

<b>Practicing Ethically During and After the Pandemic</b>	

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<b>(1) Core Duties</b>
<ul style="list-style-type: none"> <li>• Communication (Rule 1.4)             <ul style="list-style-type: none"> <li>- legal status</li> <li>- health status</li> <li>- malpractice</li> </ul> </li> <li>• Scope of Representation (Rule 1.2)</li> <li>• Allocation of Authority (Rule 1.2)</li> <li>• Diligence (Rule 1.3)</li> <li>• Loyalty (Rule 1.7)</li> </ul>

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<b>(1) Core Duties (contd.)</b>
<ul style="list-style-type: none"> <li>• Competence (Rule 1.1)             <ul style="list-style-type: none"> <li>- legal knowledge</li> <li>- thoroughness</li> <li>- preparation</li> </ul> </li> <li>• Disaster Context             <ul style="list-style-type: none"> <li>- ABA LEO 482 (9/19/18)</li> </ul> </li> <li>• Rule 8.4</li> </ul>

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## (2) Confidentiality/Technology

- General Duties
  - ethics duties
  - privilege implications
  - work product implications
- Working Remotely and from Home
  - ethics issues
  - family issues
  - devices

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## (2) Confidentiality/Technology (cont'd)

- Practicing Remotely
  - litigation
  - transactional work
- Office Sharing
  - confidentiality
  - conflicts implications

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## (3) Supervision, Staffing and Collaboration

- Supervising Lawyers (Rule 5.1)
  - duty of subordinate lawyers (Rule 5.2)
- Supervising Non-Lawyers (Rule 5.3)
  - hiring
  - outsourcing
- Collaboration With Other Firms
  - fee sharing
  - conflicts

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#### (4) UPL/MJP

- UPL
  - paralegals
- MJP
  - working from home
  - "temporary"?
  - required relationship to home state

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#### (5) Practice Areas, Processes and Professionalism

- Practice Areas
  - trusts and estates
  - bankruptcy
  - real estate
  - labor and employment
- Processes
  - transactional work
  - trusts and estates
  - trust accounts
  - discovery
  - mediation
  - settlement
  - marketing

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#### (5) Practice Areas, Processes and Professionalism (cont'd)

- Professionalism
  - pro bono
  - civility

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## (6) Health Issues

- Clients
  - clients with diminished capacity (Rule 1.14)
- Lawyers
  - self
  - partners
  - ethics violations

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## (7) Withdrawal

- Mandatory Withdrawal (Rule 1.16(a))
- Discretionary Withdrawal (Rule 1.16(b))
- Successor Planning (Rule 1.3 cmt. [5])

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