



ETHICAL LANDMINES IN LAWYERS' USE OF TECHNOLOGY





JAN L. JACOBOWITZ, ESQ.

PROFESSIONAL

THOUGHT LEADER

LECTURER

AUTHOR

SPEAKER | PRESENTER

AWARDS

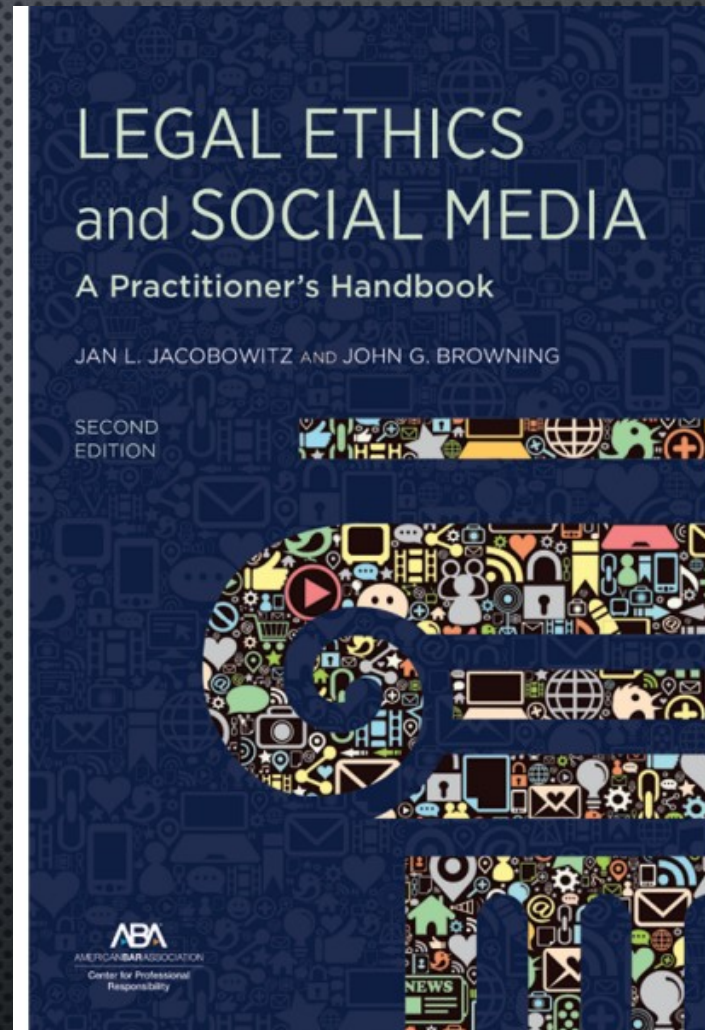
EDUCATION

Jan is a legal ethics consultant whose background as a litigator, in house counsel, and legal ethics scholar provide her with a unique perspective and skill set.

She's provided ethics opinions and litigation reports in many areas of legal ethics and risk management, including, but not limited to conflicts of interest, attorney fees, advertising, alternative business strategies, and UPL. Her qualifications include a special focus on technology and social media issues implicated in the practice of law.

Prior to devoting herself to legal education and legal ethics consulting, Jan practiced law for over twenty years. She began her career as a Legal Aid attorney in the District of Columbia; prosecuted Nazi war criminals at the Office of Special Investigations of the U.S. Department of Justice. She then practiced privately in general practice and commercial litigation firms in Washington and Miami.





[Legal Ethics and Social Media: A Practitioner's Handbook, Second Edition \(americanbar.org\)](http://americanbar.org)

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Negative Commentary—Negative Consequences Legal Ethics, Social Media, and The Impact of Explosive Commentary

Forthcoming, St Mary's Journal of Legal Malpractice and Ethics

Posted: 17 Mar 2021 • Last revised: 23 Aug 2021

In the Midst of Change, a Few Truths Remain—A Review of Trazenfeld and Jarvis's Florida In the Midst of Change, A Few Truths Remain—A Review of Trazenfeld and Jarvis' Florida Legal Malpractice Law

(Forthcoming) St Mary's Journal on Malpractice and Legal Ethics

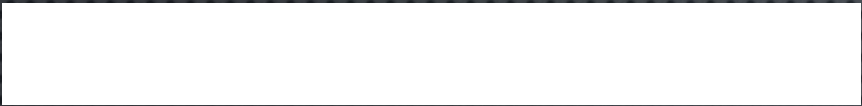
Face-Off on Facebook: Judges and Lawyers as Social Media 'Friends' in a Post-Herssein World

Florida Bar Journal, 2019

University of Miami Legal Studies Research Paper Forthcoming

Chaos or Continuity? The Legal Profession: From Antiquity to the Digital Age, the Pandemic, and Beyond

23 Vanderbilt Journal of Entertainment and Technology Law 279 (2021)





WHY

BRIAN TANNEBAUM?

