



Technology & Bankruptcy Practice

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NOTICE: Unless otherwise stated, the following is not intended to advertise for or endorse any product but is simply a presentation of examples of technologies available for use. The presenters make no warranty of usability for any particular application or product.

Professional Guidelines

Rule 1.1 - Competence

- ▶ **A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.**
- ▶ ***Maintaining Competence (Comments)***
 - [6] To maintain the requisite knowledge and skill, a lawyer should engage in continuing study and education in the areas of practice in which the lawyer is engaged. **Attention should be paid to the benefits and risks associated with relevant technology.**

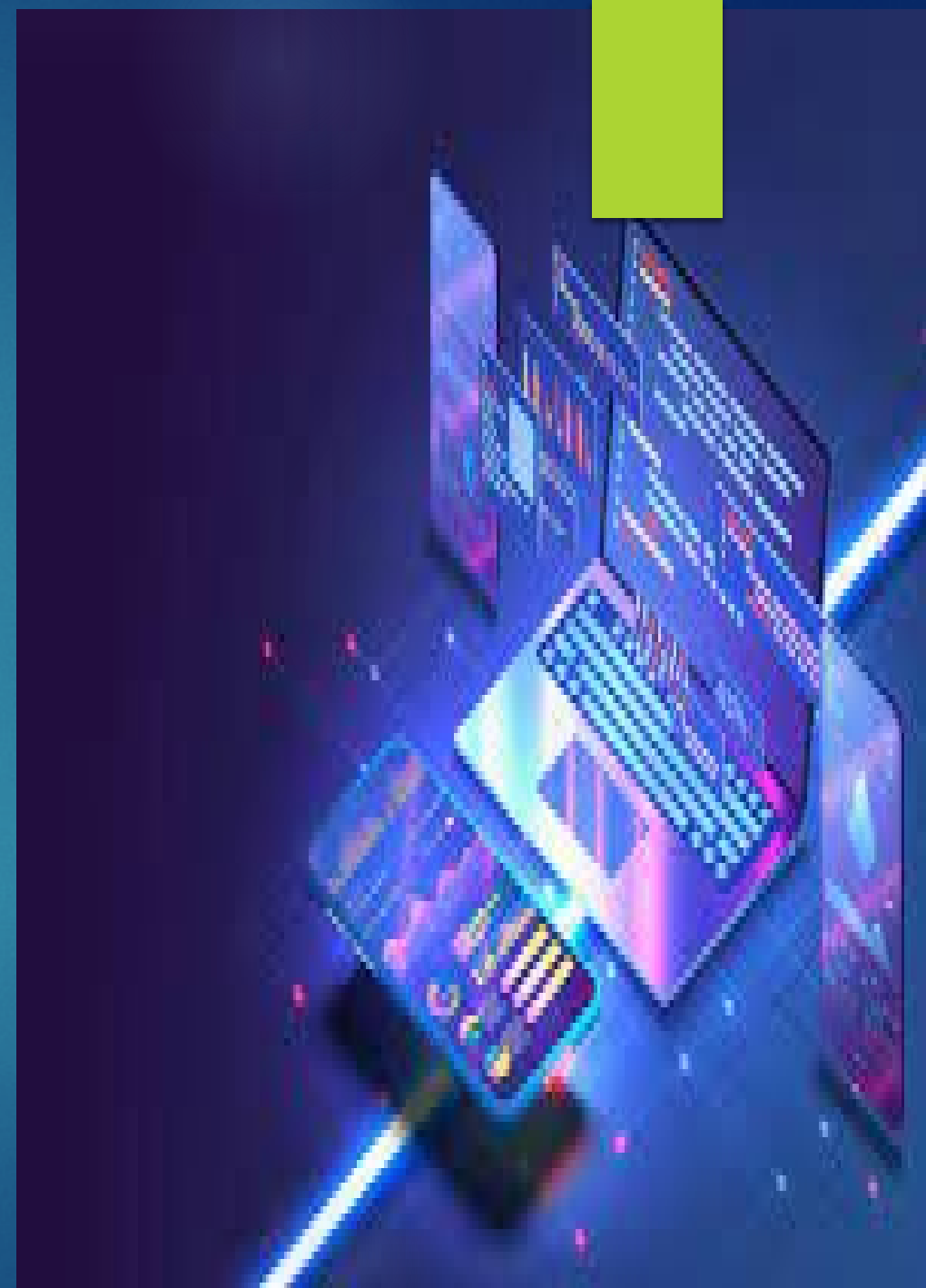
Why use advanced technology?

