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Ethics in the Post-Coronavirus Age: The More Things Change, the More They Stay the Same.

Mark Scruggs – Lawyers Mutual

Since the Covid-19 descended on us, we have all had to learn new ways to practice law. From virtual client meetings, court hearings, and mediations, working remotely, and allowing our staff to do the same, all without failing to meet our professional and ethical obligations to our clients, colleagues, and courts.

This new way of working poses challenges and will probably not disappear, even when the pandemic eases. We have learned that an old dog can be taught new tricks, and some of them are an improvement over the way we have always done things. In a survey conducted by Martindale-Avvo in May 2020, 50% of lawyers surveyed plan for their staff to continue working remotely in some fashion when the pandemic is over.

We have to remember that our ethical obligation to handle our clients' matters with competence and diligence remains the same. Our duty to protect our clients' confidential information and avoid conflicts of interest remains intact. Our professional responsibility to communicate with our clients does not change. All may be more difficult in this new environment. Still, we lawyers do not get a pass because our ethical obligations may be more challenging to manage in a remote and virtual environment.

RULE 1.1 COMPETENCE

"Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation."

We have all had to use technology more than ever before practicing law in a virtual environment or remotely from somewhere other than our office's security and comfort. A few years ago, the State Bar added the underlined phrase to Comment [8]: "To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, <u>including the benefits and risks associated with the technology relevant to the lawyer's practice</u>, . . ." Reinforcing this principle, we all have to have one hour of CLE per year devoted to technology. We do not mean we have to be information technology specialists, but we do have to understand how the technology intersects with our professional obligations and be prepared to manage the risks and also to advise our clients.

Take social media as an example. 2014 FEO 5 holds that we <u>must</u> advise a civil litigation client about the legal ramifications of the client's postings on social media as necessary to represent the client competently. We cannot do that unless we understand the basics

concerning privacy settings, preserving existing postings (which includes knowing something about the doctrine of spoliation of evidence and the unhappy ramifications of violating that doctrine), and handling future postings (which may include adjusting the privacy settings to limit the people who can see the postings.)

Think of all the ways you are using technology now necessitated by Covid-19. Now think of all the ways that you may continue to use this previously thought to be unwanted or unneeded technology in the future, even after Covid-19. What do you need to understand about the technology to make sure you comply with your ethical obligations? School yourself or get someone knowledgeable to teach you.

Here is another thing about the duty of competence. It is something I often remind new lawyers of, but it is equally comforting to lawyers who, out of desire or necessity during times when their caseload is dwindling (think car wreck cases when there is a lockdown and no one is on the roads to have accidents), take on cases in practice areas they have little or no experience in. Rule 1.1 says, "[a] lawyer shall not handle a legal matter that the lawyer knows or should know he or she is not competent to handle without associating with a lawyer who is competent to handle the matter." The rule does not say you have to be competent <u>before</u> you take the case. You do not have to have prior experience or specialized training in a particular type of legal matter before you undertake the representation. Rule 1.1 goes on to say that a lawyer can <u>become</u> competent in a new area through study and preparation. So, in lean times brought on by Covid-19 or some other situation beyond your control, do not be afraid to venture out and try something new.

What if a client comes to you with an emergency? Say, for example, the client's father is ill with Covid-19 and wants to have a will prepared? Estate planning is not your area of practice. Can you, should you do it?

Comment [3] to Rule 1.1 says," In an emergency, a lawyer may give advice or assistance in a matter in which the lawyer does not have the skill ordinarily required where referral to, or consultation or association with another lawyer would be impractical. Even if an emergency, however, assistance should be limited to that which is reasonably necessary under the circumstances, for ill-considered action under emergency conditions can jeopardize the client's interest."

RULE 1.3 DILIGENCE

"A lawyer shall act with reasonable diligence and promptness in representing a client."

