I. Course Description

This is an advanced course in the law and ethics of lawyering. It will focus on current issues at the forefront of the modern legal profession. Several groundbreaking developments are in process, on national, international and local levels. In February 2002 and August 2003, the American Bar Association adopted comprehensive revisions to the Model Rules of Professional Conduct. The Oklahoma Bar Association (OBA) Rules of Professional Conduct Committee has just completed its evaluation of the local rules and presented its proposed amendments to the OBA membership for comments, in advance of submission to the Oklahoma Supreme Court. Traditional restrictions on the unauthorized practice of law, jurisdictional restrictions on cross-border practice, and innovative forms of practice are being challenged on several fronts, both within the United States and globally. Included among the many hot issues confronting the legal profession are: competition from non-lawyers in providing related services (multidisciplinary practice and ancillary businesses); multijurisdictional practices; lawyering on the internet, and innovations in the delivery of legal services; judicial independence and the politics and pragmatics of judicial selection.

Practical questions will be considered throughout. Reading materials, guest speakers and class discussion will expose students to the lawyer discipline process, legal malpractice insurance and civil liability, and the political realities of ethics rule-making.

II. Required Course Materials:

Assigned readings will be posted on the College of Law website on my faculty profile page and distributed by e-mail, in pdf or Word format. Assignments frequently will direct you to readings available through Westlaw or Lexis or the Internet.

III. Grades

85% of Grade: Elect paper Option A or B (before January 25, due date of first short paper); 15% of Grade: Attendance and Class Participation
Grading Option A. Substantial Paper that satisfies graduation writing requirement (topic proposal, outline, first draft & final draft of 25-30 pages, of publishable quality, all original work with proper attribution of sources) + presentation between March 26 - April 24, with scheduling to coincide with topical coverage. Students electing this component will participate on two critique panels for others writing substantial papers under this option.

1. Paper Topics: a list of possible topics is attached.

2. Topic Proposal. A one page proposal for paper topic is due Monday, February 19. It should include: 1) a preliminary thesis statement; 2) a preliminary outline of your intended research and analysis; 3) three preferred presentation dates, in order of preference. I am available to meet individually with students to define a topic and develop a thesis.

3. First draft. First draft must be submitted by 4:00 P.M. three business days before the scheduled presentation, by e-mail distribution to the entire class, and a hard copy and electronic transmission (in Wordperfect or Word) delivered to me. Failure to submit a respectable first draft in a timely fashion causes major inconvenience to others, lowers the quality of class discussion on the presentation topic and may result in a failing grade for the course. No one wants that to happen.

Length: 20-25 pages including footnotes

Format: 12 point font, double-spaced, one inch margins (top & bottom, left & right), with quotations of fifty words or more indented and single-spaced.

4. Presentation.

One class hour (50 minutes) will be devoted to discussion of each student's paper topic. The author will begin with a twenty minute presentation, followed by a brief opportunity for observations by the Commentators (approximately ten minutes). The remaining allotted time will be used for general class discussion, as facilitated by the author, Commentators and myself.

5. Commentators.

The draft paper will be read by the entire class. In addition, students assigned to serve as Commentators will prepare a brief memo (1-2 pages) giving diplomatic constructive criticism that will help the author improve the final product. It is helpful to include written editorial comments on a hard copy of the draft. Commentators will deliver a copy of their written comments to me and to the student author on the date of the presentation. In addition to these written comments, Commentators will help facilitate class discussion of the papers which they read.
6. Final draft: 25-30 pages, turned in both on hard copy and on disc (Wordperfect or Word). Due date: two weeks after presentation; additional time will be allowed for presentations made April 10 or later, to accommodate studying for final exams. Paper must be completely authored by the student, with proper attribution for all quotations, and reference sources properly stated in footnotes complying with bluebook or ALWD.

**Grading Option B. Three Short Papers**

To receive a passing grade in the course, every student electing Option B must write three original papers: Journal (Part 1 & Part 2); Research paper on topic related to team presentation; and Final paper on topic of your choice, fitting within one of the categories described in paragraph 3, below.

1. Journal

   a. Part 1: addressing emotive aspects of an ethics issue you saw or heard of in legal workplace (3-4 pages typed & double-spaced, submit via e-mail, in Word format by Thursday, January 25, 3:00 P.M.

      Identify a question of professional responsibility that came to your attention in a legal work setting. It might relate to something you were asked to do or something you observed another person in the legal system doing, or something that involves the operation of the legal system. Write your entries so as to preserve client confidences. Use hypothetical names if necessary. Describe how you resolved the question presented, including any "practical" or "ethical" factors you considered relevant.