- ▶ Eases the practice of law through accessibility, speed, and efficiency
 - ▶ e.g., cloud computing, time keeping, tasking, research and writing, document libraries, and bookkeeping
- ▶ Creates synergy between lawyers and clients
 - ▶ Faster alternative forms of communications
 - ▶ Electronic document signing
 - ▶ Efficient receipt of requested documents
 - ▶ Online billing
 - ▶ Interpersonal communications, besides in-office meetings
- ▶ Collaboration between lawyers regardless of geographic location
- ▶ Many office applications integrate with mobile apps



Technology Application Types Needed In 2022 & Beyond

1. Law Firm Practice Management
2. Document Preparation & Management
3. Task Management
4. Video Conferencing
5. Calendaring
6. Accounting & Billing
7. Client Management
8. Docketing
9. Communications
10. Timekeeping & Time Records



Common Technology Uses



Office Applications



Research



Office Management



Marketing



Communications





Office Applications



Fast. Simple. Flexible. Secure.





www.ch13wdva.com



www.cvillech13.net



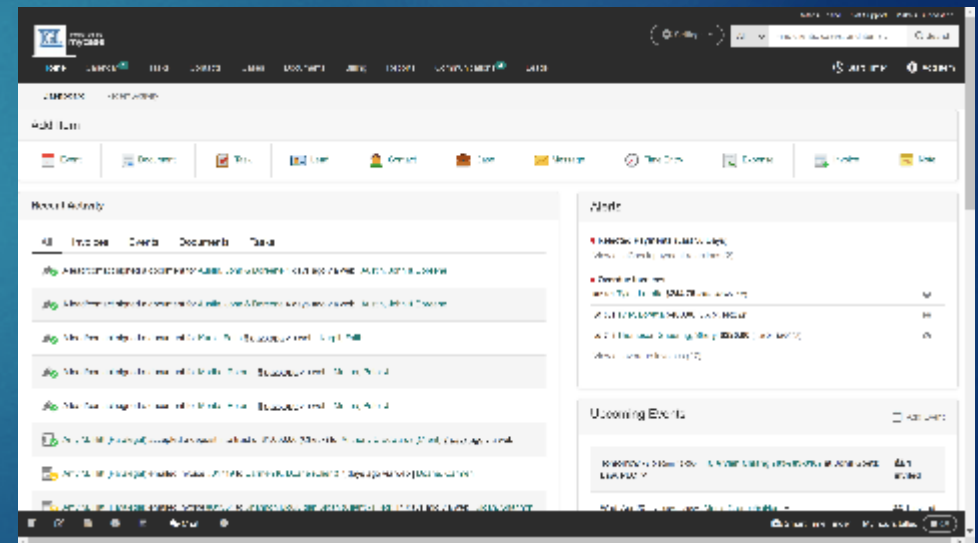
Research





Court Notices

Office Management



Online Marketing



- ▶ Section 101(12A) defines the term debt relief agency to be any person who provides any **bankruptcy assistance** to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110. Persons who fail to disclose this status are subject to penalties that could include payment of damages and attorney fees.
- ▶ In Milavetz vs United States, the Supreme Court of the United States was asked to decide whether **bankruptcy lawyers** had to comply with the requirement to call themselves a debt relief agency. The Court ruled in a unanimous 9-0 decision that the debt relief agency provisions of the bankruptcy reform act applied to lawyers.
- ▶ 11 U.S.C. Sec. 528(b)
 - ▶ (1)An advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public includes—
 - ▶ (A)descriptions of bankruptcy assistance in connection with a chapter 13 plan whether or not chapter 13 is specifically mentioned in such advertisement; and
 - ▶ (B)statements such as “federally supervised repayment plan” or “Federal debt restructuring help” or other similar statements that could lead a reasonable consumer to believe that debt counseling was being offered when in fact the services were directed to providing bankruptcy assistance with a chapter 13 plan or other form of bankruptcy relief under this title.
 - ▶ (2)An advertisement, directed to the general public, indicating that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt shall—
 - ▶ (A)disclose clearly and conspicuously in such advertisement that the assistance may involve bankruptcy relief under this title; and
 - ▶ (B)include the following statement: “We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.” or a substantially similar statement.

