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The Law in Review

Ethics and the Virtual Practice of Law

2019 Edition



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ETHICS AND THE “VIRTUAL” PRACTICE OF LAW

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ETHICS & VIRTUAL PRACTICE

Overview

- What is the “virtual” practice of law?
- Relevant ethics principles and constraints
- Telecommuting
- Are “brick and mortar offices” still required?
- The “virtual” law firm

ETHICS & VIRTUAL PRACTICE

What is the “virtual” practice of law?

- A wide variety of types of “virtual” law practices exist. Some are entirely “virtual,” with the lawyer and client being connected only via Internet and the lawyer having no “office” other than a computer (including tablets, smart phones and the like).

ETHICS & VIRTUAL PRACTICE

What is the “virtual” practice of law?

- Other virtual law practices involve a physical space apart from the lawyer’s computer: shared space, conference room facilities, and services for answering phone calls or receiving mail. E.g., *Virtual Law Firm Program*, NEW YORK CITY BAR, <http://www.nycbar.org/member-and-career-services/small-law-firm-overview/virtual-law-office>.

ETHICS & VIRTUAL PRACTICE

What is the “virtual” practice of law?

- Many lawyers who practice “virtually” are solo practitioners, but virtual practice also includes the “virtual law firm,” which may have lawyers and clients spread throughout the country and may be connected only via Internet and phone, with no firm “offices.”
 - Examples of firms: FisherBroyles, Rimon, Culhane Meadows, Potomac Law Group

ETHICS & VIRTUAL PRACTICE

Relevant Ethics and Related Rules

- The ethical landscape for virtual law offices is varied and changing. The New York State Bar Association did a “virtual” about-face in the space of a year, first saying that the ethics rules required dedicated space and then changing its position and saying that virtual offices comply with the ethics rules.
NYSBA Ops. 964 (2013) and 1025 (2014).

ETHICS & VIRTUAL PRACTICE

Relevant Ethics and Related Rules

- To date, the D.C. ethics authorities have not addressed the virtual practice of law in any of its forms. Neither has the ABA. *But see* https://www.americanbar.org/groups/law_practice/publications/techreport/ABATECHREPORT2018/2018VLP/ (annual “Thoughts on the State of Virtual Law Practice in connection with the ABA Legal Technology Survey Report”).

ETHICS & VIRTUAL PRACTICE

Relevant Ethics and Related Rules

- The Unauthorized Practice of Law (UPL). An office or a law firm may be “virtual,” but the lawyer is in a specific location. Must the lawyer be licensed to practice in the jurisdiction where the lawyer is physically located? Must the lawyer be licensed in the jurisdiction where the client and the client’s matter is located?

ETHICS & VIRTUAL PRACTICE

Relevant Ethics Rules

- UPL Rules. Vary by state. *See, e.g.*, Rules of the State of the Supreme Court of Virginia Part 6 *et seq*; Maryland Rules of Prof'l Conduct r. 19-305.5; District of Columbia Court of Appeals Rule 49.

ETHICS & VIRTUAL PRACTICE

Relevant Ethics Rules

- UPL Rules (and statutes) serve multiple purposes: to prevent the non-lawyer from practicing law anywhere and to prevent lawyers from practicing where they are not licensed or otherwise permitted to practice.

ETHICS & VIRTUAL PRACTICE

Relevant Ethics Rules

- Prohibitions in UPL rules typically focus on lawyers who have an “office” or a “systematic and continuous presence” in the jurisdiction or lawyers who “hold out to the public or otherwise represent that the lawyer is admitted to practice” in the jurisdiction. ABA Model Rule 5.5(b)(1)&(2).
 - “Presence may be systematic and continuous even if the lawyer is not physically present.” cmt. [4] to ABA Model Rule 5.5

ETHICS & VIRTUAL PRACTICE

What is the difference between virtual law practice and telecommuting?

- As noted earlier, virtual law practice can be entirely virtual, meaning it does not involve any physical space apart from a lawyer's computer.
- Telecommuting involves a lawyer with an office in one location but who works remotely from a different location.