      Unless you specifically request that your paper be preserved as confidential, it will be distributed without your name to a group of your classmates for small group discussion, with the themes presented for discussion by the entire class. The journals will be sorted in clusters, using the following categories: 1) Positive examples of ethical atmosphere; 2) Quality of justice issues; 3) Client-lawyer relationship (competence, diligence, client autonomy); 3) Confidentiality; 4) Conflict of interest; 5) Economic issues (fees, innovations in delivery of legal services)

      Class discussion on Monday, January 29 will be devoted to discussion of the subjective, emotional, professionalism issues raised in the journals.

   b. Part 2: follow-up legal memoranda reflecting legal research and analysis of one or more of ethical issues raised in Part 1 (3-4 pages, double-spaced). Submit via e-mail in Word format by 12:00 noon, Friday, February 9, so they can be transmitted to cluster groups as assigned reading for discussion in class February 13.
2. Research paper (5-7 pages), individually prepared, on subject related to topics covered between March 11 - April 23. Together with others in a law firm of your choosing (preferably 3-4 persons), do class presentation on assigned reading material (approximately 30 minutes in duration), help facilitate class discussion.

3. Your choice, 5-7 page paper, due by end of semester, on one of the following:

   a. Attend disciplinary, reinstatement or court hearing on law governing lawyers issue, paper addressing relevant legal, ethical or procedural issues, and your observations or perceptions of what you saw.

   b. Interview a lawyer in your chosen practice field on ethics issues encountered; identify, research and analyze one or two issues you find to be significant.

   c. Memorandum to the American, Oklahoma, or other state bar association Rules of Professional Conduct Committee, Code of Judicial Conduct drafting committee (ABA or relevant state), or to the ethics committee of the American Bar Association, Oklahoma, or other state bar ethics committee, chief disciplinary counsel, bar foundation on a matter concerning the law governing lawyers.

   d. Amicus brief on issue concerning the law governing lawyers that is now pending before some state or federal appellate court (page length based on text, not including space for usual caption or signature, certificate of service pages).

   e. Select a movie, television show, book, short story or similar material from popular culture involving lawyers, judges or the legal system and discuss the ethical issues presented by that depiction.

15% Attendance and Participation

1. The participation component will be determined based on regular, quality contributions to class discussions over the course of the semester, including classes where leadership, presentation or commenting responsibilities are assigned. Participation will be evaluated based on quality, not quantity. Share the air time. If you tend to talk a lot, ration yourself to one or two comments per class. On the other hand, if you wish for invisibility and live in fear of getting called on, force yourself to speak up on occasion.

2. Faculty policy permits unexcused absences equal to the number of course hours. Thus, for this course, each student is allowed three absences. Any student who misses or is unprepared for or more five or more class hours may be dropped from the course.
3. Procedure: Each day before class begins, I will distribute a daily sign-in sheet. Sign if you are both present and prepared to participate. If you attend but are NOT prepared or do not wish to be called on, put an asterisk (*) by your name and I will not call on you (or if I do, you remind me that you used the asterisk). This sheet must be signed, with appropriate designations, within the first five minutes of class. If you sign in without the asterisk designation on a day in which you were not, in fact, prepared, this will be deemed a misrepresentation of fact and may be reported as a violation of the Code of Academic Responsibility.

4. For purposes of this policy, being unprepared, as marked by an asterisk, is treated the same as an absence. This policy recognizes that students can obtain benefits from attending class, even when they have not adequately studied that day’s materials. By marking an asterisk, you have safe harbor from being called on. As a matter of consideration to me and to your classmates, if you are not prepared, you should refrain from participation on that day.

5. Unless there are extraordinary circumstances, such as a death or serious illness in the family, jury duty, emergency military service or your hospitalization, please do not ask me to consider an absence excused. Your presence in law school indicates that you are mature adults capable of making your own scheduling choices. You are free to choose how to spend your allowed absences.

IV. Other Housekeeping Rules

A. Computer & Internet Use in Class

1. You may use your laptops only for taking notes in class and to access the assigned reading posted on course webpage. This is a privilege, not a right. The advent of wireless internet access in the law school presents students with unlimited potential distractions, which many law professors are concerned adversely affects students’ academic performance and competence. If any one student violates any of the rules, set forth below, the professor reserves the right to terminate the privilege of allowing computer use during the semester for the entire class.

