

Ethics in the Time of COVID-19:

Key Rules During and After a
Pandemic

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Rule 1.1

Competency During COVID

Technology

- What technology are you using and should you be using it?
- Training: Who do you need to train? Lawyers?
Staff? Witnesses?
- What about access issues?
- What about privilege issues?



Succession Planning

- What if you get sick? Or your staff gets sick? Or if you have to care for someone who is sick?
- What if your client gets sick?
- What does succession planning really mean?

Do Nots

→ Do not Dabble

→ Do not Phone it In

→ Do not Discard Professionalism

→ Do not Forget to Check Court Rules and Check Court Rules Again

Rule 1.4

Communication During COVID

Communicating with Clients

→ Do communication duties change during a pandemic?

Yes!

→ How do communication duties change?

Do we communicate more? Maybe

Do we communicate less? Maybe

Do we communicate differently? Maybe

Rule 1.6

Confidentiality During COVID

Confidentiality

- Remember the broad scope of Rule 1.6
- Do you know where your staff are working?
- Do you know where your lawyers are working?
- Do you know the risks to client information being exposed?

Technology Risks

People Risks

Rule 1.7

Conflicts During COVID

Conflicts

- **Keep Checking!!!**
- **Be on the lookout for creating prior work conflicts**
- **Be on the lookout for changing corporate structures**

Rules 5.1 and 5.3

Supervision During COVID

Supervision

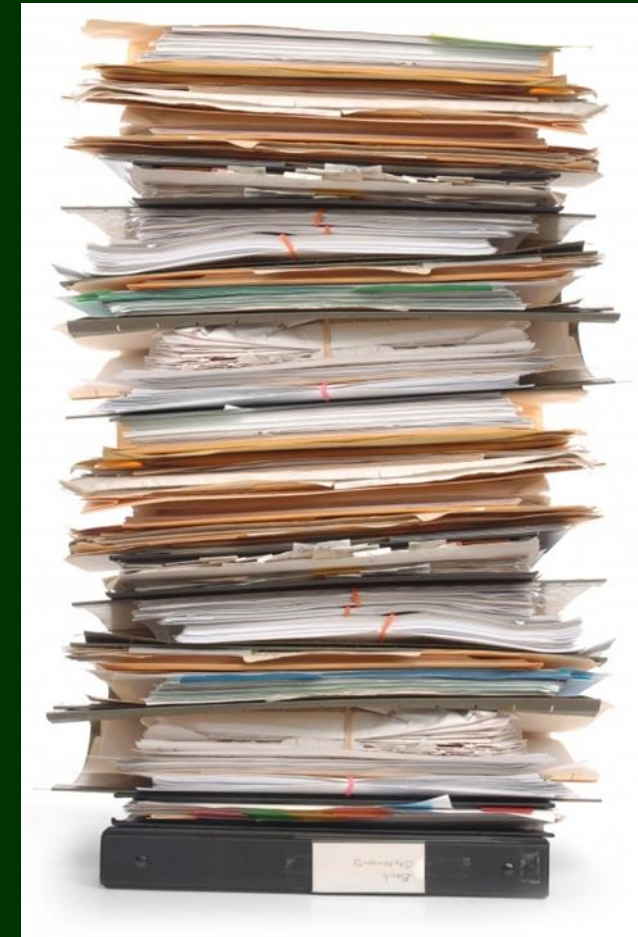
- Are you still supervising lawyers?
- Are you still supervising staff?
- What does remote supervision look like?
- Don't forget well-being – of lawyers and staff

General Office Management

→ Are you still opening mail? Handling faxes and deliveries?

→ Are you still processing client funds and operating funds as you should be?

→ Are you still meeting all your deadlines?



Self-Care and Well-being

- Breathe
- Ask for help if you need it
- Withdraw if you must; see Colo. RPC 1.16(a)
- Remember COLAP! coloradolap.org



THANK YOU!

Resources:

<https://www.pabar.org/members/catalogs/Ethics%20Opinions/formal/F2020-300.pdf>

https://www.osbar.org/_docs/resources/CoronavirusEthicsFAQ.pdf

<https://www.michbar.org/opinions/ethics/COVID-19>

<https://www.americanbar.org/advocacy/the-aba-task-force-on-legal-needs-arising-out-of-the-2020-pandem/>