Ethics and Professionalism: Two Sides of the Same Lawyer Obligations

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Lawyer Professionalism

Professional Conduct- Black's Law Dictionary:
1. The accepted manner in which a professional will act.
2. The way a lawyer who has been admitted to the bar should act

"(L)awyers' professionalism may well be in steep decline." American Bar Association Commission on Professionalism, In the Spirit of Public Service: A Blueprint for the Rekindling of Lawyer Professionalism 7 (1986).

Lawyer Professionalism

Florida Bar Professionalism Guidelines

"Professionalism is the pursuit and practice of the highest ideals and tenets of the legal profession. It embraces far more than simply complying with the minimal standards of professional conduct. The essential ingredients of professionalism are character, competence, civility, and commitment". The Florida Bar Standing Committee on Professionalism

The Florida Supreme Court added a civility provision in the Oath of Admission to The Florida Bar adopted on September 10, 2011 and implemented SC13-688: Code for Resolving Professionalism Complaints, adopted on June 6, 2013.

Lawyer Professionalism

Justice Sandra Day O'Connor:

"To me, the essence of professionalism is a commitment to develop one's skills to the fullest and to apply that responsibly to the problems at hand. **Professionalism requires adherence to the highest ethical standards of conduct** and a willingness to subordinate narrow self-interest in pursuit of the more fundamental goal of public service. Because of the tremendous power they wield in our system, lawyers must never forget that their duty to serve their clients fairly and skillfully takes priority over the personal accumulation of wealth. At the same time, lawyers must temper bold advocacy for their clients with a sense of responsibility to the larger legal system which strives, however imperfectly, to provide justice for all." (emphasis supplied)

Lawyer Professionalism

Georgia Chief Justice's Commission on Professionalism

"Professionalism is a wide umbrella of values encompassing competence, civility, legal ethics, integrity, commitment to the rule of law, to justice and to the public good. Professionalism calls us to be mindful of the lawyer's roles as officer of the court, advocate, counselor, negotiator, and problem solver. Professionalism asks us to commit to improvement of the law, the legal system, and access to that system. These are the values that make us a profession enlisted in the service not only of the client but of the public good as well. While none of us achieves perfection in serving these values, it is the consistent aspiration toward them that defines a professional. The Commission encourages thought not only about the lawyer-client relationship central to the practice of law but also about how the legal profession can shape us as people and a society. "

Lawyer Ethics

Legal ethics is a term used to describe codes/rules of conduct which govern lawyer professional behavior.

The codes/rules address and establish the nature of obligations owed by lawyers to clients, other individuals, and to society.

In order to retain a license to practice law, lawyers are required to uphold the Rules of Professional Conduct of the states and jurisdictions in which the lawyer is admitted to practice.

All states have adopted versions of the American Bar Association (ABA) Model Rules of Professional Conduct, which was adopted by the ABA in 1983. The Model Rules are not binding unless implemented by the individual states.

Is There a Difference between Ethics and Professionalism?

Former Georgia Chief Justice Harold Clarke described the distinction between ethics and professionalism as follows: "…ethics is a minimum standard which is required of all lawyers while professionalism is a higher standard expected of all lawyers."

Georgia Chief Justice's Commission on Professionalism states that "Ethics commonly is understood in the CLE context to mean 'the law of lawyering' and the rules by which lawyers must abide in order to remain in good standing before the bar."

"(P)rofessionalism is meant to address the aspirations of the profession and how we as lawyers should behave."

“Zealous” Representation

The ABA Model Code of Professional Responsibility previously stated that it was a lawyer’s duty “to represent his clients zealously within the bounds of the law.”

The current Model Rules of Professional Conduct state “(a) lawyer shall act with reasonable diligence... in representing a client.” (Model Rule 1.3)

Almost all states and jurisdictions have eliminated the requirement of zealous advocacy from their ethics rules and now require lawyers to represent clients with “diligence”..

Preamble to the Rules Regulating The Florida Bar states:

As a representative of clients, a lawyer performs various functions….

As an advocate, a lawyer zealously asserts the client's position under the rules of the adversary system.

