

# **ETHICS: THE STRESS COMPONENT**

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# **I.R.P.C. - COVID “FREQUENT FLIERS”**

I.R.P.C. 1.3

I.R.P.C. 1.4

I.R.P.C. 5.3

I.R.P.C. 1.16(a)

# **I.R.P.C. 1.3: Diligence**

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

[3] Perhaps no professional shortcoming is more widely resented than procrastination ...

Even when the client's interests are not affected in substance, however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer's trustworthiness.

# **Avoiding 1.3 issues**

(1) Proofread - you may not have the same back up. If this is not your strength, send emails to your proofers.

(2) Be aware of your distractions and distance from them or reset after dealing with them. Consider the “WOOP” method.

(3) Avoid “multitasking” – your brain burns energy switching from task to task. Set a time to focus on each task.

## I.R.P.C. 1.4: Communication

(a) A lawyer shall:

...

- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information; including a request for an accounting as required by Rule 1.5(f);

# **Avoiding 1.4 issues**



(1) Set reasonable expectations for your clients regarding communication at the outset of the representation.

(2) Consider limiting text communications, either totally or within certain hours.

(3) “If it’s your job to eat a frog, it’s best to do it first thing in the morning.” Mark Twain

## **I.R.P.C. 5.3: Responsibilities Regarding Nonlawyer Assistants**

With respect to a nonlawyer employed or retained by or associated with a lawyer:

- (a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;
- (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

# **Avoiding 5.3 issues**

(1) Be cognizant of when your staff may be close to burnout with work/home duties.

(2) Consider weekly (short!) meetings to make sure you and staff agree on priorities for that week.

(3) “A fish rots from the head down.” Set the tone for your office. Reframe, reset.

# Knowing When To Ask to Help (For You or Someone Else)



## **I.R.P.C. 1.16: Declining or Terminating Representation**

(a) ... [A] lawyer shall not represent a client or, where representation has commenced, 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.

# Lawyer Assistance Program (LAP)

24-Hour Hotline:  
(866) 460-9014