

Can You Practice in a New Area During the COVID-19 Pandemic?

These troubled times of the Coronavirus have motivated some people to seek help in areas they may not have previously practiced, such as estate planning, federal and state benefits, and landlord-tenant services. Several attorneys have asked the WSBA Ethics Line ((800) 945-9722 ext. 8284) whether they can offer services in areas new to them.

Competence is the Key

Before you agree to offer any legal service, [RPC 1.1](#) requires you to provide competent representation. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. Note that a lawyer need not have prior experience in the area as long as they become competent through necessary study or through the association of a lawyer established in the field in question. RPC 1.1 Comment 2. Note, however, that although a lawyer can become competent in a new practice area through “necessary study,” if the lawyer must spend extra time learning or preparing for tasks would be routine for a lawyer with experience, the lawyer should not expect the client to pay for the lawyer’s education. *In re Estate of Larson*, 103 Wn.2d 517, 694 P.2d 1051 (1985) (in a dispute over attorney fees incurred in the probate of an estate, lawyer testified that his primary area of practice involved personal injury and wrongful death; in reversing the assessment of attorney fees, the Supreme Court noted that an inordinate amount of time was spent on tasks that presented no difficult or complex legal or administrative problems); *See generally* ABA Annotated Model Rules of Professional Conduct 27-28 (8th ed. 2015).

Where can I find resources?

- ❖ **Online CLEs: WSBA CLEStore** offers many online CLEs. You can find them: <https://www.mywsba.org/PersonifyEbusiness/CLEStore>
- ❖ **WSBA Section Resources:** In addition, numerous sections, are heavily involved in emerging issues related to the coronavirus, so you can learn the basics and stay tuned to changes in the law. Joining a section gives access to experienced practitioners, the list serve, section CLEs and other curated content. <https://www.wsba.org/legal-community/sections>.
- ❖ **Practice Management Assistance:** For resources for your practice, including marketing strategies, technology adoption, and client communication, members can contact the Practice Management Assistance Program: email pma@wsba.org or schedule a phone consultation at www.wsba.org/consult.