A lawyer's responsibilities as a representative of clients, an officer of the legal

system, and a public citizen are usually harmonious. Zealous advocacy is not inconsistent with justice.

"Zealous" Representation

The Florida Bar's Real Property, Probate and Trust Law Section committee began considering a proposal to remove the words zeal, zealous, and zealously, from the Rules Regulating The Florida Bar. If the committee's proposals are adopted, Florida would join at least 13 other states, including Georgia, New York, and California, which have removed "Z" words from their rules and comments.

The words "zeal," "zealous," or "zealously," do not appear in the Rules Regulating The Florida Bar; however, they are used in the Preamble to Chapter 4 of the Rules Regulating The Florida Bar and in the Comment to Florida Bar Rule 4-1.3 (Diligence).

The committee is also proposing to include the word "kindness" for the first time in a Florida Bar rule or comment. The proposal would add the following words to the final sentence in the comment to Rule 4-1.3: "kindness and punctuality are not inconsistent with diligent representation."

Any proposed rule revisions would have to be approved by the Florida Bar's Board of Governors and the Florida Supreme Court would decide whether to implement any proposed rule revisions.

Bar Rules addressing professionalism/ethics

Preamble: ABA Model Rules of Professional Conduct

Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.

Scope: Model Rules of Professional Conduct

Compliance with the Rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion and finally, when necessary, upon enforcement through disciplinary proceedings. The Rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules. The Rules simply provide a framework for the ethical practice of law.

Bar Rules addressing professionalism/ethics

ABA Model Rule 6.1: Voluntary Pro Bono Publico Service

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:

(1) persons of limited means or

(2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:

(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;

(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

(3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

ABA Model Rule 6.4: Law Reform Activities Affecting Client Interests

Public Service

A lawyer may serve as a director, officer or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the lawyer. When the lawyer knows that the interests of a client may be materially benefitted by a decision in which the lawyer participates, the lawyer shall disclose that fact but need not identify the client.

Bar Rules addressing professionalism/ethics

Amended Florida Bar Rule 6-10.3(b), effective 3/5/18, will require Florida lawyers to complete at least one hour of the required credit hours of CLE for each three-year reporting cycle be through an approved professionalism program.

Florida Bar 6-10.3(b) Minimum Hourly Continuing Legal Education Requirements. Each member must complete a minimum of 33 credit hours of approved continuing legal education activity every 3 years. At least 5 of the 33 credit hours must be in approved legal ethics, professionalism, bias elimination, substance abuse, or mental illness awareness programs, **with at least 1 of the 5 hours in an approved professionalism program**, and at least 3 of the 33 credit hours must be in approved technology programs. If a member completes more than 33 credit hours during any reporting cycle, the excess credits cannot be carried over to the next reporting cycle.

Bar Rules addressing professionalism/ethics

ABA Model Rule 8.4: Misconduct

Maintaining The Integrity Of The Profession

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice;

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or

(g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

Bar cases addressing professionalism/ethics

Florida Bar v. Martocci, 791 So.2d 1074 (Fla. 2001),

Lawyer reprimanded and given 2 year probation for unprofessional and abusive conduct and behavior toward opposing counsel, opposing party, and opposing party's family during the litigation. The attorney was representing the husband in a bitter divorce, child custody, and child dependency matter.

During the litigation, the lawyer called the opposing party "crazy" and a "nut case." During a deposition, lawyer made demeaning facial gestures and stuck out his tongue at the opposing party and her lawyer. Upon exiting elevator after a hearing, lawyer told opposing counsel she was a "stupid idiot" and should "go back to Puerto Rico." Opposing counsel called the judge's office and spoke to the judicial assistant and lawyer took the telephone and yelled the word "bitch."

During hearing recess, when opposing party's father entered the courtroom, lawyer said "here comes the father of the nut case." After the father responded, the lawyer "closely approached Mr. Paton" and threatened to beat him. Opposing counsel tried to intervene and lawyer told her to "go back to Puerto Rico."

As a condition of probation, lawyer required to be evaluated by Florida Lawyers Assistance, Inc. for anger management skills training or mental health assistance or both.

