



Ethical Guidance for Lawyers during COVID-19

April 2, 2020

The Disciplinary Commission is here to serve you and continues to remotely perform its daily functions. During this pandemic crisis, your normal practice will undoubtedly be affected. Here are some ethical tips to keep in mind while we all work from home.

- Keep clients informed of what is happening during these unusual times. Inform them that the courts are operating under emergency conditions and their case might not be a current priority for the court. Craft for the client a plan and timeline on how you will address their case when normalcy returns. Re-acquaint yourself with [Professional Conduct Rules](#) 1.3 and 1.4.
- Be mindful of your duty of confidentiality. A work-at-home environment can create confidentiality voids with other family members. Is the security of your electronic system as robust at home as it is at the office? Re-acquaint yourself with Prof. Cond. R. 1.6 and 1.15.
- If you become sick during this pandemic, do you have a succession plan? If you are a solo practitioner, this is a good time to establish an attorney surrogate if you have not already done so. This process begins in the [Indiana Courts Portal](#). The surrogate process is explained in [Admission and Discipline Rule](#) 23, Section 27. Also, if you have to withdraw from representation, re-acquaint yourself with Prof. Cond. R. 1.16(a) and (d).
- Is your office mail being tended to while your office is closed? Security, confidentiality, competency and diligence can all be compromised if you ignore your mail. Develop a plan for mail pick-up. If possible, have the mail scanned from your office to your home location.
- Don't be sloppy with signatures, affirmations, and notary seals. False signatures have been a source for many discipline actions over the years. Authentic signature requirements are not relaxed due to the pandemic. See [Executive order 20-15](#), which eases government operations, including permitting electronic notary services to remotely review and approve documents. Also see the [Supreme Court order](#) that suspends language that might prohibit notaries and others from administering oaths to witnesses by remote video.
- Can you e-file from your home? Maybe you can have clerical staff conduct e-filing from their home. Familiarize yourself with the emergency rules of your local court and the appellate courts as they apply to existing filing deadlines. Re-acquaint yourself with Prof. Cond. R. 1.1 and its official comment 6.
- The Supreme Court has a dedicated website to [COVID-19 operations and procedures](#). You can access emergency orders under [Administrative Rule 17](#) that are specific to your county, as well as statewide emergency orders from the Supreme Court that impact appellate practice.
- If you have an ethics inquiry, you can access the [Disciplinary Commission's informal guidance webpage](#). Please read the limitations and conditions of use before submitting a request for guidance.

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