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# United States District Court for the District of Puerto Rico

◆Continuing Legal Education Program ◆June 27, 2014 ◆Caribe Hilton Hotel◆

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## CLE Program Agenda

8:00 am to 9:00 am	Registration and Welcome
<b><i>Ethics Acceleration: The Challenge of Keeping Pace with Professional Ethics in Times of Rapid Change</i></b> <b><i>Jack Marshall, President, ProEthics, Ltd.</i></b>	
9:00 am to 9:25 am	<b>Introduction: <i>Civility, Ethical Culture and Ethics Alarms</i></b>
9:25 am to 9:45 am	<b>Warm-Up Hypothetical: “<i>Mirage</i>”</b>  <b>Summary:</b> A lawyer tries to undermine the project he had been retained to work on once he leaves the representation. Raises issues of loyalty, confidentiality, conflicts, disclosure.  <b>Issues:</b> Loyalty, conflicts of interest, former clients, candor, confidentiality, attorney rights of free speech.  <b>Discussion</b>  ABA Model Rules of Professional Conduct: 1.1, 1.2, 1.3, 1.4, 1.6, 1.7, 1.9, 2.1, 8.4
9:45 am to 10:05 am	<b>Lecture: <i>Ethical systems, Ethics Decision-Making Tools, and Impediments to Ethical Conduct</i></b>
10:05 am to 10:15 am	<b>Hypothetical: “<i>Sonny Boy</i>”</b>  <b>Summary:</b> A son who has been involved in his parents deteriorating marriage agrees to represent his father when his mother files for divorce.  <b>Issues:</b> Communication, conflicts of interest, confidentiality, loyalty, lawyer as witness, “appearance of impropriety,” withdrawal.  <b>Discussion</b>  ABA Model Rules Of Professional Conduct: 1.1, 1.2, 1.3, 1.4, 1.6, 1.7, 1.9, 1.16, 3.7, 8.4
10:15 am to 10:35 am	<b>Accelerating Developments</b>  Discussion of recent legal ethics developments, cases, legal ethics decisions.
10:35 am to 10:50 am	<b>Hypothetical: “<i>The Sounds of Silence</i>”</b>  <b>Summary:</b> An attorney agrees to allow a client to communicate a settlement offer directly to opposing party, because she doubts that opposing counsel has done so.  <b>Issues:</b> Loyalty, zealous representation, reporting misconduct, contact with represented parties.  <b>Discussion</b>  ABA Model Rules of Professional Conduct: 1.1, 1.2, 1.3, 1.4, 4.2, 2.1, 8.4

10:50 am to 11:00 am	<p><b>Hypothetical: “The Limits of Loyalty”</b></p> <p><b>Summary:</b> An attorney takes his firm client to his new firm, and now the old firm wants to sue that client regarding a contract he prepared when he was there.</p> <p><b>Issues:</b> Loyalty, zealous representation, conflicts of interest, confidentiality, former clients, imputed conflicts, attacking one’s own work.</p> <p><b>Discussion</b></p> <p style="text-align: right;">ABA Model Rules of Professional Conduct: 1.2, 1.3, 1.6, 1.7, 1.9., 1.10</p>
11:00 am to 11:30 am	Break
11:30 am to 11:40 am	<p><b>Hypothetical: “Founder”</b></p> <p><b>Summary:</b> A CEO confides in his company’s outside counsel (and his personal lawyer and friend) that he is about to die.</p> <p><b>Issues:</b> Attorney-client relationship, confidentiality, organizational representations, conflict of interest, assisting in a fraud, misconduct.</p> <p><b>Discussion</b></p> <p style="text-align: right;">ABA Model Rules of Professional Conduct: 1.2, 1.3, 1.4, 1.6, 1.7, 1.13, 1.16, 2.1, 8.4</p>
11:40 am to 11:55 am	<p><b>Lecture: “Dr. Z’s Laws: Staying Ethical When Everything is Moving Too Fast”</b></p> <p>Adapted from Philip Zimbardo’s ethics tips to help members of a professional group avoid the pressures and contextual influences that lead to unethical conduct.</p>
11:55 am to 12:10 pm	<p><b>Quiz: “Disclosure Threshold”</b></p> <p><b>Summary:</b> Two scenarios in which a lawyer might, but might not, be obligated to disclose a client’s false statements to a tribunal.</p> <p><b>Issues:</b> Loyalty, zealous representation, candor to the tribunal, confidentiality, professionalism.</p> <p><b>Discussion</b></p> <p style="text-align: right;">ABA Model Rules of Professional Conduct: 1.2, 1.3, 1.4, 1.6, 1.7, 1.9, 1.16, 2.1, 3.3, 4.1, 8.4</p>
12:10 pm to 12:30 pm	<p><b>Hypothetical: “The Unpopular Client”</b></p> <p><b>Summary:</b> A law firm is subjected to pressure by another client to drop a new client.</p> <p><b>Issues:</b> loyalty, attorney-client relationship, conflicts, confidentiality, communication, misconduct.</p> <p><b>Discussion</b></p> <p style="text-align: right;">ABA Model Rules of Professional Conduct: 1.1, 1.2, 1.3, 1.4, 1.6, 1.7, 1.9, 1.13, 2.1, 4.1, 8.3, 8.4</p>

12:30 pm to 12:50 pm	<p><b>Tech Acceleration: “Speed Test”</b></p> <p><b>Summary:</b> Review of new developments in legal ethics as it relates to technology, including communication and social networking.</p> <p><b>Issues:</b> Competence, loyalty, confidentiality, technology, social media, professionalism.</p> <p><b>Discussion</b></p> <p style="text-align: right;">ABA Model Rules of Professional Conduct: 1.1, 1.2, 1.6, 3.8, 8.4</p>
12:50 pm to 1:10 pm	<p><b>Exercise: “Pressure Points”</b></p> <p><b>Summary:</b> Two lawyers face difficult ethical dilemmas: 1) A lawyer becomes aware of judicial misconduct that will benefit his client. 2) A lawyer uses short cuts to protect a disabled client in a last minute settlement.</p> <p><b>Issues:</b> attorney-client relationship, confidentiality, loyalty, duty to the legal system, conflicts of interest, integrity, reporting misconduct, withdrawal, informed consent.</p> <p><b>Discussion</b></p> <p style="text-align: right;">ABA Model Rules of Professional Conduct: 1.2, 1.3, 1.4, 1.6, 1.7, 1.14, 1.16, 2.1, 8.3</p>
1:10 pm to 1:25 pm	<p><b>Hypothetical: “Flexibility”</b></p> <p><b>Summary:</b> An organization asks outside counsel whether an escape clause in its ethics code passes ethical and legal muster.</p> <p><b>Issues:</b> assisting in unethical conduct, advice, conflicts of interest, confidentiality, representing organizations.</p> <p><b>Discussion</b></p> <p style="text-align: right;">ABA Model Rules of Professional Conduct: 1.1, 1.2, 1.3, 1.4, 1.6, 1.7, 1.13, 1.16 2.1, 8.4</p>
1:25 pm to 1:30 pm	<p><b>Conclusion: <i>Summary and Comments</i></b></p>
1:30 pm	<p><b>Adjournment</b></p>