Bar cases addressing professionalism/ethics

Florida Bar v. Morgan, 938 So.2d 496 (Fla.2006)

Court suspended attorney for ninety-one (91) days for courtroom misconduct. The attorney had been publicly reprimanded and suspended for ten days on two prior occasions. The attorney refused to acknowledge the wrongful nature of his conduct but the referee found (and the Supreme Court adopted) the mitigating factor of good character and reputation, including the provision of pro bono legal services, serving as a role model for an assistant state attorney, and being held in high esteem as an excellent and passionate advocate by two judges and an attorney.

Bar cases addressing professionalism/ethics

Florida Bar v. Abramson, 3 So.3d 964 (Fla. 2009).

Lawyer repeatedly disrespectful and rude to the trial judge at a hearing and was suspended for ninety-one (91) days.

"Abramson's misconduct was egregious. He was disrespectful and confrontational with the presiding judge in an ongoing courtroom proceeding in the presence of the pool of prospective jurors in a criminal case. Regardless of any perceived provocation by the judge, Abramson responded inappropriately by engaging in a protracted challenge to the court's authority. His ethical alternative, if he believed the trial court had erred, was by writ or appeal. He has also been publicly reprimanded twice before for serious misconduct. See also *The Florida Bar v. Wasserman*, 675 So.2d 103 (Fla. 1996) (two six-month consecutive suspensions on an attorney in his fifth discipline case before the Court where the attorney had an angry outburst in court after an unfavorable ruling and expressed contempt for the court, stated in the hallway outside the courtroom that he would counsel his client to disobey the court's ruling, and used profane language over the telephone to a judge's judicial assistant); The *Florida Bar v. Price*, 632 So.2d 69 (Fla.1994) (ninety-one day suspension for appearing in court under the influence of alcohol and behaving in a hostile, abrasive, and belligerent; reinstatement conditioned on ability to show that satisfactorily completion of an evaluation and course of treatment for substance abuse approved by the Bar.

Florida Bar v. Norkin, 132 So. 3d 77 (Fla. 2014).

Lawyer suspended for 2 years and received reprimand before the Florida Supreme Court for "appalling and unprofessional behavior" and "escalating pattern of misbehavior".

"Norkin's letters, e-mails, and public insults disparaged and humiliated (opposing counsel)…(lawyer's) conduct in shouting at (opposing counsel) in chambers and courthouse hallways, while others were present, were efforts to disparage and humiliate his opposing counsel.

"Competent, zealous representation is required when working on a case for a client. There are proper types of behavior and methods to utilize when aggressively representing a client. Screaming at judges and opposing counsel, and personally attacking opposing counsel by disparaging him and attempting to humiliate him, are not among the types of acceptable conduct but are entirely unacceptable. One can be professional and aggressive without being obnoxious. Attorneys should focus on the substance of their cases, treating judges and opposing counsel with civility, rather than trying to prevail by being insolent toward judges and purposefully offensive toward opposing counsel. This Court has been discussing professionalism and civility for years. We do not tolerate unprofessional and discourteous behavior. We do not take any pleasure in sanctioning Respondent], but if we are to have an honored and respected profession, we are required to hold ourselves to a higher standard."

Florida Bar v. Norkin, 132 So. 3d 77 (Fla. 2014).

"We do not tolerate unprofessional and discourteous behavior. We do not take any pleasure in sanctioning Norkin, but if we are to have an honored and respected profession, we are required to hold ourselves to a higher standard. Norkin has conducted himself in a manner that is the antithesis of what this Court expects from attorneys. By his unprofessional behavior, he has denigrated lawyers in the eyes of the public. Norkin's violations of the Bar rules and unprofessional behavior merit a two-year suspension and a public reprimand. We direct Norkin to appear personally before this Court to receive the public reprimand. His unprofessional conduct is an embarrassment to all members of The Florida Bar.

Florida Bar v. Norkin, 183 So. 3d 1018 (Fla. 2015).

Lawyer permanently disbarred for practicing while suspended and cumulative and egregious misconduct during Bar disciplinary proceeding for contempt of suspension order.