Even under emergency or less than ideal circumstances, the duty of diligence continues. During the Covid-19 pandemic, legal services were deemed an "essential business" by Governor Cooper, so lawyers were permitted to remain open for business. Health concerns permit lawyers to reduce in-person legal activities without violating the Rules of Professional Responsibility. By order of the Chief Justice and various courts, statutes of limitations and other filing deadlines were extended, court hearings and trials were continued, and many other obligations that would have normally kept one on task were removed. Such necessary adjustments can, however, breed procrastination if one is not careful. I do not know whether this sentence in Comment [3] strikes you where you live like it does me, but it reads, "Perhaps no professional shortcoming is more widely resented than procrastination." Despite all of this, lawyers must continue to be diligent in representing clients. Thus, the duty of diligence may include:

- Reviewing the updated information from the Judicial Branch on its website: www.nccourts.gov.
- More frequent communication with clients on the status of their legal matter, and changes in date, time, and place of any hearing. During these times, clients are nervous about their legal matter and how and when it will get handled.
- More frequent communication with clerks of court and other courthouse officials on the hours of operation, the manner in which filings can and will be accepted, and other issues that may be particular to the courts in which the lawyer regularly practices or has pending matters.
- More frequent communication with opposing counsel on the status of matters.
- More frequent communication with office staff (especially when working remotely) to make sure nothing falls through a crack.
- Increased attention to calendaring deadlines. With court calendars in flux from day to day due to the pandemic, attention to deadlines and calendaring for the same becomes all the more important.
- Refusal to procrastinate even when the circumstances might permit you to do so.

What other measures might the professional obligations of competence and diligence require as we continue in the Covid-19 pandemic and plan for the next one knowing that it is not a question of "if," but only a question of "when" it will occur?

Firm Policies

Do you need to review your policies (or create some) regarding working remotely, traveling, extended sick leave? Perhaps you have realized how distracting it is to be working from your kitchen table with kids running around the house. Might you need to revise your remote working policy to establish guidelines for working remotely, such as requiring a specific area to work from (if possible) and other procedures to foster concentration and maintain client confidentiality?

Does your firm have a business continuity plan? Have you identified potential business interruptions (such as a pandemic or other natural disasters) and planned on how you will mitigate them? A good plan will have a workflow and response decision tree so that the firm can quickly assess when and how to act. Little things like who will be responsible for picking up and distributing the mail can make a big difference in whether or not business gets done. How about trust account transactions? Might you want to set up mobile deposits just if you cannot go, or do not want to go, to the office? Might you want to have the ability to use electronic signatures? How about your files? Do you have the ability to work with your files in a digital format? The time to think about and work out these things is before you need to use them.

Succession Planning

What happens if the firm's sole owner gets sick or dies? A succession plan is part of the duty of diligence because it protects clients and staff. Comment [5] of RULE 1.3 DILIGENCE states, "To prevent neglect of client matters in the event of a sole practitioner's death or disability, the duty of diligence may require that each sole practitioner prepare a plan, in conformity with applicable rules, that designates another competent lawyer to review client files, notify each client of the lawyer's death or disability, and determine whether there is a need for immediate protective action." A sole practitioner should make a written agreement with another "assisting attorney" establishing procedures for the assisting attorney to act for the protection of the client and the client's legal matter, in the event the sole practitioner is unable to do so.

Succession planning may be necessary even for lawyers who are not sole practitioners. **2012 FEO 13 - DUTY TO SAFEKEEP CLIENT FILES UPON SUSPENSION, DISBARMENT, DISAPPEARANCE, OR DEATH OF FIRM LAWYER** mandates that the other members of the firm are responsible for the safekeeping and proper disposition of both the active and closed files of a suspended, disbarred, missing, or deceased member of the firm. Sometimes, the other firm members will not know a thing about your files or your area of practice. It might be a good idea to arrange for a colleague outside of your firm who is familiar with your area of practice to be your assisting attorney, or at least to work with the other members of your firm to protect your clients and their matters.

Financial Preparedness

When Covid-19 hit, many law firms suffered a decline in revenue. Have you thought about how you might mitigate the next unexpected and perhaps precipitous drop in revenue due to a pandemic, global recession, natural disaster, or other unforeseen circumstance? Make sure you have a good relationship with your bank. When the CARES Act unrolled loans through the Paycheck Protection Program, the loans were administered by the banks. Having a good relationship with your bank may help speed the process next time. In addition to having a good relationship with your bank, having your financial house in order and quickly accessing financial reports may help you quickly obtain a small business loan or get an extension on your line of credit.