ETHICS & VIRTUAL PRACTICE

Virtual practice where lawyer is not licensed

- In Feb. 2013, the ABA Commission on Ethics 20/20 recognized it is not always clear when virtual practice becomes “systematic and continuous” but determined it was best to address these issues in the future because the nature and technology of virtual law practice is evolving.
- Lawyers should be careful about representing clients virtually in a state in which they are not licensed. *See, e.g.,* Illinois State Bar Association Professional Conduct Advisory Opinion No. 12-09 (March 2012) (non-Illinois lawyer could not practice virtually in Illinois even if firm’s co-owner was licensed in Illinois and supervised non-Illinois lawyer).

ETHICS & VIRTUAL PRACTICE

Virtual practice where lawyer is licensed – while physically elsewhere

- Some states allow unlicensed lawyers to be present in those states as long as the clients they represent virtually are in states where the lawyer is licensed.
 - Virginia LEO 1856 (9/19/11) (lawyer physically present in Virginia does not violate Rule 5.5 when she limits her practice to federal law and law of states where she is licensed);
 - Arizona Rule 5.5(d) (“lawyer admitted in another United States jurisdiction . . . may provide legal services in Arizona that exclusively involve federal law, the law of another jurisdiction, or tribal law.”).

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ETHICS & VIRTUAL PRACTICE

Virtual practice where lawyer is licensed – while physically elsewhere

- Other states focus on physical presence and require a license to practice there. *See, e.g.*, Colorado R. Civ. P. 205.1 (lawyer domiciled in Colorado will not meet criteria for out-of-state attorney); Missouri Informal Opinion 20030078 (lawyer with an office in Missouri must be admitted in Missouri even if lawyer only advises as to the laws of a state to which the lawyer is admitted).

ETHICS & VIRTUAL PRACTICE

Telecommuting

- Lawyers who have an office in a jurisdiction can live elsewhere. Admission to practice cannot be restricted to state residents. *Supreme Court of New Hampshire v. Piper*, 470 U.S. 274 (1985); see also *Supreme Court of Virginia v. Friedman*, 487 U.S. 59 (1988).

ETHICS & VIRTUAL PRACTICE

Telecommuting

- Can a lawyer telecommute, that is, have an office in one jurisdiction but work regularly from another jurisdiction even when not admitted in the latter jurisdiction?
- Maybe. Maryland determined that if a lawyer has an office and is admitted to practice in the jurisdiction where the office is located, authority exists that says that the lawyer can work from home even if they are not admitted to practice in his/her “home” jurisdiction. *In re Application of Carlton*, 708 F. Supp. 2d 524 (D. Md. 2010).

ETHICS & VIRTUAL PRACTICE

Telecommuting

- Under *Carlton*, a telecommuting lawyer not admitted in her “home” jurisdiction cannot meet clients at their home, use their home address for correspondence, or advertise their home office in any way. The lawyer must have an office in the jurisdiction in which they are admitted and to which all correspondence is directed.

ETHICS & VIRTUAL PRACTICE

Telecommuting

- *Carlton* approved a scenario where the lawyer was admitted where she principally practiced but had a home office elsewhere. The converse scenario has been rejected. A lawyer who has his principal place of practice in a jurisdiction where he is not admitted engages in UPL even if the lawyer is admitted in the jurisdiction of his residence. *In re Zeno*, 850 F. Supp. 2d 546 (D. Md. 2011).

ETHICS & VIRTUAL PRACTICE

Telecommuting

- Some states, like Florida, may determine the *Carlton* scenario constitutes UPL.
- Under Florida Rule 4-5.5: “A lawyer who is not admitted to practice in Florida may not ... establish an office or other regular presence in Florida for the practice of law.” *See also Gould v. Harkness*, 470 F. Supp. 2d 1357, 1361 (S.D. Fla. 2006) (“it is problematic and UPL for Plaintiff to attempt to practice from a Florida office even though Plaintiff's advertisement specifies ‘New York Legal Matters Only’ and ‘M. Ronald Gould Licensed New York’”).

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ETHICS & VIRTUAL PRACTICE

Relevant Ethics Rules

- State UPL rules can be pre-empted with respect to practice before federal government agencies if the federal agency regulates the appearance and conduct of lawyers before it.
 - For example, a lawyer admitted to any state bar and registered to practice before the U.S. Patent and Trademark Office can practice before that Office from any state. *See Sperry v. Florida*, 373 U.S. 379 (1963) (ruling that Florida had no power to regulate conduct of a Florida-based patent agent registered to practice before the USPTO.)

