO. 2015-193
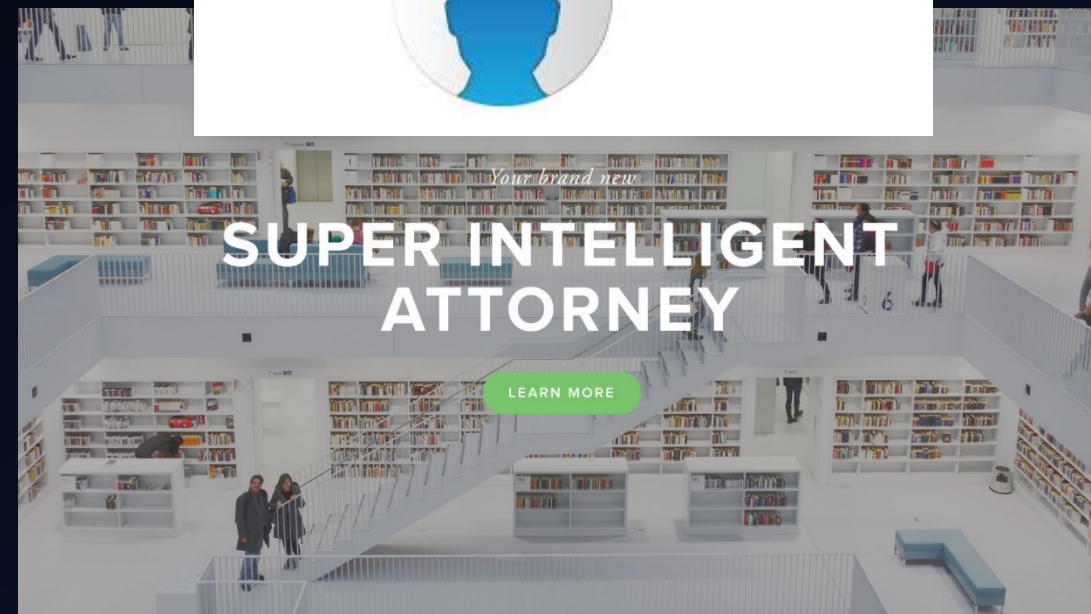
Bottom Line: Use Reasonable Care

A Changing Standard: Computing Power