2. For this class, the following rules are in effect, subject to the University of Oklahoma Code of Academic Responsibility.

a. After the bell rings, NO internet use is allowed unless explicitly made part of the class assignment. This means: no e-mail, instant messaging, shopping on e-bay, research on Westlaw, or any other Internet connection.

b. After the bell rings, computers may only be used in class for activities relating to the current assignment in contracts class, i.e., taking notes on the material then being discussed. This means: no writing or editing of documents for moot court, letters to friends, family or prospective employers; no viewing of photographs, computer games or
other activities not directly related to the material under consideration in that day’s class.

c. After the bell rings, all cell phones must be turned on silent during class time. No text messaging is permitted.

B. Disability Policy

The University of Oklahoma is committed to providing reasonable accommodation for all students with disabilities. Students with disabilities who require accommodations in this course are requested to speak with the professor as early in the semester as possible. *Students with disabilities must be registered with the Office of Disability Services prior to receiving accommodations in this course.* The Office of Disability Services is located in Goddard Health Center, Suite 166, phone 405/325-3852 or TDD only 405/325-4173.

C. Code of Academic Responsibility

All course work and conduct in law school is subject to the Code of Academic Responsibility. This includes all course work (whether or not it is graded, is in draft or final form), exams, attendance records, and compliance with the Computer and Internet Policy, stated in IV.A., above.

D. Confidentiality, Respect & Professionalism

In many respects, this is a capstone course designed to facilitate transition into practice. At times we will be discussing sensitive issues. Full and candid discussion of those issues is possible only if students are confident that what they say in class will not be repeated outside of class, either to other students or to persons outside the law school community.

Members of the legal profession are expected to treat all persons they encounter with dignity and respect, whether they are colleagues, support staff, clients, opposing parties and their counsel, judges, litigants, witnesses and court personnel. The same principles apply to law students, in their relationships with each other, the administration, faculty and staff.

E. Original Work Product

All written work must be original work prepared only for this class. Work for law review, moot court, other classes, outside employment or work prepared by others in any other capacity cannot be used. See me promptly if you have any questions about this requirement.

All written work must be completely authored by the student, giving proper attribution for all quotations and ideas, with sources properly stated in footnotes in accordance with the
Uniform Book of Citation (“bluebook”) or ALWD. Plagiarism is a serious honor code violation which will be strictly enforced, on both the first and final drafts. Always footnote to ideas or phrases taken from another source. As a rule of thumb, if you use three or more consecutive words from a source, it must be contained in quotation marks and footnoted to the original source, including pinpoint cite. When you have paraphrased or used an idea from another source, proper attribution to that source is required.

SCHEDULE AND READING ASSIGNMENTS

Tuesday, January 16 - Monday, January 22 (3 sessions)
Rethinking Professionalism:

Tuesday, January 16  Professional Ethics & Integrity
Questions to ponder: what prompted you to attend law school? Why did you want to be a lawyer? What is integrity? How does one become a person of integrity? How does one become a lawyer of integrity? Is it something that can be taught in professional training school? in practice?


Wednesday, January 17

Monday, January 22
Professionalism and Civility
Guest speaker: The Honorable Wayne E. Alley, United States District Judge for the Western District of Oklahoma (retired, senior status)


Tuesday, January 23 - Wednesday, January 24
Lawyer Regulation: Rules of Professional Conduct

Tuesday: Overview of ABA Model Rules of Professional Conduct (2006), and status report on state rule revision projects.

Assignment: Review ABA Model Rules (2006), either using one of the national statutory supplements for Professional Responsibility, or on-line at [http://www.abanet.org/cpr/mrpc/home.html](http://www.abanet.org/cpr/mrpc/home.html). You are encouraged to browse further, starting with the link to “Reports and Initiatives,” which leads you to the site of ABA


Guest speaker Wednesday: Gina Hendryx, Oklahoma Bar Association Ethics Counsel

As you browse through the material for these two class sessions, give some thought to the following questions.

1. To what extent do the “rules” embody higher ethical principles for the legal profession, as opposed to minimum standards of conduct? Identify specific rules that may reflect thinking about the moral quality of the professional relationship between lawyer and client, or that guide the lawyer to reconcile conflicts between one’s own sense of morality and a client’s demands?

2. Identify what you consider key changes to the proposed Oklahoma Rules, either from the current Oklahoma Rules, or proposed local modifications that vary from the revised ABA Model Rules. If you plan to practice in state other than Oklahoma, try to determine the current status of its “e2k” review.