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ETHICS & VIRTUAL PRACTICE

Relevant Ethics Rules

- The federal practice exemption does not apply to every type of federal practice and does not cover a lawyer whose practice includes a mix of federal and non-federal matters.
- For example, a New Jersey lawyer registered to practice before the USPTO cannot have an office in Maryland from which she handles state court cases.

ETHICS & VIRTUAL PRACTICE

Relevant Ethics Rules

- Other typical UPL exemptions: in-house counsel, pro hac vice admission, temporary and incidental practice; alternative dispute resolution proceedings; and association with local counsel. ABA Model Rule 5.5(c); D.C. Rule 49 (c)(6), (7), (12) and (13).

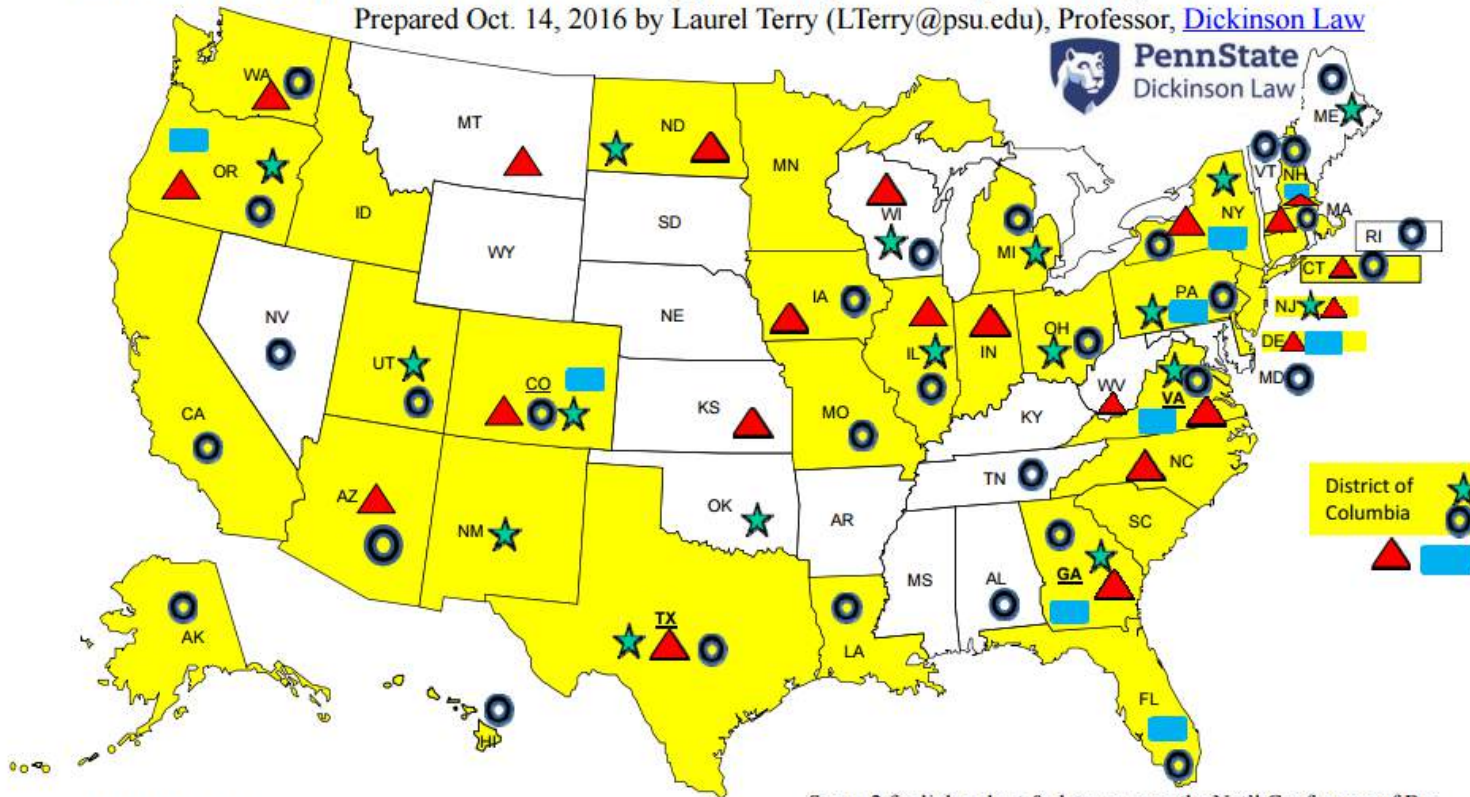
ETHICS & VIRTUAL PRACTICE

Relevant Ethics Rules

- See Jurisdictions with Rules Regarding Foreign Lawyer Practice (2016), http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/mjp_8_9_statuses_chart.authcheckdam.pdf (map of states with temporary practice, in-house, and pro hac vice exceptions).

Jurisdictions with Rules Regarding Foreign Lawyer Practice

Prepared Oct. 14, 2016 by Laurel Terry (LTerry@psu.edu), Professor, [Dickinson Law](#)



LEGEND (see back page for additional information)

See p. 2 for links, chart & data sources: the Nat'l Conference of Bar Examiners and the ABA Center for Professional Responsibility

- Yellow shading** = has a foreign legal consultant rule
- Blue square** = rule permits temporary practice by foreign lawyers (also known as FIFO or fly-in, fly-out)
- Green star** = rule permits foreign pro hac vice admission
- Red triangle** = rule permits foreign in-house counsel
- Blue circle** = has had at least one foreign-educated applicant sit for a bar exam between 2010 and 2014.

ETHICS & VIRTUAL PRACTICE

Relevant Ethics Rules

- Assisting in the Unauthorized Practice of Law. ABA Model Rule 5.5(a) and D.C. Rule 5.5(b) both prohibit lawyers from assisting another lawyer in the unauthorized practice of law. If your colleague is violating the UPL Rules, then you may be violating the Rules of Professional Conduct by working with her.

ETHICS & VIRTUAL PRACTICE

Relevant Ethics Rules