Have you considered insurance to provide the money to pay staff and keep your office afloat if you cannot work or die? Products like "Key Man" life insurance, business interruption insurance, disability insurance, and other insurance products might help prepare your firm for unforeseen events or circumstances. Do not forget cyber insurance. Crooks look for crazy times like these to work their scams.

Some of these products are discussed in this article found here: https://www.lawyersmutualnc.com/blog/five-insurance-products-for-successful-law-firm-planning. Your firm cannot continue if you cannot pay your staff and keep the lights and heat on. Other helpful resources can be found on the NCBA's Professional Vitality Committee's website located at https://www.ncbar.org/members/communities/committees/.

Wellness

No one is immune from stress, and times like these have stressed many of us to the limit. These times will fade, but they will be back in one form or another. Take a lesson from Covid-19 and implement, or at least encourage, some type of wellness or resilience training. Substance abuse and depression are not going anywhere either, so here is a chance to help the members of your firm survive and thrive during difficult times.

As I mentioned above, 50% of lawyers surveyed in May 2020 by Martindale-Avvo plan for their staff to continue working remotely in some fashion when the pandemic is over. When folks are not regularly interacting with each other at the office and lawyers communicate with clients and other lawyers via video conference, effective communication becomes more complicated and critical.

Communication with Clients

RULE 1.4 COMMUNICATION

"Thou shalt promptly inform and reasonably consult with thy client and explain matters to the extent necessary to permit thy client to make informed decisions."

In times like these, the duty of communication becomes all the more important and probably should be handled delicately. One commentor has noted that when you call your client's now, perhaps the first few minutes of the conversation should have nothing to do with the legal matter. Instead, ask about the client's family, his fears, and his health. This is a time to forge a bond with your client because, after all, you both are going through the same pandemic and have the same concerns for the health and well-being of yourself and your family.

With hearings and other court proceedings having to be re-scheduled at a moment's notice due to Covid-19 outbreaks, lawyers need to be incredibly communicative with their clients. Clients need to be quickly informed of changes to office hours, court closings, and re-scheduled hearings. I have never been a fan of texting with clients, but times like these might require a quicker way to communicate with clients quickly and efficiently. If you are like me and do not relish the idea of your client having your cell phone number, consider having an application like Microsoft Teams that permits you to message through the app while using your office phone number. Or consider having two cell phones – one exclusively for business.

Clients are stressed enough now, without worrying over the status of their legal matter. Consider providing your client with a quarterly update on their matter's status, even if nothing is happening.

When we think about the duty of communication, we should also remember the allocation of authority between a lawyer and client. Rule 1.2(a) states, "a lawyer shall abide by the client's decisions concerning the objectives of the representation and, . . . shall consult with the client as to the means by which they are pursued."

I have observed that lawyers often get their roles confused. I have seen lawyers take the "I know better than you" route in matters that are the client's call, such as whether or not to accept a settlement offer. Adopting this view can result, and has in my experience resulted, in a legal malpractice claim. The claim usually arises in the context of a motion to set aside a settlement filed by the client's new lawyer. The basis for the motion is usually something like, "my lawyer bullied me into accepting the settlement offer at mediation. He said I would never get a better deal, and he was going to withdraw if I did not accept the offer immediately." The ultimatum is often pronounced on the eve of trial when there is insufficient time for the client to obtain new counsel.

Communication with Other Lawyers

Rule 1.2 also speaks to cooperation and civility among and between lawyers, something that is particularly important in uncertain times when courts may close or rearrange calendar settings due to health concerns. Rule 1.2 (a)(2) states,

> A lawyer does not violate [Rule 1.2] by acceding to reasonable requests of opposing counsel that do not prejudice the rights of a client, by being punctual in fulfilling all professional commitments, by avoiding offensive tactics, or by treating with courtesy and consideration all persons involved in the legal process." Comment [1] states, "Lawyers are encouraged to treat opposing counsel with courtesy and to cooperate with opposing counsel when it will not prevent or unduly hinder the pursuit of the objective of the representation. To this end, a lawyer may waive a right or fail to assert a position of a client without first obtaining the client's consent. For example, a lawyer may consent to an extension of time for the opposing party to file pleadings or discovery without obtaining the client's consent.