A newspaper reporter once wrote that Brian Tannebaum is “the lawyer that lawyers go to when they find themselves in hot water.”

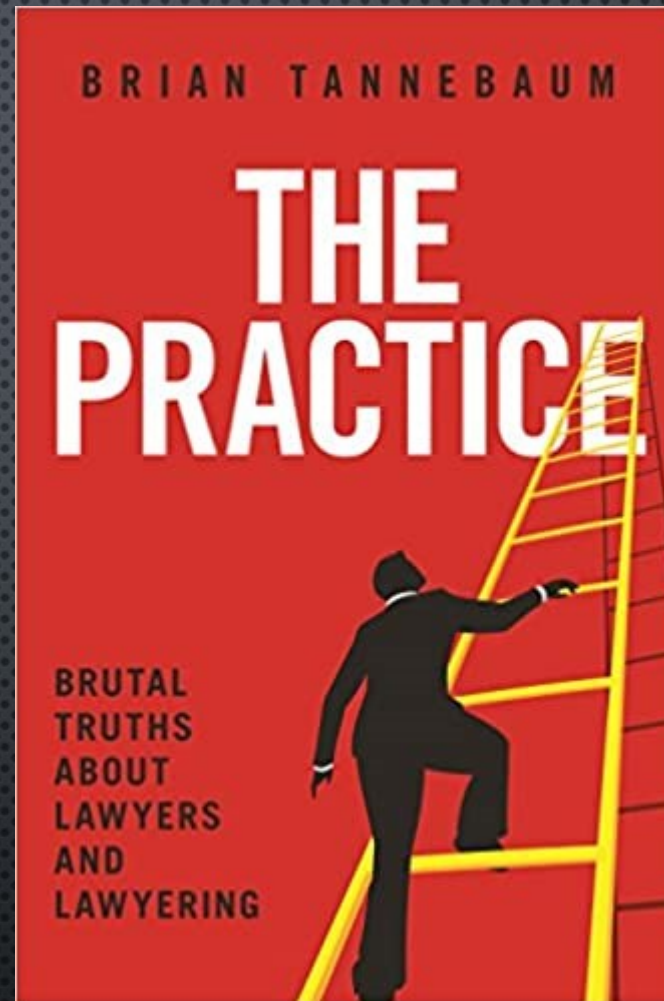
Brian’s criminal practice finds him defending misdemeanor and felony charges in state and federal courts, representing individuals and corporations in investigations and grand jury subpoenas. A former columnist for Above The Law, his professional ethics blog, mylawlicense.com was honored as one of the top 100 legal blogs by the ABA.



Brian Tannebaum represents law firms as well as future, current, and former lawyers and legal professionals in matters before the Florida Bar and Board of Bar Examiners and in civil and criminal courts.

Specific ethics matters include Bar Admission Hearings, Grievance Defense from the initial complaint to argument before the Florida Supreme Court, Reinstatement and Readmission matters, Sanctions Hearings, Legal Malpractice Defense, partnership disputes and dissolutions as well as ethics opinions. He has been counsel in over 50 Florida Bar matters at The Florida Supreme Court level and has been appointed in the Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida as a Special Master.

LAW





Forbes

LAW.COM

ABAJOURNAL

The Palm Beach Post

Bloomberg Law

VANTY FAIR

ABOVE THE LAW

THE DAYTONA BEACH
NEWS-JOURNAL

Tampa Bay Times



LAW

Moderator
Christopher Hopkins





TOPIC ONE



Most of us continue to work remotely (or travel) and use video platforms like Zoom or Teams.

What are the ethical issues?

What is ABA Opinion 498?

TOPIC TWO



The “main” computer at home for the family is also the work/office computer for the lawyer.

What are ethical issues?

TOPIC THREE



Working near a virtual assistant like Alexa or Home: we've heard the risks and even that some firms have created policies against these devices in the office or remote workspace.

What are the ethical and practical issues?

TOPIC FOUR



Many lawyers copy or blind copy their clients on emails which are sent to opposing counsel. Also, lawyers often receive emails which have unfamiliar emails addresses copied.

What are the ethics and practical issues here?

TOPIC FIVE



During a Zoom deposition, what instructions should I give my client about turning off other devices?