- Competence and Communication under Rules 1.1 and 1.4. A virtual law practice that depends solely on the Internet for client communication creates unique challenges for the lawyer in determining whether the matter can be handled competently and in ensuring that there is adequate communication with the client.

CA Formal Op. 2012-184, 2012 WL 3182985; CA. Eth. Op. 2010-0003, 2010 WL 8435841.

ETHICS & VIRTUAL PRACTICE

Relevant Ethics Rules

- Confidentiality under Rule 1.6. A virtual law practice that depends solely on the Internet for client communication and uses cloud storage for client documents and files may require “specific due diligence” obligations on the lawyer with respect to confidentiality.
CA. Eth. Op. 2012-184, 2012 WL 3182985.

ETHICS & VIRTUAL PRACTICE

Relevant Ethics Rules

- Duty of Supervision. ABA Model and D.C. Rules 5.1 and 5.3 require lawyers to exercise supervisory authority over subordinate (5.1) lawyers and non-legal personnel (5.3) to ensure that these individuals comply with the applicable ethics rules in their work. See NY City Bar Formal Op. 2019-2; CA. Eth. Op. 2012-184, 2012 WL 3182985.

ETHICS & VIRTUAL PRACTICE

Relevant Ethics Rules

- Rule 7.1: Misleading Statements Regarding Virtual Law Practices. A lawyer may not be able to advertise an “office” when the office is purely virtual or simply is a mailbox address. *See In re Sriskandarajah*, 2012 WL 3783101 (Va. Disc. Op. 2012) (ruled it is misleading to advertise six Virginia law offices when all but one were simply unstaffed locations for meetings.). *But see* NY City Bar Formal Op. 2019-2 (“New York lawyer may use the street address of a virtual law office (‘VLO’) located in New York as the lawyer’s ‘principal law office address’” for advertising principal law office).

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ETHICS & VIRTUAL PRACTICE

Is a traditional “brick and mortar” law office still required?

- A lawyer can use a mailbox service as an address but must disclose the general location where a client’s legal services are being performed. Pa. Eth. Op. 2010-200, 2010 WL 11221119.
- An Internet address is sufficient (for ethics purposes). NYSBA Op. 1025 (2014); *see also* Washington State Bar Op. 201601 (2016)(physical office not required); Ohio Board of Prof. Conduct 2017-05 (lawyers must include an address in communications but such address can be shared space or P.O. box).

