

UT LAW CLE FIRST FRIDAY ETHICS

HOW TO AVOID MALPRACTICE IN A POST-PANDEMIC LEGAL WORLD

By: Robert L. Tobey
Johnston Tobey Baruch, P.C.
robert@jtlaw.com
www.jtlaw.com

1

Impact of the Pandemic

- Remote Work
- Communication with other lawyers and staff
- Inattention to detail—distractions
- Safeguarding confidential information
- Technology challenges
- Mental health issues

2

2

ABA Formal Opinion 498

- Virtual Practice = Beyond the traditional brick & mortar law firm
- Competence
- Diligence
- Communications (especially when using technology)
- Confidentiality
- Supervision

3

3

ABA Formal Opinion 498

- In general, same ethical rules apply to both traditional and virtual practice
- If you are prohibited from doing it in person, you are still prohibited if virtual
- Are your technology and work environment consistent with your ethical obligations?
- In some instances, ethical obligations may be more, not less

4

4

Lawyer Wellness Statistics*

- 32% of lawyers 30 years old or younger have a drinking problem
- 28% of lawyers struggle with some level of depression
- 19% of lawyers demonstrate symptoms of anxiety
- 11% of lawyers have had suicidal thoughts at some point in their career

* Texas Lawyer Assistance Program (TLAP) website

5

Texas Lawyers' Assistance Program

24-HR hotline (call or text):
(800) 343-TLAP (8527)

6

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 \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: How to Avoid Malpractice in a Post-Pandemic Legal World

Also available as part of the eCourse

[First Friday Ethics \(July 2024\)](#)

First appeared as part of the conference materials for the 2024 First Friday Ethics (March 2024) session

"How to Avoid Malpractice in a Post-Pandemic Legal World"