

Utah Bar Coronavirus Response: Ethical Considerations during a Coronavirus (COVID-19) outbreak

Stay informed about the most recent public health updates and how they affect you

Attorneys and citizens alike are encouraged to stay up to date on the most recent health information relating to the Coronavirus (COVID-19) outbreak. Attorneys must be especially mindful, as they are entrusted with providing competent and diligent information to their clients under Rules 1.1 and 1.3 of the Rules of Professional Conduct (RPC).

- For the most up-to-date public health information, consult the [Utah Department of Health](#), with directives gathered from the [Centers for Disease Control and Prevention](#) and the [World Health Organization](#).
- Review the updates set forth by the [Utah State Courts](#), which maintains current information on court business and impacted operations during the outbreak. The Utah District Court also has a [COVID-19 Response Plan](#). Attorneys are encouraged to also seek out relevant information regarding any other jurisdictions in which they may appear.

Attorneys concerned about their risk of exposure should follow the aforementioned public health resources' guidelines for avoiding risks of exposure based on [various risk factors](#) (including age, travel, and underlying health conditions), and are encouraged to consult with their health provider in a manner appropriate under the circumstances.

Keep clients informed about your own health, how it may affect their case, and the measures your firm will take in the event you are unable to continue representation

Under RPC 1.4, attorneys have a duty to keep clients reasonably informed about the status of their case, and explain matters to the extent reasonably necessary to permit a client to make an informed decision regarding the representation. RPC 1.4. This includes whether personal health decisions may impact the nature of your client's case and the extent to which your firm is developing policy to address the outbreak.

Attorneys should be mindful of whether they can continue to provide competent, diligent representation to their clients due to their specific health circumstances. RPC 1.1; 1.3. If a client might be harmed by delay or an attorney will be unable to adequately prepare for matters, then a withdrawal will be necessary. RPC 1.16(a)(1). This duty of diligent representation also includes timely notifying the client, opposing party, and the court of the withdrawal.

An attorney can also opt to have another attorney at their firm handle the case, so long as the client gives informed consent to the change in representation. Upon withdrawal, RPC 1.16(d) requires that the lawyer take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fees or expenses that have not been earned or incurred. If a matter is pending before a court, check court rules to see if court permission or notice is required. Lastly, attorneys should be mindful to comply with any court rules, as required by RPC 1.16(c).

How to prepare your firm for the possibility of illness or self-quarantine

Consult the Center for Disease Control and Prevention's [Interim Guidance for Businesses and Employers](#), for guidance on how to address the needs of your firm and its employees during the outbreak and in case of sudden illness.

Firms are encouraged to have a contingency plan in place in the event an attorney becomes unavailable. For small firms and solo practitioners, this is especially important. Under the RPC, a lawyer's duty of competent representation includes arranging to safeguard clients' interests in the event of the lawyer's impairment, incapacity or death.

For additional insights regarding how to protect your clients and your business during a disaster, see the 2017 Bar Journal article [Can your Practice Survive a Disaster?](#) for guidance.

Utah lawyers seeking prospective legal ethics guidance regarding their own conduct may contact the Utah State Bar's Ethics Hotline at EthicsHotLine@utahbar.org.