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ETHICS & VIRTUAL PRACTICE

Is a traditional “brick and mortar” law office still required?

- Shared, use-as-needed space is enough. New York City Bar Association 2014-2 (hardly a surprising conclusion given the New York City Bar Association’s program to offer its own facilities as shared space for lawyers).

ETHICS & VIRTUAL PRACTICE

Is a traditional “brick and mortar” law office still required?

- Note that NY Judiciary Law § 470 may still require NY lawyers who reside in another state to have a dedicated, non-virtual, New York office in order to practice law in New York, even on an occasional basis. *Schoenefeld v. Schneiderman*, 821 F.3d 273 (2d. Cir. 2016); *Schoenefeld v. State*, 25 N.Y.3d 22 (2015).

ETHICS & VIRTUAL PRACTICE

Is a traditional “brick and mortar” law office still required?

- A lawyer can have a virtual law office that communicates with clients simply via the Internet. CA. Ethics Op. 2012-184 (2012).
- New Jersey Rule 1:21-1, as amended in 2013, approved the use of shared, use-as-needed space but not simply an Internet address.

ETHICS & VIRTUAL PRACTICE

Is a traditional “brick and mortar” law office still required?

- In North Carolina, shared space can be sufficient “when the lawyer actually lives in the community associated with the leased address and uses the leased office to meet with clients on a regular basis.” 2012 NC Formal Ethics Op. 6.

ETHICS & VIRTUAL PRACTICE

Is a traditional “brick and mortar” law office still required?

- Delaware Supreme Court Rule 12 requires Delaware attorneys to maintain a “bona fide” office. Sporadically used shared space did **not** meet this requirement.
In re Fred Barakat, No. 397, 2013 (Del. Dec. 11, 2013).

ETHICS & VIRTUAL PRACTICE

Is a traditional “brick and mortar” law office still required?

- Is it misleading to say that the lawyer has a law office where the space is shared, non-exclusive space?
- It depends. Under Va. LEO 1872 (2013), which uses a Rule 7.1 analysis. The answer may depend on how often the lawyer uses the space, whether non-lawyers also use the space, or whether there is signage indicating use as a law office. Under NY City Bar Formal Op. 2019-2, it is not misleading to designate street address of VLO as principal law office for purpose of Rule 7.1.

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ETHICS & VIRTUAL PRACTICE

The virtual law firm

- What is a virtual law firm? A law firm where the lawyers are only connected to lawyers in the firm, and with clients, virtually through the Internet.
- Note: some law firms are hybrids with lawyers usually connected only virtually with colleagues and clients, but the firm has a physical office (either a dedicated office or shared space).

ETHICS & VIRTUAL PRACTICE

The virtual law firm

- Benefits:
 - Easy access to other partners
 - Efficient – typically no junior associates
 - No overhead, so can charge lower rates

- Detriments:
 - No/less IT support
 - No/less marketing support
 - No/less accounting support

ETHICS & VIRTUAL PRACTICE

The virtual law firm

- Example 1: Rimon



Rimon is a highly selective entrepreneurial firm that combines the dynamic client service, teamwork and agility of a high-end boutique law firm with the deep multidisciplinary experience of a large global firm. Our clients consistently receive exceptional representation across our 17 locations, from our all-star team of corporate, litigation, tax, intellectual property, and private client attorneys.



★ All-Star Team

Rimon's attorneys were meticulously drawn from the top ranks of premier law firms, international corporations, and academia. They hold JDs, PhDs, LL.Ms, and MBAs from the best universities in the United States and abroad. They have worked on multi-billion dollar deals and have argued (and won) in front of the Supreme Court of the United States. Their team approach, experience and education ensure our clients receive effective and comprehensive counsel.

Community and Collaboration

We realized early on that even in the Digital Age, attorneys are still human. Community and informal interaction are key to a positive work environment, to innovation, and to preservation of the one great strength of a law firm — the ability to work with your colleagues and to learn from them.

For this reason, we decided to have small-scale brick-and-mortar offices, placed in strategic areas close to clusters of our attorneys and clients. They serve as bases for our attorneys to meet clients, to meet with each other, and to just hang out.