Florida Bar filed a petition for contempt and a complaint alleging that Norkin failed to comply with the Court's and Bar Rule's requirement that he notify clients of his suspension and provide an affidavit confirming same and that the lawyer "had engaged in the practice of law after the effective date of the suspension by sending an e-mail to opposing counsel in a case pending in the circuit court questioning a hearing date and discussing the results of the hearing and the legal sufficiency of the motion addressed, and by preparing a pleading for his former client, which the client filed in the circuit court case."

During Bar proceedings, the lawyer sent disparaging e-mails calling Bar Counsel "evil" and "despicable"; called the proceedings against him "the most unjust act in judicial history"; stated that Bar Counsel had no conscience; and stated, "I'm preparing the lawsuit against you. Keep an eye out." to Bar Counsel and admitted during the underlying Bar proceedings that he had smirked during his public reprimand before the Florida Supreme Court.

Bar cases addressing professionalism/ethics

Florida Bar v. Ratiner, No. SC08-689 (Fla. 2010).

Lawyer was suspended for sixty (60) days, received a public reprimand, and was placed on 2 years probation with the following conditions: undergo mental health counseling and prepare and mail letters of apology to deponent, court reporters, and videographer present during the deposition. Also, the lawyer was required to be accompanied by co-counsel approved by the Bar during any depositions and other legal proceedings or, alternatively, ensure that such appearances or proceedings are video-recorded.

"During the course of the deposition, [opposing counsel] attempted to place an exhibit sticker on the Respondent's laptop computer. Just prior to [opposing counsel's] attempting to place the exhibit sticker on the computer, the Respondent was standing up and speaking forcefully towards [opposing counsel]. As soon as [opposing counsel] attempted to place the exhibit sticker on the computer, the Respondent very briefly touched [opposing counsel's] hand, then attempted to run around the table towards [him]. Additionally, the [deponent] expressed that she was very scared as a result of the Respondent's conduct. The Respondent's own consultant had to attempt to calm the Respondent down and specifically told the Respondent to "take a Xanax." Further, while the Respondent was acting as described above, the court reporter stated, "I can't work like this!" Respondent then proceeded to forcefully lean over the deposition table, lambast [opposing counsel] in a tirade while proceeding to tear up the evidence sticker, wad it up and flick or toss it in the direction of [opposing counsel].

Bar cases addressing professionalism/ethics

Florida Bar v. Ratiner, No. SC13-539 (Fla. 2018).

Lawyer was disbarred for egregious and unprofessional misconduct during court proceedings.

"During a post-trial hearing…, (the lawyer) was overheard saying "lie, lie, lie" in quick succession while opposing counsel conducted the direct examination of Ratiner's law partner."

"(I)n the post-hearing proceedings…, (the lawyer) repeatedly kicked the leg of counsel's table where he was seated which was "very loud."

"(L)imits on closing arguments were agreed to by the lawyers, and when Ratiner exceeded his time, (the judge) gave him a few additional minutes but he stated that he would take whatever time he needed. (The judge) also testified that she saw Ratiner " 'wrinkling and throwing' documents and that after 4-5 times of this behavior she reprimanded Respondent."

"(The judge) described Ratiner's behavior at trial as "awful, that he was not respectful to the court or obeyed orders, and that she was 'appalled.'"

"(The judge) testified that Ratiner's behavior 'had been totally disruptive, that he was a 'bully' and that she called the Bar about Respondent's behavior.'"

"Ratiner's intentional and egregious misconduct continues to demonstrate an attitude that is wholly inconsistent with professional standards, and there is no indication that he is willing to follow the professional ethics of the legal profession."

Bar cases addressing professionalism/ethics

Florida Bar v. Paul H. Green, SC19-1004 (September 30, 2018)

Florida lawyer was suspended for, inter alia, hijacking his former firm's e-mail accounts and making disparaging comments on Facebook.

Lawyer was fired from his law firm after he used the firm credit card for personal matters, took unauthorized draws from the firm, missed work and took vacations without discussing them with the owner of the firm, made political comments on the firm's Facebook page, and wrote a derogatory text message about his wife's lawyer during his divorce. The lawyer's text said: "Tell Dana Price I hope she dies of dirty Jew AIDS."

