F | H | M | B | K

Fanning Harper Martinson Brandt & Kutchin

Practicing Law Remotely: We're Not in Kansas Anymore

Presented at the University of Texas School Law Conference

February 18, 2022

Practicing Law Remotely

A big change.



Guides

- Texas Disciplinary Rules of Professional Conduct
- American Bar Association Formal Opinions



Rules

- Rule 1.01 – Competent and Diligent Representation
- Rules 1.03 and 1.05 – Communications and Confidentiality
- Rules 5.01 and 5.03 – Supervision of Subordinate Lawyers and Non-Lawyers
- Rule 5.05 – Unauthorized Practice of Law

Rule 1.01 – Competent and Diligent Representation

- Competence as to the relevant technology. Comment no. 8:
  - Because of the vital role of lawyers in the legal process, **each lawyer should strive to become and remain proficient and competent in the practice of law, including the benefits and risks associated with relevant technology**. To maintain the requisite knowledge and skill of a competent practitioner, a lawyer should engage in continuing study and education. If a system of peer review has been established, the lawyer should consider making use of it in appropriate circumstances. Isolated instances of faulty conduct or decision should be identified for purposes of additional study or instruction.



F | H | M | B | K
Fanning Harper Martinson Brandt & Kutchin

Rule 1.01 – Competent and Diligent Representation (cont.)

Rule 1.01 – Comment No. 8 – the duty of technological competence

- Keep informed of changes in the law and its practice
- Keep informed of the benefits and risks of relevant technology
- Maintain the ability to competently practice in the virtual courtroom

F | H | M | B | K
Fanning Harper Martinson Brandt & Kutchin

UT LAW CLE THE UNIVERSITY OF TEXAS TEXASLAW

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the UT Law CLE eLibrary (utcle.org/elibrary)

Title search: Practicing Law Remotely: We’re Not in Kansas Anymore

First appeared as part of the conference materials for the
37th Annual School Law Conference session
"Practicing Law Remotely: We’re Not in Kansas Anymore"