Rimon's partners meet twice a month at our corporate office in San Francisco (in person, by video, or by teleconference) to discuss deals we are working on, and to brainstorm on ways to better serve our clients. These sessions allow us to bring the expertise of the cross-section of practice areas to every deal, giving our attorneys a more holistic approach to their representations. It also allows our attorneys to know each other personally. This personal interaction is key to a collegial work place where attorneys know they can trust the work of their colleagues. This not only makes our attorneys happier people, it exponentially increases collaboration between attorneys.

ETHICS & VIRTUAL PRACTICE

The virtual law firm

- Example 1: Rimon



	
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ETHICS & VIRTUAL PRACTICE

The virtual law firm


- Example 2: Culhane Meadows



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- > New York
- > Washington, DC

Atlanta




Atlanta, Georgia

Toll-Free 1-844-CULHANE

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ETHICS & VIRTUAL PRACTICE

The virtual law firm

■ Example 2: Culhane Meadows



The Beginning

Culhane Meadows was initially launched by four attorneys who assembled a team of dedicated and passionate business-oriented lawyers who previously worked together at several large national firms—in some cases for over 15 years. Our founders were compelled to form Culhane Meadows based on their **core values** and strategic vision to facilitate a team-oriented approach for delivering legal services and serving clients—while eliminating the high overhead and inefficiencies of traditional law firms. The result is a national law firm that is truly disrupting the legal marketplace and changing the way legal services are provided.

Workplace Diversity and Equality

As part of our commitment to recruiting and retaining the best lawyers in America, regardless of their gender, race, orientation or personal background, we've adopted a 100% objective and transparent

compensation system where every lawyer is fairly rewarded based entirely on their own individual merit. In fact, Culhane Meadows is the largest women-owned national full service law firm in the U.S. and is certified as a Women's Business Enterprise (WBE) by the Women's Business Enterprise National Council (WBENC).



We have also been named among the Best Law Firms for Women by *Working Mother* magazine.



Culhane Meadows is an active member of NAMWOLF (the National Association of Minority and Women Owned Law Firms).

Selection for membership is highly competitive and only preeminent law firms with the highest qualifications are accepted as member-firms to this respected organization.

