



**NVLSP**  
NATIONAL VETERANS LEGAL SERVICES PROGRAM

## **ETHICS FOR VETERANS ADVOCATES: EXPECT THE UNEXPECTED**

**Objective:** Continuity of representing your veterans during a disaster

### **Ethical Duties**

1. Be aware of relevant changes of in law, policy, and current events
2. Have a contingency plan for a disaster
3. Reach out to veterans and respond promptly after a disaster
4. Be in good physical and mental health to represent veterans
5. Understand the technological tools you use when representing veterans
6. Act with reasonable care when using technology to access and store veterans' confidential information
7. Notify veteran of data breach that involves his confidential information

### **Laws and Rules**

#### **Code of Federal Regulations Ethical Requirements**

- 38 C.F.R. § 14.632, Standards of conduct for persons providing representation before the Department:
  - (a)(2): All individuals providing representation are required to be truthful in their dealings with claimants and VA
  - (b)(1): All individuals providing representation shall provide claimants with competent representation before VA
  - (b)(2): All individuals providing representation shall act with reasonable diligence and promptness in representing claimants

#### **ABA Model Rules of Professional Conduct & Virginia State Bar Rules of Professional Conduct**

- Rule 1.1: Competence
- Rule 1.3: Diligence
- Rule 1.4: Communications
- Rule 1.6: Confidentiality of Information
- Rule 1.6: Comment [20] (VSB)
- Rule 1.16: Terminating Representation

#### **ABA Formal Opinions**

- ABA Formal Op. 482: Ethical Obligations Related to Disasters
- ABA Formal Op. 483: Lawyers' Obligations After an Electronic Data Breach or Cyberattack