**Monday, January 29**

**Discussion: Core Values and Ethical Issues in Journals**

Reading assignment: Read and consider all journals in your assigned cluster group. Be prepared to discuss within the cluster groups and report on common themes to the class.

Consider: What have you learned about ethics in any legal work experiences, and how does that compare to what you learned about the law and ethics of lawyering in the Professional Responsibility course, the Rules of Professional Conduct, and other law school classes?
Tuesday, January 30

Regulation of Lawyers: Civil Liability, Legal Malpractice and Malpractice Insurance

Guest lecturers: William R. Bandi, Senior Vice President and Phillip D. Fraim, President, Oklahoma Attorneys Mutual Insurance Company (OAMIC)


Discussion questions:
1. How does the risk of civil liability affect lawyers’ conduct? Is the risk of liability a more significant deterrent than the risk of professional discipline?
2. What is the legal relevance of breach of a professional rule in litigation over civil liability?
3. Should state law require that all attorneys carry minimum levels of malpractice insurance? Alternatively, should states adopt a rule requiring lawyers to disclose in writing at the time of retainer whether they carry malpractice insurance coverage?

Wednesday, January 31

Debt Repayment: Impact of Educational Loans on Career Choices

Practical Application: How to Pay Student Loans Without Mortgaging Your Professional and Personal Life

Guest speaker: Bill Richins, Graduate Leverage

Reading Assignment: on course webpage.

EQUAL JUSTICE WORKS, FINANCING THE FUTURE; DC Bar, How to Manage Law School Debt; ABA, Lifting the Burden - Student Debt as a Barrier to Public Service; Law School Admission Council, Financial Aid for Law School: A Preliminary Guide After Graduation; LA Learning Center, Student Loan Consolidation
Monday, February 5
Into the Books (or other Sources): Researching the Law Governing Lawyers

Class will meet at law library circulation desk

Guest lecturers: University of Oklahoma Director of Library and Associate Professor Darin Fox (J.D., University of Oklahoma 1992, M.S., Library and Information Science, University of Illinois), with assistance of professional library staff.

Tuesday, February 6
Regulation of Lawyers: Researching the Law of Lawyering (continued)

Sit in your cluster groups.

Reading Assignment: review the journals from your cluster group, identify legal issues for research and develop a research strategy for some of those issues.

Reminder: Journal Part 2 memos are due by noon, Friday February 9, to be submitted electronically.

Wednesday, February 7
Regulation of Lawyers: Role of Professional Discipline

Guest Speaker: Loraine Dillinder Farabow, Assistant General Counsel, Oklahoma Bar Association

Consider: What is the purpose of lawyer discipline? How well does it work? What types of conduct actually result in reported disciplinary cases, here and elsewhere? Consider the work/life balance and lawyer health issues as they arise in the disciplinary context.

Reading assignment (tentative): ABA Model Rules and Proposed Oklahoma Rules 8.4; 1.15; 1.16(a)(1); 1.8(j) (and comments); Oklahoma Rules Governing Disciplinary Procedure, available at http://okbar.org/ethics/ethics.htm (specific RGDP provisions and a collection of cases and other readings will be identified in advance of class, and posted to course webpage).

Monday, February 12
Work-Life Balance Issues in the Legal Profession

Guest speaker: Melanie Jester, Chair, Oklahoma Bar Association Work/Life Balance Task Force; Law clerk to United States Magistrate Valerie Couch

Reading assignment: to be determined.
Tuesday, February 13
Core Professional Values

Discussion of students’ legal memoranda on Core Values and Ethical Issues Journal topics. Sit in your cluster groups.

Reading assignment: study the memoranda prepared by each of your student colleagues in your cluster group. Be prepared to discuss the legal issues addressed and identify other research avenues that a practicing lawyer might pursue.

Wednesday February 14 (Valentine’s Day)

Life as a Lawyer: Stress Management, Juggling the Personal and Professional, Avoiding Burn-out
Guest Speaker: Dr. Wenona Barnes, LifeFocus Counseling Services, Oklahoma City

Reading assignment: (to be determined).

Professional Core Values & Responsibility for the Quality of Justice: Loyalty, Confidentiality, Candor to the Tribunal and Public Service

Monday, February 19
The Partisanship Principle: Zeal in the Adversary System

Reading assignment: Model Rules 1.1, 1.2, 1.7, 3.1


Tuesday, February 20
Tension Between Confidentiality & Candor to the Tribunal

Reading Assignment: ABA Model and Oklahoma Rules of Professional Conduct 1.6 and 3.3; other reading to be determined.