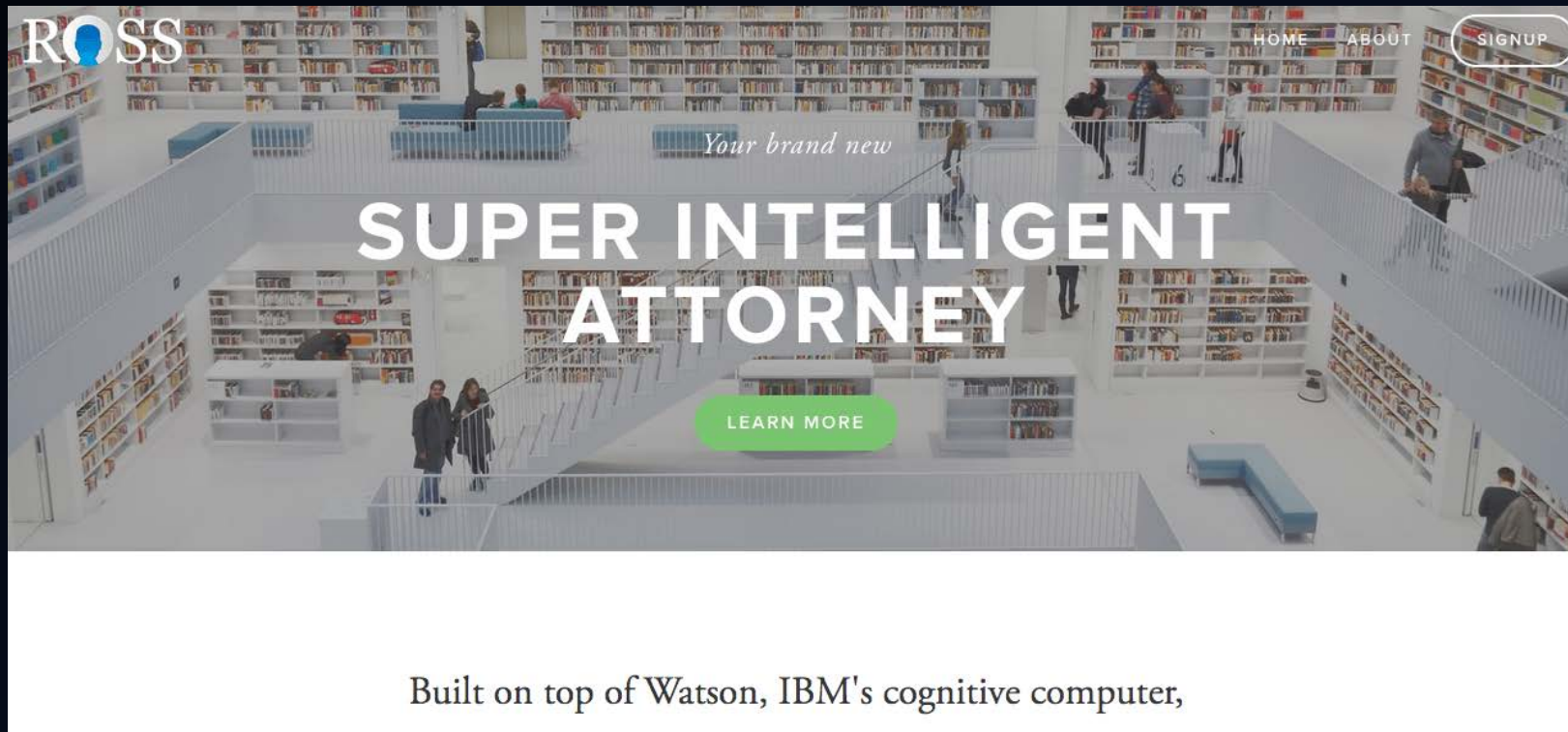
The Future of the Duty in the Algorithmic Society
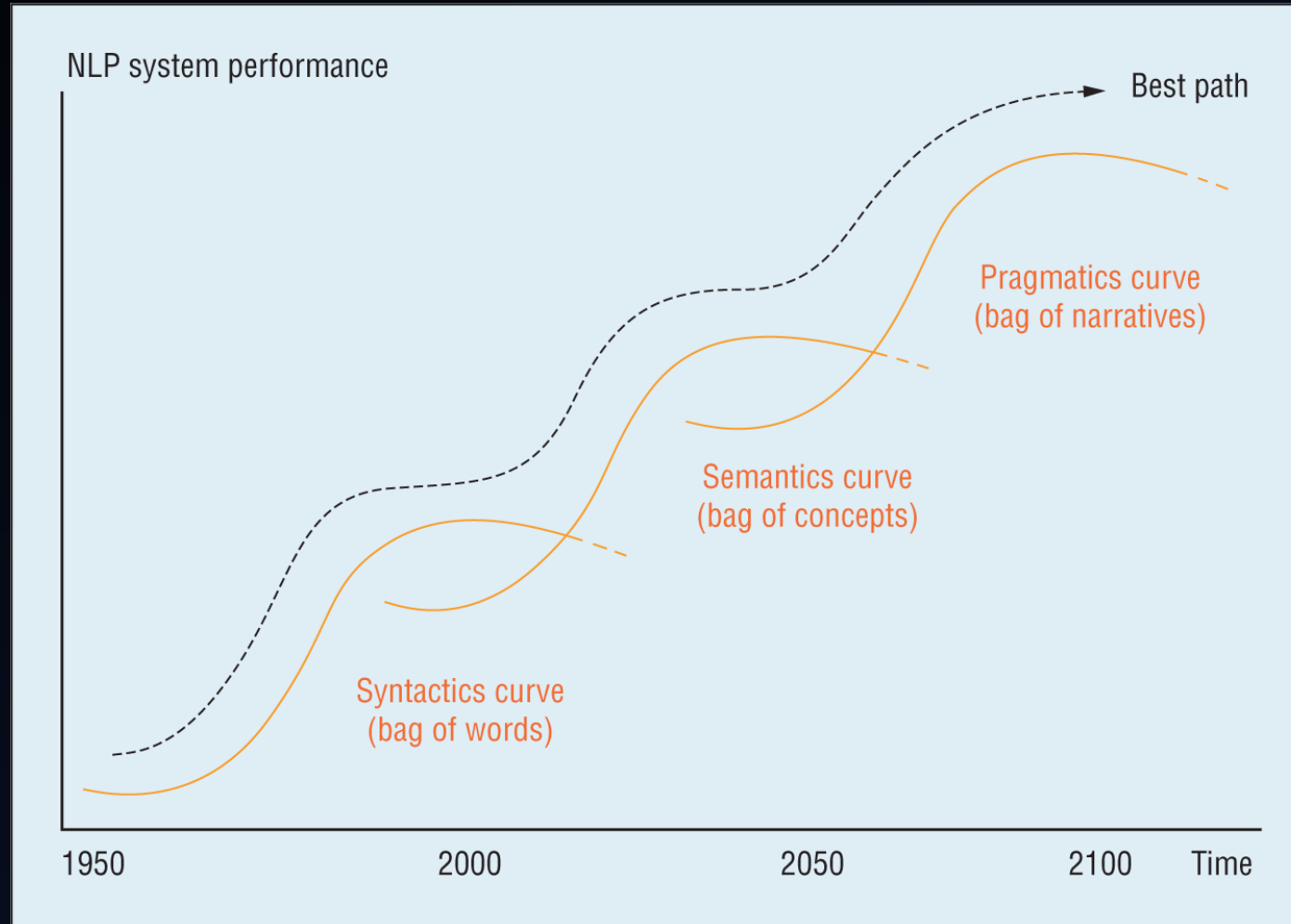
Legal Research Databases