RPC 208 -- AVOIDING OFFENSIVE TRIAL TACTICS

Opinion rules that a lawyer should avoid offensive trial tactics and treat others with courtesy by attempting to ascertain the reason for the opposing party's failure to respond to a notice of hearing where there has been no prior lack of diligence or responsiveness on the part of opposing counsel.

RPC 212 -- NOTIFYING OPPOSING COUNSEL PRIOR TO SEEKING DEFAULT

Opinion rules that a lawyer may contact an opposing lawyer who failed to file an answer on time in order to remind the other lawyer of the error and to give the other lawyer a last opportunity to file the pleading.

Communication with Staff

Rules 5.1 – 5.3 talks about responsibilities of principals, managers, supervisory lawyers (5.1); responsibilities of a subordinate lawyer (5.2); and responsibilities regarding nonlawyer assistance (5.3).

I want to focus on Rule 5.3 here. It is important to remember that a lawyer has an ethical obligation to use reasonable efforts to ensure that the firm or organization has in effect measures giving reasonable assurance that the nonlawyer's conduct is compatible with the lawyer's professional obligations. (Rule 5.3(a)) Furthermore, a lawyer has an ethical obligation to make reasonable efforts to ensure that the nonlawyer's conduct is compatible with the lawyer's professional obligations. (Rule 5.3(b)). And here is the kicker: "a lawyer shall be responsible for conduct of such nonlawyer that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer." (Subject to a caveat or two.) So, while your

nonlawyer assistant cannot be disciplined by the State Bar for violation of the Rules of Professional Conduct, you can be! All the inherent ethical issues that may arise when working remotely need to be reinforced with your staff.

RULE 1.6 CONFIDENTIALITY

"A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client." Rule 1.6(c).

Probably no rule of professional conduct is brought more to the fore when working remotely, teleconferencing, videoconferencing, and the like than Rule 1.6.

While Rule 1.6 includes attorney-client privileged communications, the rule is much broader than just attorney-client privileged communications. Rule 1.6 covers anything you learn about the client or the client's matter while representing the client, even if it is public knowledge or generally known.

Speaking of attorney-client privileged communications, keep in mind that as a general rule, the privilege is waived if a third-party is privy to those communications. The potential for waiver of the attorney-client privilege makes it all the more important to avoid disclosure to third parties.

I encourage you to read Comments [19] and [20] under the heading "*Acting Competently to Preserve Confidentiality*." The Rules of Professional Conduct are rules of reason; a lawyer is generally required to make reasonable efforts to prevent the access or disclosure of confidential information. [Comment 19]. When transmitting a communication that includes information acquired during the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients. This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy. Special circumstances, however, may warrant special precautions." (Emphasis added.) [Comment 20].

For the foreseeable future, many of us will choose to work from home due to the persistence of Covid-19. Even after we all get vaccinated and the virus retreats, we may decide to continue some of the remote practices forced upon us by the pandemic simply because we learned that they are more efficient and just as effective.

What confidentiality issues do we need to think about and protect against in a more virtual law practice?

Working Remotely

- Never use public Wi-Fi! If you have a penchant for working from your local Starbucks, use a virtual private network (VPN). It is like a tunnel from your laptop to your office or VPN provider that protects your data from prying eyes.

Working from Home

- If you are working from home, and do not have a VPN set up, make sure your home Wi-Fi is password protected. And do not use the password that came with your router. Change the password to something longer and more robust. Also, make sure your network has been updated with the latest security patches.
- Do not use the "home computer" for work. Have a dedicated computer for work. You do not want your kids to see, or worse yet, unintentionally disseminate confidential information. Do not store your client's documents on your home computer.
- If possible, have a dedicated place to work where you can close the door and ensure privacy. The duty of confidentiality does not end at your front door.
- Alexa or Siri may be listening. While your "virtual assistant" might not "turn on" unless the activation word is spoken, the device is nevertheless listening for the activation word, and what is heard may be reviewed by a computer or a person somewhere else. Turn the device off or go to a place where Siri or Alexa cannot hear your confidential discussions.
- Add multi-factor authentication to your desktop, laptop, iPad, cell phone, etc. Encrypt your hard drive. Make it as difficult as you can for someone to log on to your devices without the proper credentials or obtain sensitive information from your hard drive. Every year we get calls from insureds who have had their laptops stolen from their cars. If you have taken the proper precautions, you may save yourself a lot of time and trouble having to report a data breach to clients and the authorities.
- Do not print client documents at home, if possible. But if you do, buy a shredder for your home, and shred your client's documents when you no longer need them in hard copy. Do not leave them lying around, and do not lug them back and forth to and from your office. You are just increasing the chances that client information will be misplaced, lost, stolen, or otherwise available to people who have no right to see them.

