

How Your New Year's Resolution Can Impact Your License to Practice Law

BY KIRALYN LOCKE AND JESSICA KLANDER

10... 9... 8... 7... 6... 5... 4... 3... 2... 1... Happy New Year!

As we enter 2024, lawyers and laypeople alike are making their New Year's resolutions. What is a basketball player's New Year's resolution? To travel less. What is Dr. Frankenstein's New Year's resolution? To make new friends.

What is a lawyer's New Year's resolution? [Cue the heartless lawyer jokes.] Ultimately, *it depends*. Every lawyer is different, and we all have different goals and aspirations. But a lawyer's New Year's resolution does present an opportunity to reflect on your own practice and implement measures to protect yourself and better represent your clients. Read on to learn a few New Year's resolutions that can be easily adopted into your practice and have a positive impact on your legal practice.

GET YOURSELF ORGANIZED

Many New Year's resolutions relate to organization. Whether this means meal prepping, making a chore chart, or closet cleanouts, resolutions based on organization are a great way to

keep your life in order. It is also a great way to decrease malpractice and ethical risks in your practice.

Rule 1.4(a) of the Minnesota Rules of Professional Conduct requires attorneys keep their client reasonably informed about the status of their matter and promptly comply with reasonable requests for information (among other things). If you are unorganized, you may run into issues with Rule 1.4.

Let's imagine your client has sent you an email inquiring about the status of their case. Unfortunately, your email inbox is an unorganized mess, and their email gets lost in the chaos. This happens one more time. Maybe two more times. With every missed email, your risk of violating the Rules of Professional Conduct steadily increases.


Start the New Year by organizing your inbox. Create email "folders" for each of your client matters, institute automated processes that direct the flow of email into previously defined paths. Create internal policies setting response-time expectations and schedule dedicated time each day to attend to your inbox. Implemen-

ting simple measures like this (that eventually become habit), will help keep your email inbox clean and allow you to prioritize your tasks in an organized manner. Don't let your inbox become the receptacle for every email you've ever received.

Organization is not only crucial for your email inbox, but also for your calendar. Rule 1.3 of the Minnesota Rules of Professional Conduct requires lawyers to act with reasonable diligence and promptness in representing a client. Failing to appear for a hearing or missing a filing deadline significantly increases the risks of malpractice and ethical violations.

An organized calendar is critical to every attorney and is one way to mitigate potential ethical pitfalls. Make sure you have robust processes in place for scheduling hearing dates and filing deadlines on your calendar which include backups, fail-safes, and plenty of reminders beforehand so you can begin preparations for whatever deadline is approaching.

Finally, take a look at your retainer agreements. Inaccurate and noncompliant retainer agreements are among the most common ethi-



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cal violations noted by the OLPR. A few of the most common missteps include inaccurate scope statements and incomplete or improper fee disclosures. Reviewing your retainer agreements is a relatively simple task that can decrease the risk of malpractice and ethical violations.

BRUSH UP ON YOUR TECH SKILLS

With each new year comes new technology. Last year popularized ChatGPT. Who knows what 2024 will bring. If your New Year's resolution is to stay up to date on technology, your law license will thank you.

Lawyers and law firms are ideal targets for cyberattacks. Lawyers possess valuable information, such as sensitive client information and confidential financial information. Under the Minnesota Rules of Pro-

fessional Conduct, lawyers are required to take competent and reasonable measures relating to their use and understanding of technology.

What can you do to comply with this requirement? You can take steps to become more knowledgeable on cybersecurity and data privacy. While that may sound intimidating, it doesn't have to be. You can start with the basics.

If you get an email from lawpartner420@hotmail.com asking you to email them a list of your clients, would you do it? If you answered "no," then great! You are minimally competent in cybersecurity and data privacy.

Unfortunately, phishing scams and cyberattacks are usually not that easy to spot. If your New Year's resolution is to be more tech-savvy, consider extending your resolution to your law practice, attending (or instituting) cybersecurity training, or retaining an outside consultant to assess your current measures and make recommendations to bolster your data security systems.

BE "HEALTHIER"

One of the most common New Year's resolutions (if not the most common New Year's resolution) relates to being "healthier." This could mean being more intentional about the foods you eat, exercising more, or finding a better work-life balance. While these are all great resolutions, they can actually help protect your license to practice law.

It is no secret that the legal field experiences a higher rate of depression,

substance abuse, and other mental health struggles. If these struggles impact your job and impact your ability to adequately represent your clients, you could be violating the Rules of Professional Responsibility. If you were not already convinced that your mental and physical health are important, perhaps the thought of losing your law license will scare you into taking your health more seriously.

It can be tough being a lawyer. This is a demanding and high-pressure job. By taking steps to nurture your mental and physical health, you are not only going to feel better, but you are likely going to be able to better represent your clients. For free and confidential help with addiction, mental health struggles, chronic stress or career related issues, Lawyers Concerned for Lawyers is a wonderful resource.

CONCLUSION

When making your New Year's resolution, do not be afraid to extend it into your legal life. By staying organized, increasing your technology skills, or being "healthier," you can better comply with the Rules of Professional Conduct.

We hope everyone has a safe and happy 2024. And if you are making a New Year's resolution, we hope it lasts longer than however long it took you to read this article. Happy New Year!



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