Wednesday, February 21
Public Service Commitment; Collective and Individual Responsibilities for Public Good and Pro Bono Legal Services

Reading assignment: ABA Model and Oklahoma Rules of Professional Conduct 6.1; other reading to be determined
Monday, February 26

Reading assignment: on course webpage. Debate on Why Blacks Lag at Major Law Firms, NYT (Nov. 29, 2006); Bill Ong Hing, In the Interest of Racial Harmony: Revisiting the Lawyer’s Duty to Work for the Common Good; Carrie Menkel-Meadow, Portia Redux: Another Look at Gender, Feminism and Legal Ethics, Paul Butler, Walking while Black Encounters With the Police on My Street, LEGAL TIMES (Nov. 10, 1997); ELIZABETH V RATO, THE COUNSELORS, CONVERSATIONS WITH 18 COURAGEOUS WOMEN WHO HAVE CHANGED THE WORLD, 96-105(interviewing Elaine Jones, head of The NAACP Legal Defense and Educational Fund, Inc).

Prosecution & Defense of Criminal Cases (3 class sessions)
Tuesday, February 27 - Monday, March 5

Tuesday, February 27

Wednesday, February 28
The Role of Prosecutor
Guest Speaker (tentative): John Richter, United States Attorney for the Western District of Oklahoma

Reading assignment: ABA and Oklahoma Rules 3.6, 3.8, 4.2; U.S. v. Ryan, 903 F.2d 731 (10th Cir. 1990)

Monday, March 5
The Role of Criminal Defense Counsel
Guest Speaker: Debbie Maddox, Attorney at Law, Norman, OK


Tuesday, March 6 - Wednesday, March 13 (5 classes)
Private Law Firm Organization: Large, Mid-Size Firms contrasted with Small Firms or Sole-Practitioners Practices

Topical coverage: statutory and decisional law of law firm organization; law firm economics; ethical culture. May include team presentations or individual paper presentations.
**Tuesday, March 6: View from the Top: Effective Law Firm Management**  
Guest Speaker: J. William Conger, Oklahoma City University General Counsel and  
Distinguished Lecturer in Law  

Reading assignment: Model Rules 5.1-5.3 and comments; excerpts from Lawrence Green,  

**Wednesday, March 7**  
Private Law Firm Organization: Changing Structures and Cultures; Avoiding Conflicts  

Reading assignment: Geoffrey C. Hazard, The Underlying Causes of Withdrawal and  
Expulsion of Partners from Law Firms, 55 Wash. & Lee L. Rev. 1073 (1988); excerpt  
from Susan Saab Fortney & Jett Hanna, Fortifying a Law Firm’s Ethical Infrastructure:  
Avoiding Legal Malpractice Claims Based on Conflicts of Interest, 33 St. Mary’s L.J. 669  
(2002).

**Monday, March 11 (team presentation)**  
Economics of practice (billable hours and alternative billing arrangements)  

Reading Assignment: Excerpts from ABA Commission on Billable Hours Report; No  
Time for Round-up, 10 ABAJEREP 3 (March 10, 2006); ABA Formal Op. 93-379.

**Tuesday, March 12**  
Guest speaker (tentative): Dietmar Caudle, Esq. Lawton, Oklahoma  
Chair, Oklahoma Bar Association Lawyer Referral Task Force  

Reading assignment: to be determined

**Wednesday, March 13 (team presentation)**

**NO CLASSES WEEK OF MARCH 19 (SPRING BREAK)**

Week of March 26-28 (3 classes): Judicial Independence, Integrity & Accountability;  
Judicial Selection

April 2- 9 (4 classes)  
Innovations in Delivery of Legal Services: Challenges to the Legal Monopoly; Prohibitions  
on the Unauthorized Practice of Law; Group Legal Services, Multidisciplinary Practices,  
Multi-jurisdictional Practices, Globalization, Lawyering on the Internet

Reading assignments : to be determined.
Electronic Communications & Lawyering on the Internet; Scrubbing Metadata


Browse the web for legal websites and consider what sorts of legal and ethical issues they raise.