Securely Sharing Documents Electronically

- Consider what you are sending. Is it sensitive, privileged? Not every client communication needs to be encrypted. Balance ease of use for you and your client with adequate security. Any communication that contains personal identifiable information (PII) should be encrypted before sending. PII is information that, when used alone or with other relevant data, can identify an individual. PII includes, but is not necessarily limited to, data such as full name, birth date, social security number, Medicare number, driver's license number, medical records, and financial information.
- You can also password-protect documents prepared with Microsoft WORD or WordPerfect, as well as PDFs created with a product like Adobe Acrobat. While not perfect, it will prevent third parties from accessing the document without the password.
- Client portals and online document storage systems like ShareFile, Dropbox for Business, and others, provide a secure way to share documents.

COVID-19 Concerns

As a general proposition, even the name of your client is confidential. But what if you, or someone you interact with, tests positive for COVID-19? You may be contacted by health officials and asked to disclose the identity and contact information for clients with whom you have had recent contact. Rule 1.6(b)(3) permits a lawyer to disclose confidential information "to the extent the lawyer reasonably believes necessary: . . . (3) to prevent reasonably certain death or bodily injury."

A lawyer exposed to COVID-19 may disclose confidential client information to medical officials to the extent the lawyer reasonably believes necessary to prevent the spread of the virus.

Video Conferences

I suspect video conferences will be with us for some time to come – even after the COVID-19 threat has passed. We have all learned that video conferencing platforms like ZOOM, WebEx, and Citrix are relatively easy to use, effective, and efficient. However, these tools do pose additional challenges when it comes to upholding the duty of confidentiality.

In 2011 FEO 6 – SUBSCRIBING TO SOFTWARE AS A SERVICE WHILE FULFILLING THE DUTIES OF CONFIDENTIALITY AND PRESERVATION OF CLIENT PROPERTY, the State Bar ruled that a lawyer may contract with a vendor of software as a service provided the lawyer uses reasonable care to safeguard confidential client information.

We should ask three questions before we undertake a video conference with a client: (1) is the video conference secure? (2) is the conversation genuinely confidential? And (3) is the video conference suitable for the purpose of the communication?

Ensuring Security

Vet the service provider.

2011 FEO 6 holds that while the lawyer does not have a duty to use only infallibly secure communication methods, he does have a duty to use reasonable care in the selection of online software and services to determine if confidential client communications will be protected while using the service. A lawyer should spend some time researching the online services she intends to use. Have there been security breaches or recent security concerns? If so, has the provider taken steps to remedy the problems?

Password Protect the Conference

Consider employing unique password protection to prevent uninvited third parties from accessing the conference. Consider sending the conference link or meeting ID separate from the password needed to access the meeting. For example, send the conference link or meeting ID via email and call or text the password to the client.

Ensuring Privacy

Unless the client is using headphones, earbuds, or the like, the conversation may be overheard by others near the client. Remind your client of the need for them to preserve the attorney-client privilege by making sure no one else is near enough to overhear the communication.

Consider asking the client to pan the camera around the room so you can verify no one else is in the room. Not only might this be useful in making sure the attorney-client privilege is protected, but it might also help verify that the client is not subject to undue influence by a third party.

Watch the client for signs that someone has entered the room and may be exerting undue influence.

Ensuring Suitability

Sometimes a video conference just might not be appropriate for the purpose of the communication. If one goal of the conference is to judge your client's capacity to make informed decisions about their affairs, nothing short of you being in the room with the

client will suffice. You need to judge for yourself whether the client has the requisite capacity to do what needs to be done.

Rules 1.7 – 1.10 – CONFLICTS OF INTEREST

When lawyers and staff may be working remotely, and clients or potential clients may be calling with emergencies, it is still essential to check for conflicts before obtaining any confidential information. No matter how urgent something is, we must always check for a conflict of interest and avoid counseling someone adverse to a client the firm is already advising.