Legal Research Databases: ROSS

Natural Language Processing

The Risks: Lack of Transparency
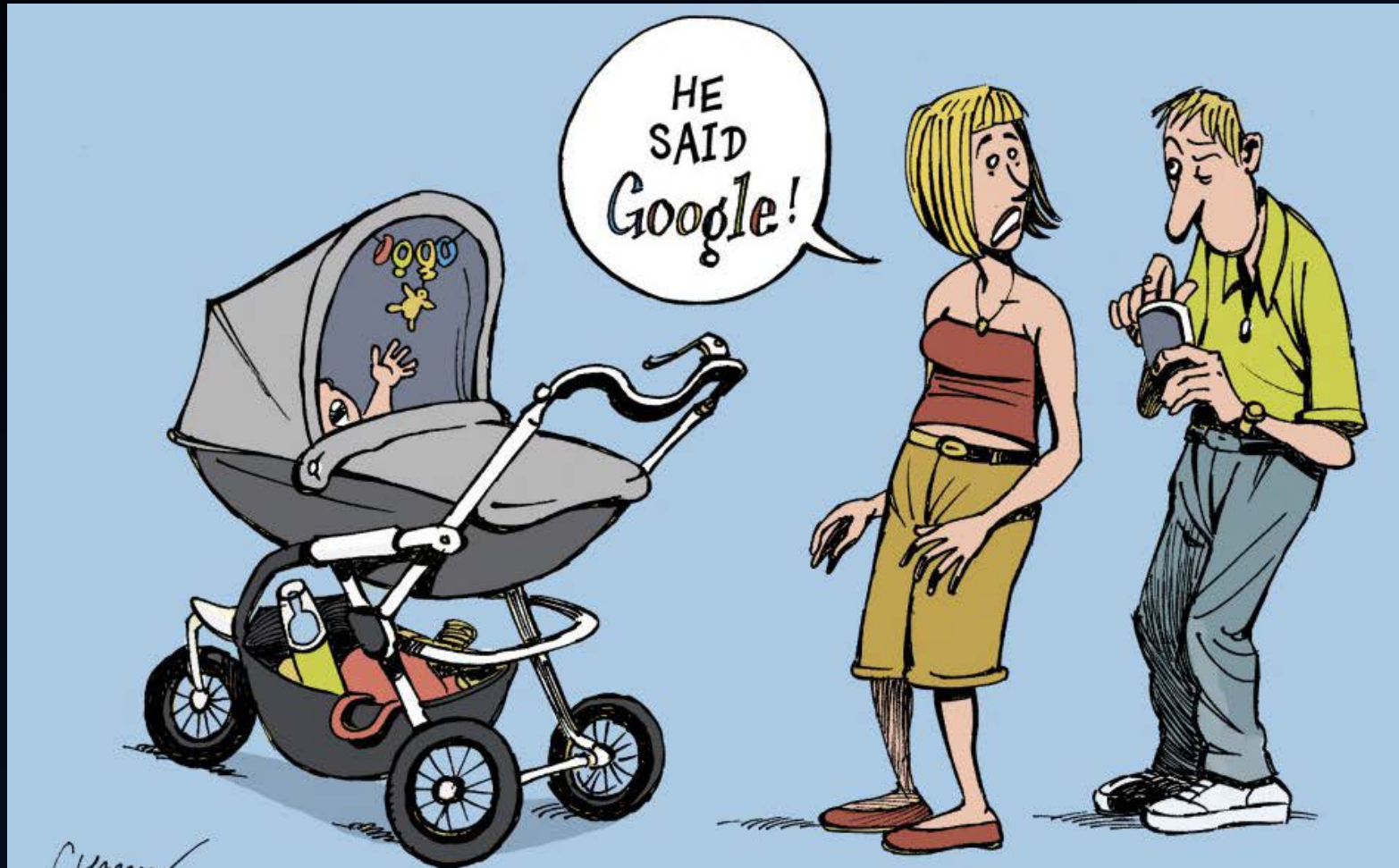