

The Ethics of Practicing Law Remotely: How to Ethically Navigate the Remote Practice of Law Post-Covid

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ABA Formal Opinion 498

- Virtual Practice = Beyond the traditional brick & mortar law firm
- Competence
- Diligence
- Communications (especially when using technology)
- Confidentiality
- Supervision

[2]

2

ABA Formal Opinion 498

- In general, same ethical rules apply to both traditional and virtual practice
- If you are prohibited from doing it in person, you are still prohibited if virtual
- Are your technology and work environment consistent with your ethical obligations?
- In some instances, ethical obligations may be more, not less

[3]

3

Competence & Diligence

- ABA Formal Opinion 482 (2018)
 - Ethical Obligations Related to Disasters
 - Business Continuation Plan
 - Keep clients informed
 - Keep matters moving forward
 - Safeguard client information and property
 - Preparing for business interruption

[4]

4

Competence & Diligence

- ABA Model Rule 1.1
 - Must keep abreast of changes in the law and practice, including benefits and risks associated with technology
 - Comment 8 to Rule 1.1
 - Basic technology competence
 - Wisconsin Formal Ethics Opinion EF-21-02

[5]

5

Competence & Diligence

- ABA Model Rule 1.3
 - Comment 1 to Rule 1.3
 - A lawyer must pursue a matter on behalf of a client despite opposition, obstruction, or personal inconvenience to the lawyer
 - Client obligations trump personal obligations

[6]

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