RULE 1.16: DECLINING OR TERMINATING REPRESENTATION

What if you contract Covid-19 and are physically unable to do your work or a member of your family contracts the virus, and your concern for their health is overriding everything else in your life? Rule 1.6 (a) states that except for needing the approval of the court to withdraw from cases in which you have made an appearance, a lawyer shall withdraw from the representation of a client if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client. Rule 1.16 (a) (2).

In Wilkins v. Safran, a legal malpractice case, the plaintiff's lawyer suffered a heart attack. The lawyer filed a motion to withdraw seven weeks before the scheduled trial date. The client obtained new counsel, settled the case, and sued his former lawyer for malpractice. The trial court granted summary judgment for the lawyer, and the client appealed.

The Court of Appeals affirmed summary judgment for the lawyer holding:

> N.C. State Bar Rules of Professional Conduct, Rule 1.16(a) (2007) states that an attorney "shall withdraw from the representation of a client if: ... (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client[.]" (Emphasis supplied). Plaintiff's expert witness stated that defendants' conduct violated the standard of care with regard to the requirement to give reasonable notice to the client and to allow plaintiff sufficient time to employ other counsel. Under the facts at bar, we disagree.
>
> Defendants filed their motion to withdraw more than seven weeks prior to the scheduled trial date. Defendants' motion complied *674 with the State Bar Rules of Professional Conduct allowing withdrawal due to defendant's ill health. Defendants' motion to withdraw did not breach the duty owed to plaintiff.

Wilkins v. Safran, 185 N.C. App. 668, 673–74, 649 S.E.2d 658, 662 (2007)

Rule 5.5: UNAUTHORIZED PRACTICE OF LAW
Lawyers Working Remotely

Rule 5.5 prohibits lawyers from practicing in jurisdictions in which they are not admitted, subject to some exceptions. Suppose you are licensed in North Carolina, but you are working from your home just across the border in Tennessee due to a pandemic lockdown. Are you practicing law in Tennessee? If so, you have just violated North Carolina's Rule 5.5.

The ABA published Formal Opinion 495 on December 16, 2020, the subject of which is lawyers working remotely. This Opinion holds that lawyers may remotely practice the law of the jurisdictions in which they are licensed while physically present in a jurisdiction in which they are not licensed if the local jurisdiction has not determined that the conduct is the unlicensed or unauthorized practice of law and if they do not hold themselves out as being licensed to practice in the local jurisdiction, do not advertise or otherwise hold themselves out as having an office in the local jurisdiction, and do not provide or offer to provide legal services in the local jurisdiction.

It is essential to know what the state where you are situated considers the practice of law before you can know whether you have violated the rule against the unauthorized practice of law in the state where you are licensed.

Cross-Border Practice

One benefit of the internet is that lawyers can have a presence in every state and every country worldwide. That worldwide reach creates potential issues with the unauthorized practice of law. If you are licensed in North Carolina and are advising a South Carolina resident concerning a matter involving South Carolina law, you have probably just violated Rule 5.5. For example, in Ohio State Bar Ass'n v. Klosk, a California attorney was sanctioned by the Ohio Supreme Court for mailing a letter on behalf of an Ohio resident to negotiate a debt reduction. The Ohio Supreme Court found that the California lawyer was practicing law in Ohio without a license.

Closer to home, the North Carolina State Bar disciplined a lawyer for the unauthorized practice of law when he represented a Virginia resident involved in a car crash in Virginia by negotiating with the client's medical providers over medical liens. The State Bar said, "When Defendant represented M.B. in Virginia, he sincerely believed, albeit incorrectly, that he could negotiate the resolution of an auto accident claim in a jurisdiction where he was not licensed, in a matter that had no nexus to North Carolina, provided he did not appear in court in that jurisdiction." (emphasis added.)

We are still in the pandemic but hope in the form of vaccination is here. Nonetheless, some of the practices that have been forced on us by the pandemic are here to stay, such as working remotely, video conferencing, etc. These new ways of doing business stress our ability to practice ethically. They demand our constant vigilance, and that of our staff, to assure that we comply with the Rules of Professional Conduct. I hope that some of the ideas expressed here will help you and your team do just that.