

## How to Register for a Webcast Video Replay

1. Type mainebar.org in your browser.
2. Under CLE/Education click Register for CLE.
3. Locate this program in the Community Calendar and click on the program to register.

You will access this CLE program through a third-party website, which will require a username and a password. Please note that your MSBA login credentials will not work on this website.

You will receive a confirmation via email. Program materials will be uploaded to your registration account when they are available.

If you register for this webcast and are unable to view it on the day of the webcast presentation, you will receive a link following the webcast and will have three months from the date of the webcast presentation to view the program. Please note if you view the webcast after the program date, the seminar qualifies for self-study credits.

### Minimum System Requirements

#### Supported Operating Systems\*:

- Windows 7 or higher
- Mac OS X 10.5 or higher

#### Supported Browsers:

- Internet Explorer 9 or higher
- Google Chrome
- Mozilla Firefox
- Safari 5.0 or higher (for Mac)

\*If you are using Windows XP you need to use the alternative viewer link called "Silverlight Player", which is located under the "Help Tab" within the viewer.

**IMPORTANT:** If you will be accessing any of the online content at a work location, it is HIGHLY recommended that you first check with your IT department or Network Administrator to make sure that you have appropriate permissions to install programs and/or the ability to access streaming media.

### Testing Your System

Once you register for the program you will receive a confirmation email with a link to test your system. It's important to test the actual computer you will be using the day of the webcast.

If you have technical questions, please call the help desk at 1-800-747-1719. The help desk is available 24 hours a day, 7 days a week.

#### Fees for Webcast Video Replay

MSBA Member .....	\$ 185
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# The Ethical Minefield of Modern Technology and Social Media



### CLE Credits: 4.25 ethics



This program has been approved for practice and procedure credit under Maine's reciprocal admission rule.

### 2018-2019 WEBCAST VIDEO REPLAYS

Friday, December 28, 2018  
Friday, January 11, 2019  
Wednesday, January 30, 2019  
Thursday, February 28, 2019



ONLINE REGISTRATION ONLY

## Webcast Replay Schedule & Faculty

**8:15 LOG-IN**

**8:30 UNDERSTANDING THE DUTY OF TECHNOLOGY COMPETENCE**

It's been five years since the American Bar Association amended the Model Rules of Professional Conduct to create an ethical duty of technology competence. In the years since, 27 states have adopted the duty as part of their ethical rules. Yet most lawyers still have little understanding of the scope of this duty and what it means for their day-to-day practices. Little guidance has been provided to lawyers. To make matters worse, many lawyers still lack basic competence in legal technology. This talk will explore the boundaries of this evolving duty, discussing its history and purpose and its practical impact on the practice of law.

Introduction: *Barbara H. Furey, Esq., Portland (Program Co-Chair)*

Presenter: *Robert J. Ambrogi, Esq., Law Office of Robert J. Ambrogi, Rockport, MA*

**9:30 ETHICAL PERILS OF SOCIAL MEDIA FOR LAWYERS AND JUDGES**

Social media offers marketing and networking opportunities for lawyers. Taking control of your online presence is a necessity, and there are few better ways to do so than with social media. Used carefully, social media can amplify your professional reputation and help drive new business. There are, however, inherent ethics risks that lawyers and judges should be mindful of when using social media channels such as Facebook, Twitter, LinkedIn, Instagram, Snapchat, and legal blogs. Our panelists will share tips and tricks to employ when using social media.

Introduction: *Barbara H. Furey, Esq., Portland*

Panelists: *Robert J. Ambrogi, Esq., Law Office of Robert J. Ambrogi, Rockport, MA*

*Aria Eee, Esq., Deputy Bar Counsel, Board of Overseers of the Bar, Augusta*

*David Herzer, Esq., Norman Hanson & DeTroy LLC, Portland*

*Mary Ann Lynch, Government and Media Counsel, Maine Judicial Branch, Portland*

**10:30 BREAK**

**10:45 MOBILE DEVICE FORENSICS AND ASSOCIATED ETHICAL CONSIDERATIONS**

Explore the growing practice of mobile device discovery and how familiarity with current capabilities and limitations is essential to lawyers today. As cellphones continue to play a larger role in our personal and business lives, the kinds of evidence that can be found on a mobile device continues to change and grow. We will look at how state-of-the-art software uses forensically sound processes to extract data from a mobile device and put it into a searchable and presentable format. The software can also be used to view extractions made by other forensic programs to review or confirm findings and look for additional evidence.

Introduction: *Benjamin R. Gideon, Esq., Berman & Simmons PA, Lewiston (Program Co-Chair)*

Panelists: *J. Scott Davis, Esq., Bar Counsel, Board of Overseers of the Bar, Augusta*

*Hon. Charles Dow, Maine District Court, Lewiston*

*David F.G. Packard, Esq., Frederick, Quinlan & Tupper, LLC, Portland*

*Hon. William R. Stokes, Capital Judicial Center, Augusta*

## Schedule and Faculty, Continued

**11:45 BEYOND ETHICS: PRIVACY, CYBERSECURITY AND DATA BREACH NOTIFICATION LAWS AFFECTING LAWYERS**

The myriad U.S. state and federal regulatory regimes governing information privacy, cyber security and data breach notification raise serious compliance challenges for virtually all lawyers today. This session will help participants understand the principal regulatory risks that these regimes present and will provide practical guidance for navigating the complex compliance issues in this area. The implications for lawyers of HIPAA, state data breach notification laws, and New York's new cybersecurity regulation will be covered. Also covered will be the potential implications for lawyers resulting from the work of the Maine Judicial Branch Task Force on Transparency and Privacy of Court Records, in anticipation of the implementation of an e-filing system for the Maine state courts.

Introduction: *Benjamin R. Gideon, Esq., Berman & Simmons PA, Lewiston*

Panelists: *Peter J. Guffin, Esq., Pierce Atwood LLP, Portland*  
*Laura M. O'Hanlon, Esq., Chief of Communications, Information, and Access, Maine Judicial Branch, Portland*

**1:00 CLOSING REMARKS**

*Barbara H. Furey, Esq., Portland*

**1:10 WEBCAST REPLAY ADJOURNS**

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