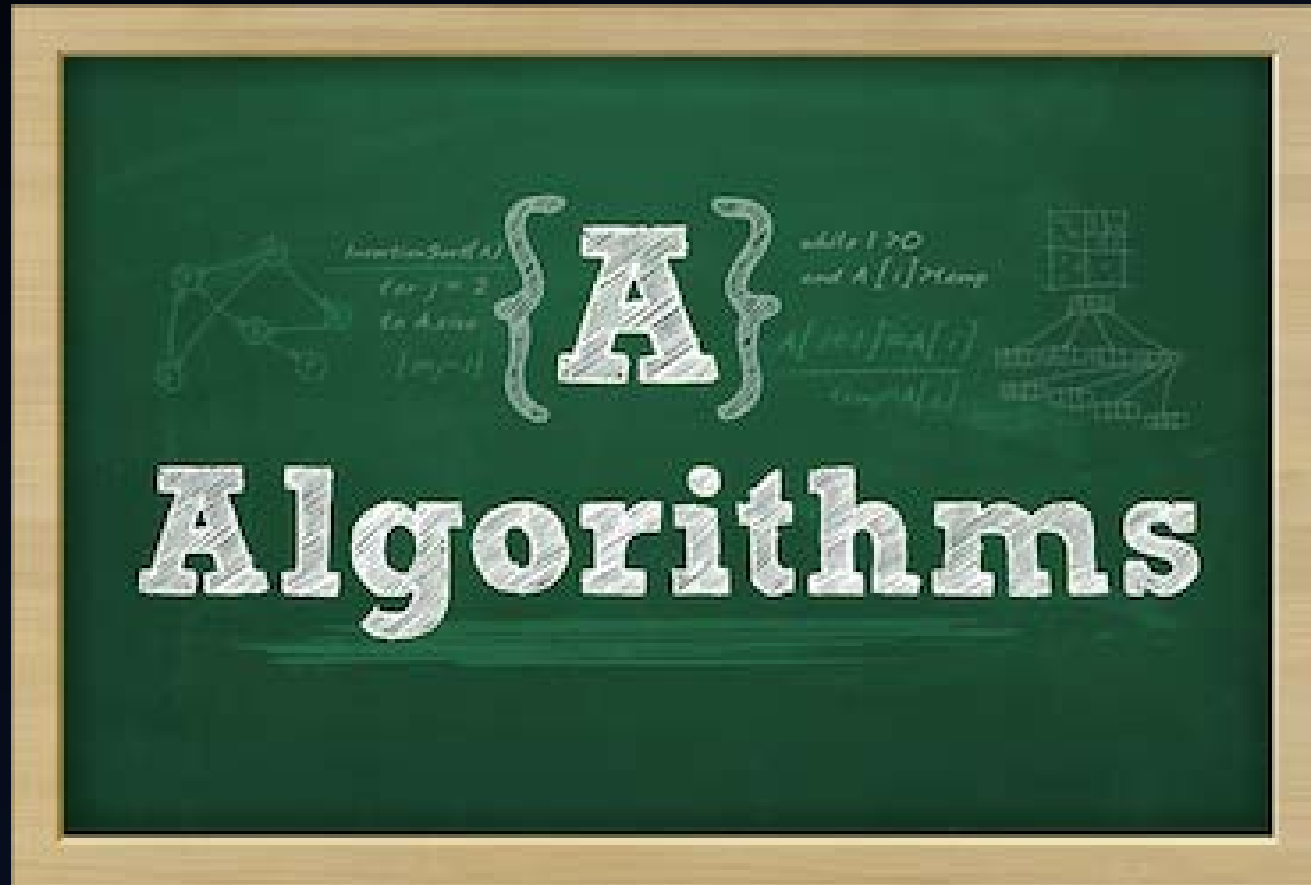
The Risks: Bias

The Risks: Malpractice

The Google Generation

Teaching Competent Use of Algorithms

Going Forward