



A Resume Requirement: Technology Skills

Technology, Privacy, and eCommerce



Whether you are looking to hire or be hired, there are certain basic technology competencies that employers should require and job candidates should possess. A working knowledge of technology not only makes a lawyer more valuable, but in many jurisdictions* it is now an ethical requirement.** But what types of skills are we really talking about?

* Twenty-eight jurisdictions require it as of this writing.

** As noted in ABA's comment to Model Rule 1.1: "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..."

They fall into two basic categories: First, lawyers have to understand enough about current technological developments to advise their clients on impending legal issues, which these days include almost everything. Many of us have had to advise or help our clients deal with such things as cyber risk, data transfer laws, blockchain, and contracts that increasingly address technological issues. Lawyers can't provide competent advice on these issues unless they understand them. And technology issues are now pervasive throughout corporate law, no matter the practice area. A decade ago, some of these jobs, like a standard contract counsel position, would not have required much knowledge of technology. Now, the world is rapidly moving to a place where you cannot counsel a client unless you understand how technology will — not may — impact your legal issues.

Second, a certain level of basic technological competency should now be required for legal jobs. Can

you imagine anyone hiring an admin or store clerk who couldn't operate a PC? That goes for lawyers too. Twenty years ago, senior lawyers could get away with having their admins print out or transcribe emails and perform legal research using physical books. Those days are gone.

When we prepare job requisitions for litigation management, contract drafting, or IP, we specify precisely what level of expertise we want. But even though all lawyers need to know how to use MS Word, we don't describe what that actually means. As I've written in other columns, many lawyers learned to use older versions of Word and have never bothered to update their knowledge, even though newer versions are designed to dramatically improve their work product and reduce the time it takes them to complete an assignment. The same is true for PowerPoint, Outlook, and other non-MS products such as Apple's Pages or Keynote, Google Docs, and the other tools we use to get our work done.

Casey Flaherty (my illustrious Tech Toolbox columnist predecessor) thought this was such an important consideration for hiring outside counsel that he developed a special assessment tool to determine whether outside counsel should be considered competent in technology (he found that most were not). And we certainly should demand technological competence from our outside counsel, because incompetence in this area is insidiously expensive.

But that is true for inside counsel too. It is impossible to say how much time is wasted by lawyers who were never properly educated in the tools they use every day. I bet it is more than most of us would guess. And don't be lulled into a false confidence because some of your staff appear to be geeks — they may indeed have areas of special competence you should leverage, but they may also lack other basic and important abilities. Few people have all the building blocks they need to be as effective as possible.

Many corporate law departments have established programs designed to ensure that their staff have up-to-date legal skills. But very few have programs to ensure that their technological skills are similarly current. The blind spot I mentioned before ("if it's not broke...") means that the need for such a program goes largely unrecognized.

For this employment and HR-themed issue, I am recommending that all corporate law departments consider developing technology competency standards for existing and future staff, as well as training resources to help your members do their jobs better. These should not only address the obvious things like word processing and presentation software, but should also teach calendar use, email writing, task management, the proper use of automation, various communication and collaboration platforms, dictation aids, legal research, and other knowledge management tools. The more you and your colleagues know about technology, the better you will be able to do your work. Corporate law departments cannot afford to be dragged down by anyone content (or worse, proud) to be considered a Luddite.

Over the next year, I plan to write some columns addressing some of these topics in more detail. As always, if you have questions, suggestions or requests, feel free to write to me directly at greg.stern@outlook.com.

"Could you pass this in-house counsel's tech test? If the answer is no, you may be losing business"

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