

Thursday, November 4, 2021
2:15 PM – 3:30 PM

General Session 5

**Ethics at the Kitchen Table...and in the Coffee Shop:
Navigating Ethical Issues in the New Remote Work World**

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- I. Introductions
- II. Setting the (Kitchen) Table: Welcome to the Post-COVID Work World
- III. Systems
 1. Does it matter where you are?
 2. Do jurisdictions matter anymore?
 3. Unauthorized practice of law
 4. ABA Ethics Opinion and Safe Harbor Rule
 5. Issues related to shared spaces such as coffee shops
 6. Confidentiality and protection of private information
 7. Technology and use of personal devices
 8. Video calls and inadvertent disclosure of private information
 9. Written policies for lawyers and law firms
- IV. People
 1. What does supervision mean and require?
 2. How do you supervise attorneys you rarely, or ever, see?
 3. The ethics rules also apply to non-attorneys
 4. Ethics violations flow upstream from the non-attorneys and junior attorneys to the supervising attorneys
 5. Supervising in person is hard, doing so virtually is infinitely harder
 6. Blocks on computers
 7. Virtual clean desk policies
 8. Computers that turn off or go to sleep when not in use
 9. Written policies for lawyers and law firms
- V. Succession Planning
 1. How do you virtually train people to follow ethics rules?
 2. How does lack of ethics training affect law firms planning for the future?
 3. Younger lawyers have always lived virtually in a world where everything is shared
 4. How do young lawyers get trained to work virtually while protecting information?
- VI. Fees and Diligence
 1. New monitoring tools are needed for the new work world
 2. Supervision related to fees and diligently responding to clients goes virtual