ETHICS & VIRTUAL PRACTICE

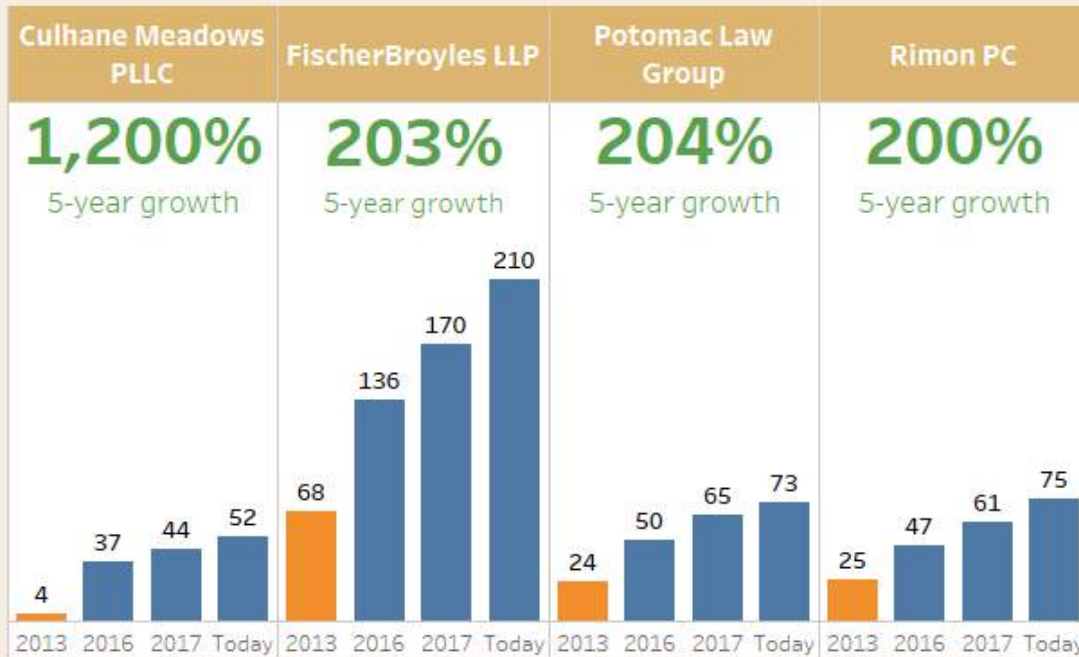
The virtual law firm

- Virtual law firms are here to stay. Most ethics authorities addressing such firms have stopped short of saying such arrangements are per se unethical. NC State Bar 2005 Formal Ethics Op. 10; Pa. Eth. Op. 2010-200; Ca. State Eth. Op. 2012-184; Va. LEO 1872; Wa. State Bar Ass'n Advisory Op. 201601; Ohio Eth. Op. 2017-5.

ETHICS & VIRTUAL PRACTICE

Ample Head Count Growth At 4 Virtual Law Firms

These four cloud-based law firms have experienced growth far exceeding that of the 400 largest U.S. law firms by domestic head count, which on average experienced between 1 and 2 percent increases in head count each year over the past five years.



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ETHICS & VIRTUAL PRACTICE

The virtual law firm

- Virtual law firms may have additional duties or obligations because of the limited nature of their contacts with clients and among themselves.
 - Competence
 - Communication
 - Technology
 - Supervision

ETHICS & VIRTUAL PRACTICE

The virtual law firm

- Virtual law firms must take steps to verify client identity and the authority of the individual corresponding with the firm to speak for the client. Ca. Ethics Op. 2012-184; Ohio Eth. Op. 2017-5.
- Virtual law firms that communicate only via email may have an obligation to determine that a client is not suffering from diminished capacity. Pa. Eth. Op. 2010-200.

ETHICS & VIRTUAL PRACTICE

The virtual law firm

- Virtual law firms are handicapped as compared to traditional firms in client communications and must take steps to ensure that clients are informed and can adequately discuss their matters. This obligation includes measures to ensure that the client has sufficient technical competence and resources to communicate adequately. Pa. Eth. Op. 2010-200.

ETHICS & VIRTUAL PRACTICE

The virtual law firm

- Virtual law firms can have UPL issues. The Minnesota Supreme Court sanctioned a Colorado lawyer who attempted to help his in-laws in Minnesota with a Minnesota debt collection matter for the unauthorized practice of law. *In re Charges of Unprofessional Conduct*, No. A15-2078 (Minn., Aug. 31, 2016).

ETHICS & VIRTUAL PRACTICE

The virtual law firm

- A lawyer not admitted in Illinois cannot practice primarily in Illinois virtually or otherwise. Illinois State Bar Association Op. No. 12-09.
- A lawyer not admitted in Delaware cannot primarily practice in Delaware from an out of state location. *In re Tonwe*, 929 A.2d 774 (Del. 2007).

ETHICS & VIRTUAL PRACTICE

The virtual law firm

- As with any firm that uses vendor-based IT services, the systems and vendors must be selected and monitored to protect client confidences. Virtual law firms have the same obligations with respect to care in the use of cloud-based storage and computing as traditional law firms. VA. LEO 1872; Pa Ethics Op. 2010-200.

ETHICS & VIRTUAL PRACTICE

The virtual law firm

- Compliance with the requirement of supervision of subordinate lawyers and staff is particularly challenging in the virtual law firm environment. Supervisory lawyers must take such steps as necessary to overcome the handicaps of the virtual law firm environment with respect to supervision of subordinates. VA. LEO 1872; CA. Eth. Op. 2012-184.

ETHICS & VIRTUAL PRACTICE

Review

- Virtual practice comes in various forms and each needs to be addressed on its own facts.
- Virtual practice raises ethics issues and obligations that may be unique, at least to a degree.

ETHICS & VIRTUAL PRACTICE

Review

- Telecommuting is a form of virtual practice that has not often been addressed by the ethics authorities, but that has been approved in certain circumstances.
- The dedicated space vs. shared space issue is very much a state-by-state question.

