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# The Resource Page

## ABA ETHICS OPINION REGARDING WORKING REMOTELY DURING PANDEMIC

In the age of Zoom, everything seems to be “virtual,” no matter where you are. But what about rules of professional conduct that prohibit lawyers from practicing law in jurisdictions in which they are not licensed? Those who went to second homes in other states during the pandemic, or took extended time with family, or just changed locations for awhile to get away from big cities, all want to know if they are violating the rules. Does a Zoom meeting count as “practice” if a lawyer is licensed only in Illinois, for example, but is staying in Florida? ABA Model Rule of Professional Conduct 5 (a) and (b) prohibits practice in jurisdictions where one is not licensed, and prohibits lawyers from having “an office or other systematic and continuous presence” or “holding out to the public or otherwise represent that the lawyer is admitted to practice” in such jurisdictions. On December 16, 2020, the ABA issued Formal Opinion 495 to address this growing question. Deferring to individual states’ definitions of “practice,” the opinion nevertheless clarifies that a locally non-licensed attorney can practice the law for which he/she is licensed, and for clients from that licensed jurisdiction, as long as it is not otherwise prohibited by the local non-licensed jurisdiction.

*“Lawyers may remotely practice the law of the jurisdictions in which they are licensed while physically present in a jurisdiction in which they are not admitted if the local jurisdiction has not determined that the conduct is the unlicensed or unauthorized practice of law and if they do not hold themselves out as being licensed to practice in the local jurisdiction, do not advertise or otherwise hold out as having an office in the local jurisdiction, and do not provide or offer to provide legal services in the local jurisdiction.”*

So make sure you stay invisible when Zooming from an out-of-state location. [https://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/aba-formal-opinion-495.pdf](https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/aba-formal-opinion-495.pdf)

## GROWING DEMAND FOR CIVICS EDUCATION

Across the nation, there is an unsettling feeling about our lack of knowledge about our American history, government, and legal system. A 2019 survey found only 39% of U.S. adults could identify our three branches of government. The National Center for State Courts (NCSC) produces an annual publication, *Trends in the State Courts*, that keeps track of what courts are doing to handle challenges and improve the system. Supplementing that effort is NCSC’s “Trend: Up Front” newsletters that focus on a single topic and detail more resources. The February 2020 version spells out how to get great materials regarding civics education. It outlines Chief John Roberts’s call for the judiciary to take a leading role in this effort. In addition, it directs readers to a list of places and links to gather helpful tools to use in one’s own community, including a directory of civics education programs in each state, videos to instruct youth, and more. Getting the right information is facing an uncertain future these days. This newsletter, and other NCSC products, can help courts who want to participate in improving public understanding of our country.

[https://www.ncsc.org/\\_\\_data/assets/pdf\\_file/0026/25685/feb-2020-qrcodes-without-answers.pdf](https://www.ncsc.org/__data/assets/pdf_file/0026/25685/feb-2020-qrcodes-without-answers.pdf)

## JURY TRIALS DURING COVID-19

Like everyone, judges have been directly affected by Covid-19, including how we run our courts, how we handle hearings, and how we determine our rulings. Courts everywhere have been adapting all year to the reality of an altered universe. ThemeVision LLC is a private jury-consulting company that advises lawyers about their cases. It provides regular advice and information to the public about a variety of topics related to the legal system. One article reviews the various options for handling jury trials during the pandemic, including a link to showing how a Texas court conducted an entirely remote jury trial. Last summer, the *Arkansas Lawyer* periodical published a very worthy article by a law firm partner that serves as a handy and prudent guidebook for jury trials and Covid-19. These concerns will take years

to resolve, it seems. If you want to stay on top of all the considerations and best practices, consider these avenues to find out.

<https://themevision.com/2020/07/21/jury-trials-in-the-covid-19-era/>

[http://www.qgtlaw.com/wp-content/uploads/2020/08/Lawyer\\_Summer\\_2020\\_SWQ.pdf](http://www.qgtlaw.com/wp-content/uploads/2020/08/Lawyer_Summer_2020_SWQ.pdf)

## BEST LAPTOPS FOR LAWYERS 2021

We are all weary of seeing “Best” lists, especially at the end of a year. As the legal world becomes increasingly remote, and judges/lawyers work at home with all kinds of new gadgets, the laptop computer takes on even more significance than before. Techtrucks.com is one of many blogs that rates cyber products for different uses. At the beginning of this year, they listed their top 10 laptop computers for lawyers. The list is in order, and the accompanying narratives offer exceptional information about size, speed, battery life, and other features with an eye toward lawyering. If you are grasping the new normal of 2021, and need to improve your remote capabilities, it would be very helpful to check out the list and read the descriptions. One does not need to be a computer aficionado to benefit.

<https://tecktrucks.com/best-laptops-for-lawyers/>

## COVID-19 AND STATE COURTS

**The National Center for State Courts is collecting information on a variety of ways that COVID-19 has impacted the courts. Just go to <https://www.ncsc.org/> and you will see, among other things, links to State Court COVID-19 websites and information on how states are dealing with jury trials and in-person proceedings.**