After being terminated, the lawyer changed the password to his former firm's e-mail accounts and, when the firm turned off the lawyer's telephones, he agreed to restore the e-mail access only if the firm turned his telephones back on. After this occurred, the lawyer again blocked the firm's access to e-mail and directed the e-mails to himself.

The lawyer also posted to the law firm's Facebook page falsely claiming that the firm owner had been "Baker Acted", a reference to the Florida law related involuntary commitments when a person has a mental condition which poses a danger to that person or to others.

Bar cases addressing professionalism/ethics

Florida Bar v. Anthony Wayne Blackburn, SC17-1514 (May 24, 2018)

Lawyer visited the 2 female clients in jail and deposited money in one client's bank account to pay for the sex and promised another client free or discounted legal services in exchange for sex. The lawyer was arrested and pled no contest to a misdemeanor battery.

The Court rejected an agreement for a 6 month suspension and disbarred the lawyer. The lawyer had previously been suspended for 30 days.

"(T)he Court has moved toward imposing harsher sanctions, see *Florida Bar v. Herman*, 8 So. 3d 1100, 1108 (Fla. 2009), and has stated that it 'will strictly enforce the rule against lawyers engaging in sexual conduct with a client that exploits the lawyer-client relationship.' *Fla. Bar v. Bryant*, 813 So. 2d 38, 44 (Fla. 2002); see *Fla. Bar v. Samaha*, 557 So. 2d 1349, 1350 (Fla. 1990) ('Even the slightest hint of sexual coercion or intimidation directed at a client must be avoided at all costs.').

"In summary, evidenced by this Court's case law, under no circumstances should an attorney representing a client expose that client to unwanted sexual relations of any kind. Respondent's conduct, which exploited his clients' circumstances for his own personal benefit, 'breeds contempt and distrust of lawyers,' 'demonstrates severe moral turpitude,' and such actions 'are wholly inconsistent with approved professional standards.' McHenry, 605 So. 2d at 461."

Bar cases addressing professionalism/ethics

In re: Discipline of James Pengilly, SC Case No. 74316 (September 7, 2018 unpublished)

Nevada Supreme Court imposed 6 month plus 1 day suspension on a Nevada lawyer for brandishing a gun at a deposition, using derogatory language and repeatedly making inappropriate statements, and other "appalling behavior".

The lawyer used vulgarities while questioning the witness, called the deponent derogatory names (including "Dip Shit" and "Big Bird"), aggressively interrupted the witness and opposing counsel, answered questions for the witness, and repeatedly made inappropriate statements on the record.

At one point during the deposition, the lawyer put his hand near his hip and asked the witness if he was "ready for it". The witness then briefly left the room and when he returned, the lawyer displayed a firearm he had in a holster on his hip to the witness and the opposing counsel.

Office of the Chief Disciplinary Counsel v. Jason E. Pearl, Superior Court, Judicial District of New Britain, Order 418034, Docket No.: HHBCV186043301S.

Connecticut lawyer suspended for 2 years for releasing his former client's psychiatric records in retaliation for a legal malpractice lawsuit and to embarrass the client.

After the lawsuit was filed, the lawyer electronically filed a motion with the court requesting that the client be declared "unfit to testify due to her psychiatric history, medical commitment, conservatorship and untruthfulness." The client's confidential psychiatric records were enclosed with the motion without the client's permission.

"The Court finds clear and convincing evidence that Jason E. Pearl violated Rule 8.4(4) of the Rules of Professional Conduct. He engaged in conduct that is prejudicial to the administration of justice by his unauthorized public release of a former client's psychiatric records. The Court finds that the respondent violated Rule 1.9 of the Professional Rules of Conduct in that his conduct was retaliatory and intended to embarrass his former client. As a result of these findings, the Court orders a 2 year suspension on his right to practice law effective immediately. The court orders that the respondent must successfully complete 20 hours of legal ethics training and file notice evidencing the completion of this training. The training must be attended in person and not online. The respondent also must comply with the requirements of Practice Book § 2-47B during his suspension. If the respondent seeks reinstatement to the bar after the period of suspension, he must comply with the procedures outlined in Practice Book § 2-53."