Reserved for Student Presentations of Substantial Papers (to satisfy Graduation Writing Requirement)

April 10  April 17
April 11  April 18
April 16  April 23

April 24 - April 25 Course Wrap-up

VI. Leading Research Sources on Law Governing Lawyers

Ronald D. Rotunda, Professional Responsibility Black Letter Series (5th Ed. 2001)(West)
Ronald D. Rotunda, Legal Ethics: A Lawyer’s Deskbook (2000)

Research Sources
*ABA/BNA nual For Professional Conduct
*Hazard & Hodes & Dzienkowski, Law of Lawyering (2001)
Charles Wolfram, Modern Legal Ethics (1986)(West) (excellent treatise, although somewhat outdated)

websites
http://www.abanet.org/cpr/
http://www.okbar.org
http://www.law.cornell.edu/ethics/
http://www.ethicsandlawyering.com/index.htm (Lucian Pera & Bill Freivogel)
http://www.legalethics.com/ (Peter Krakaur & Davic Hricik)
http://www.freivogelonconflicts.com/ (Bill Freivogel)
http://hricik.com/business.html (David Hrcik)
VII. Possible Paper Topics
1. Lawyer participation in secret settlements in defective products and other cases.
2. Lawyer participation in undercover investigations involving deception
3. Government lawyers: upholding the rule of law (recent issues on permissibility of torture, intelligence interception; detainees and issues of access to legal counsel, procedural due process)
4. Prospective client conflicts, advance waivers
5. Judicial independence (criticism by lawyers – subject to discipline or protected by First Amendment); (criticism and control by other branches of government; restricting jurisdiction; legislative overruling; Terry Schiavo case; Congressional efforts to limit federal court jurisdiction); judicial recusals based on personal conscience
6. Use of disclaimers on attorney websites.
7. Effective ways to encourage widespread participation in delivery of pro bono legal services
8. Lawyer-mediators giving legal advice or legal information and reducing agreements to writing.
9. United Kingdom legal profession reforms (many issues: changes to regulatory structure; judicial selection; unitary legal education; role of competition law)
10. Use of "strategic alliances" as an alternative to multidisciplinary practice.
11. Lawyer participation in for-profit lawyer directories, lawyer referral services, and case matching services: focus on the internet (recent Texas case)
12. In-house lawyers suing for wrongful discharge or for unlawful discrimination.
13. Permissive versus mandatory disclosure to prevent substantial harm to others.
14. Lawyer receipt of faxes, e-mails or other documents that have been either inadvertently sent or wrongfully obtained by sender; reclaiming attorney client privilege
15. A client "bill of rights."
16. Conflicts of interest in criminal cases: ethical versus constitutional standards.
17. Allocation of decision-making authority between client and lawyer.
18. Special problems in representing the elderly.
19. Criminal defendants with mental disabilities.
20. Criminal prosecution of lawyers for aiding and abetting client’s illegal activity (Lynn Stewart convicted for assisting convicted terrorist to send political messages from jail)
21. State variations on lawyer advertising: efforts to tighten control (new Florida cases forbade use of ice cream cones and pit bulls in lawyer ads; time for U.S. S.Ct. to re-visit permissible restraints); Kentucky treating lawyer’s blog as advertising
22. State variations on lawyer solicitation: efforts to loosen control.
23. Lawyers, and the Jack Abramoff lobbying scandal: identify effective reforms
25. Unethical billing practices
26. Advancing living expenses to litigation clients; new Louisiana provision would allow
27. Serving on a client’s board of directors.
28. Civil liability for malpractice (whether criminal defendant must set aside conviction to have standing; $6.5 M verdict against LA public defender); megamalpractice claims
29. U.S. S. Ct. reversal of Arthur Anderson conviction, obstruction of justice
30. Over-the-top advocacy: judicial efforts to deter; sanctions
31. Criminal prosecution of lawyers for activities in representing clients (e.g., Lynne Stewart,
Milberg Weiss, drug conspiracy defense counsel, fraudulent tax shelters, Hewlet Packard’s former ethics counsel for involvement in pretexting; options backdating scandal, in Flatley v. MauroCal. S. Ct. ruled that lawyer’s demand letter was criminal extortion
32. New efforts to restrict lawyer advertising (NY, NJ, FL, TX, MO)
33. Inadvertent disclosure and metadata
34. Coerced corporate defendant’s waiver of attorney-client privilege as part of plea bargaining with federal prosecutors; unfolding reconsideration of how this should be handled.
35. Gonzalez-Lopez decision of U.S. S.Ct., on defendant’s right to counsel of choice
36. Varying state approaches to use of private screens to avoid disqualification for conflict of interest after lateral hire of personally disqualified lawyer.
37. Alleged misconduct by state prosecutor Mike Nifong, in Duke lacrosse case
38. Inadvertent disclosure and metadata issues, which generate controversy and conflicting ethics opinions
40. Recusal of judges for personal interest