ETHICS & VIRTUAL PRACTICE

Review

- The virtual law firm has been approved in principle, subject to various caveats in the few jurisdictions that have squarely addressed the issue. But even in those jurisdictions, there are significant ethical challenges.

ETHICS & VIRTUAL PRACTICE

Review

- In reality, virtual law practice in all of its forms and is here to stay. While tomorrow may bring a new opinion or a new ruling that may change or shape the ethical landscape, the days of requiring all lawyers to sit in dedicated offices are over.

HYPOTHETICAL 1*

- You have practiced for a number of years in Pennsylvania (where you are licensed), and primarily handle trust and estate matters. With the recent economic downturn, you have tried to expand your client base. Thanks to your good reputation and "word of mouth" from satisfied clients, you have begun to attract a number of clients who live in Delaware -- where you are not licensed. You communicate electronically and by telephone with these clients, and carefully avoid traveling into Delaware to meet with any of the clients. May you continue to represent Delaware trust and estate clients as long as you avoid spending any time in Delaware providing those services?

- *Hypothetical from UPL, MDP and MPJ (Defining What Lawyers Do and Where They Can Do It): Part II (11/3/16)

HYPOTHETICAL 2*

- Your largest client (a company headquartered across the street from your law firm) just asked you to represent it in a major acquisition. The work will involve extended negotiations in the other side's offices -- located in a state where you are not licensed. May you represent your client in negotiating a transaction in a state where you are not licensed?

- *Hypothetical from UPL, MDP and MPJ (Defining What Lawyers Do and Where They Can Do It): Part II (11/3/16)

HYPOTHETICAL 3*

- Your landlord just terminated your lease, so you are looking for new office space. You have always lived near the border of two states, and are used to crossing the border on a nearly daily basis as you shop, try new restaurants, etc. You are licensed only in the state where you live -- focusing your practice on elder-law issues. You just read about a small office that would be perfect for your practice. It is actually closer to your home than your current office, and just a few minutes away from a large retirement community. However, the office is in the neighboring state, where you are not licensed to practice law.
- (a) May you continuously practice in the neighboring state, as long as you very carefully explain in all of your marketing materials and to your clients that you are not licensed there?

- *Hypothetical from UPL, MDP and MPJ (Defining What Lawyers Do and Where They Can Do It): Part II (11/3/16)

HYPOTHETICAL 3 CONT'D*

- (b) May you continuously practice in the neighboring state, as long as you follow the step discussed above, and also work under the direct supervision of a partner who is licensed in that neighboring state?

- *Hypothetical from UPL, MDP and MPJ (Defining What Lawyers Do and Where They Can Do It): Part II (11/3/16)

HYPOTHETICAL 3 CONT'D*

- (c) May you continuously practice in the neighboring state, as long as you follow the steps discussed above, and also limit your practice to the law of the state where you are licensed to practice?

- *Hypothetical from UPL, MDP and MPJ (Defining What Lawyers Do and Where They Can Do It): Part II (11/3/16)

HYPOTHETICAL 4*

- You started practicing in Minnesota immediately after graduating from law school two years ago, but now have the opportunity to join a firm in another state. You are not able to waive into that state's bar, and for obvious reasons would like to avoid taking another bar exam. You decided from the beginning to limit your practice to trust and estate matters, usually involving federal tax issues. You wonder whether you can avoid taking the bar exam in your new state if you limit your practice even further -- working only on matters before the U.S. Tax Court in Washington, D.C. May you continuously practice in a state if you limit your work to matters before a federal agency or specialized tribunal?

- *Hypothetical from UPL, MDP and MPJ (Defining What Lawyers Do and Where They Can Do It): Part II (11/3/16)

HYPOTHETICAL 5*

- You have practiced for about 35 years in a Midwestern state, but have spent an increasing amount of time each winter in a southern state with a friendlier winter climate. You realize that you cannot simply "hang out a shingle" in the southern state, but you wonder if you can stay busy (and earn some money) during the winter months by working part time as a paralegal at a law firm around the corner from your condominium. Without violating the southern state's unauthorized practice of law rules, may you act as a paralegal in that state?

- *Hypothetical from UPL, MDP and MPJ (Defining What Lawyers Do and Where They Can Do It): Part II (11/3/16)

ETHICS & VIRTUAL PRACTICE

THANK YOU!

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