What are the ethical rules and practical guidelines for what is / what is not “coaching” on a Zoom deposition?

TOPIC SIX



Clients' Social Media accounts.

What are the current rules about:

- (a) telling a client to delete existing content,
- (b) change privacy settings to private, or
- (c) going forward, either don't post anything or post content which helps your case.

TOPIC SEVEN



Can the Florida Bar discipline me for content I post online which is not about my work or cases?

TOPIC EIGHT



I want to work remotely on my Florida cases while I'm in [state / country] for several months.

What are the ethical rules?

TOPIC NINE



There's a bad review online about me or someone just posted something on social media which is negative.

What can a Florida lawyer do?

TOPIC TEN



I want to use ChatGPT and other emerging AI websites in my law practice.

What are the ethical concerns?

Ethics Lyrics by “Nicki Minaj” (at least according to ChatSonic)



Listen up all you lawyers,
I got a message for ya
Before you use that tech,
you better learn it or the bar will warn ya
Disciplinary action, that's what you'll face
So listen to my words, and let me show you the right way

Jan, Brian, Christopher, they're the ones to follow
Ethical advice, they'll never lead you to sorrow
Learn about that tech, before you start to use it
Don't risk your career, just listen to my music

You gotta understand, the risks that come with tech
If you don't use it right, your clients will be wrecked
Data breaches, cyber attacks, they're all real
So heed my advice, and learn that tech appeal

Nicki Minaj, dropping knowledge for the lawyers
Learn about that tech, and avoid those major flaws
Jan, Brian, Christopher, they'll show you the way



jan@legalethicsadvisor.com

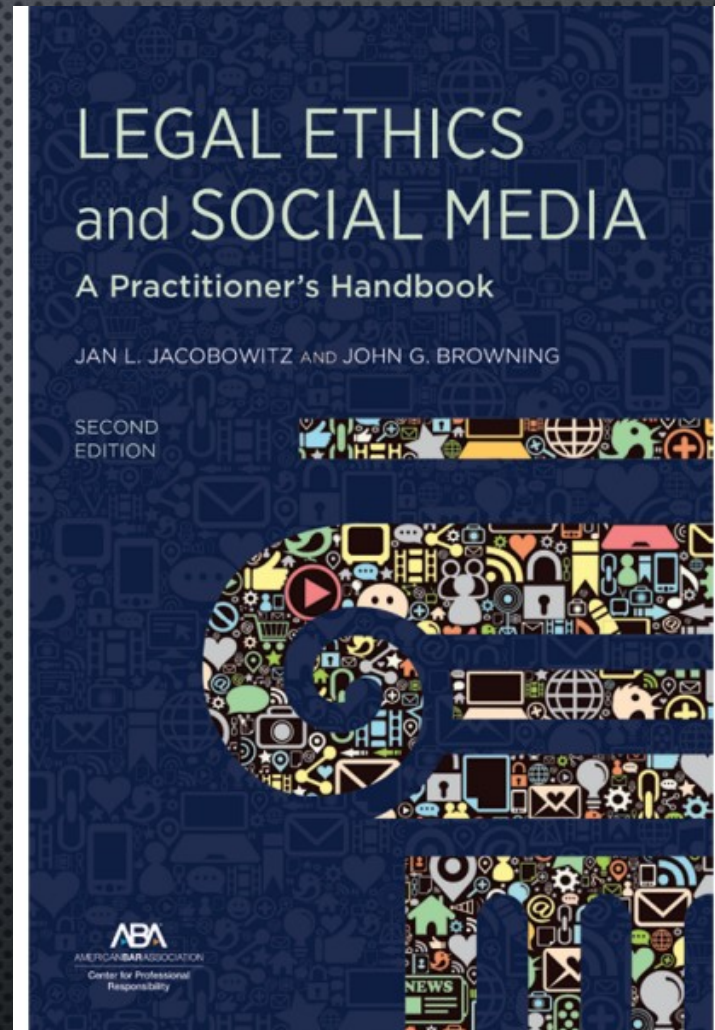
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Hyperlinks



[ABA Opinion 498](#)

[FL 10-2](#)

[Fla Bar News Should You Copy Your Client?](#)

[Misguided Practice of CC'ing Clients](#)

[Fla Bar Professionalism Expectation](#)

[Evolution of Discipline Cases and Court's Treatment of Professionalism](#)

[Florida Bar Social Media Pocket Guide \(2021\)](#)

[How Lawyers' Use of AI Could Implicate Rules of Prof Conduct](#)

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