Online Marketing

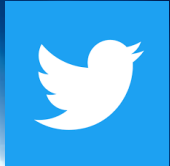


▶ Prescreening of Lawyer Advertising

- ▶ Any Virginia lawyer can seek an informal opinion as to whether their advertising material is in compliance with the Rules of Professional Conduct. The advertising material can be submitted to the Legal Ethics Department for review by the ethics staff attorneys. Submit advertising material to adreview@vsb.org.

▶ Guidelines for Lawyers who Advertise (Va. R. Prof. Conduct)

- ▶ Does the advertisement/communication contain any false or misleading statements? (*Rule 7.1*)
 - ▶ LEO 1750 – Lawyer Advertising & Solicitation
- ▶ If the communication is a solicitation of a potential client known to be in need of legal services in a particular matter, does it conspicuously display the words “ADVERTISING MATERIAL” on the outside envelope or at the beginning and ending of any recorded or electronic communication?
 - ▶ If yes, then the advertisement *complies with Rule 7.3(c)*.



Online Marketing





Google Maps



mycase

facebook



zingle



Microsoft Teams



my receptionist
Now Always Answer



ANSWERING LEGAL



Communications

SO WHERE DO YOU WANT
TO HOLD THE MEETING,
YOUR VIRTUAL OFFICE OR
MY VIRTUAL OFFICE?



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The Virtual Courtroom

LOCAL RULE 5073-1

Photographing, Recording, Broadcasting, and Televising in the Courtroom and Environs

- ▶ In accordance with the Rules of the Judicial Conference of the United States, photography, **electronic recording, video taping, and broadcasting are not permitted** in the courtroom **and its environs** during the progress of, or in connection with judicial proceedings, whether or not Court is actually in session, unless by express permission of the Court.



LOCAL RULE 5072-1

Courtroom Decorum

- ▶ Counsel shall at all times conduct and demean themselves with dignity and propriety.

The Virtual Courtroom – Zoom.gov

Tips for a Successful Zoom.gov Video Hearing (VAWB Website)

- ▶ Mute your phone and mute all sounds from all other applications (email notifications, chat messaging, etc.).
- ▶ Dress appropriately for a court hearing.
- ▶ If using a mobile device, place the device in holder or on a flat surface to keep the device stable throughout the hearing.
- ▶ If you get disconnected, as long as the hearing is still ongoing, you can reconnect to the hearing using the same link
- ▶ Avoid using an open microphone and speakers (such as are built-into laptops, or a webcam mic).
 - ▶ Use a good quality headset or headphones with a mic. Avoid noisy and echoing locations. Use of a headset will improve audio quality when this is unavoidable.
- ▶ Avoid distracting real or virtual backgrounds.
- ▶ Avoid sitting with a window directly behind you as it darkens the video display.
- ▶ Avoid poor camera positioning (if possible).
 - ▶ Try to frame yourself so you take up most the screen, and at eye level.
- ▶ Avoid running any unnecessary applications besides Zoom, to conserve your computer's processing power and networking.
- ▶ For home networks, if possible, avoid sharing your internet service with others during the session.
- ▶ Selecting "Gallery View" allows you to see all the participants in the hearing on your screen.
- ▶ Refrain from talking over another speaker.
 - ▶ Remember, the hearing is being recorded or taken via a court reporter and the record needs to be complete.
- ▶ Before Every Court Session using Zoomgov
 - ▶ Connect your device to power.
 - ▶ Avoid using battery power only – plug your device into a good power source.
 - ▶ Make sure your internet connection is good.
 - ▶ Test your video/camera on your device.
 - ▶ Test your audio.



QUESTIONS?

Thank You!