Bar cases addressing professionalism/ethics

Disciplinary Counsel v. Holmes and Kerr, Slip Opinion No. 2018-Ohio-4308 (10/25/18)

Ohio Supreme Court imposed six month stayed suspension on two lawyers who violated client confidences while engaged in a personal romantic relationship.

Between January 2015 and November 2016, the lawyers exchanged more than a dozen e-mails in which they disclosed confidential client information.

Bar cases addressing professionalism/ethics

In re: Drew Randolph Quitschau, 17PR0084 (Illinois Supreme Court Order September 20, 2018)

Lawyer who created a false Match.com dating profile for an opposing lawyer, falsely denied doing it, and posted false negative internet reviews on the same lawyer was suspended for 6 months.

The lawyer admitted all of the allegations of misconduct, including that he had created the Match.com profile "downloaded several photos of (the opposing lawyer) from her law firm website (and) then uploaded those photos to the Match.com profile he created so that the photos could be viewed by the general public" and lying to his law firm by denying that he created it. He also admitted posting false and negative reviews of the lawyer's professional ability on the internet; however, there is nothing in the record which discusses the motives behind this misconduct by the lawyer.

Bar cases addressing professionalism/ethics

Disciplinary Counsel v. Skolnick, No. 2018-OHIO-2990 (8/1/18

Ohio Supreme Court suspends lawyer for 1 year with the final 6 months deferred for "extreme, obnoxious, and humiliating attacks" on a paralegal for over 2 years.

"During (the paralegal's) two-and a-half year tenure, Skolnick berated her for her physical appearance, dress, education, and parenting skills. He called her a bitch, a 'hoe', a dirtbag, and a piece of shit, and he told her that he hoped she would die. And because (the paralegal) recorded her interactions with Skolnick on more than 30 occasions, we have had the opportunity to hear Skolnick's outbursts for ourselves."

"In addition, the lawyer 'called (the paralegal) stupid, dumb, fat, 'whorey,' and bitch.' Further, he remarked that she should give him 'road head' during a drive and falsely told an African American client that the paralegal "did not like black people."

"The only explanation that Skolnick offered for his extreme, obnoxious, and humiliating attacks on L.D. was that he had learned the lingo from rappers and hip-hop artists while practicing entertainment law and that he believed he was using the phrases in more of a humorous than a harmful way."

Bar cases addressing professionalism/ethics

*Supreme Court of Louisiana v. In Re: Salvador R. Perric*one, No. 2018-B-1233 (12/5/18)former Assistant U.S. Attorney for making numerous anonymous improper and inflammatory comments on the internet related to pending criminal cases, including, inter alia, statements such as: "Heebe's (the defendant) goose is cooked., "I read the indictment…there is no legitimate reason for this type of behavior in such a short period of time and for a limited purpose. GUILTY!!!", "Looks like Fazzio got a lemon. That book you refer to Mr. Rioux is about all of his losses. The guy is a clown and Fazzio is going down."

"In summary, considering respondent's position of public trust as a prosecutor, his knowing and intentional decision to post these comments despite his acknowledgment that it was improper to do so, and the serious harm respondent's conduct has caused both to individual litigants and to the legal profession as a whole, we must conclude he has failed to comply with the high ethical standards we require of lawyers who are granted the privilege to practice law in this state. The only appropriate sanction under these facts is disbarment."

Professional Responsibility Programs

ABA Center for Professional Responsibility

"The Center for Professional Responsibility provides national leadership in developing and interpreting standards and scholarly resources in legal and judicial ethics, professional regulation, professionalism and client protection.

Center Resources

"The Center for Professional Responsibility and its entities offer numerous resources relating to ethics, professionalism, client protection, professional discipline, specialization and global initiatives."

Policy & Initiatives

"The Center Policy Implementation Committee provides assistance to jurisdictions on the review and implementation of adopted policy, promotion of policy to the bar and the public, and maintains a national clearinghouse of information on implementation efforts."

ABA Formal Ethics Opinions- non binding and are provided to guide lawyer's in complying with the lawyer's ethical and professional responsibilities

The End

Thanks for your attention and be careful out there!