

Garden State CLE presents:

# **Better *NOT* call Saul** **about Ethics Law**



**Lesson Plan**

# Introduction

**Why do people hire Saul Goodman?**





## **Part I - A visit to the police station**

### **RPC 3.2. Expediting Litigation**

**A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client and shall treat with courtesy and consideration all persons involved in the legal process.**

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### **RPC 1.4(c) - Communication**

**A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.**

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## **RPC 1.5. Fees**

**(a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:**

**(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;**

**(2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;**

**(3) the fee customarily charged in the locality for similar legal services;**

**(4) the amount involved and the results obtained;**

**(5) the time limitations imposed by the client or by the circumstances;**

**(6) the nature and length of the professional relationship with the client;**

**(7) the experience, reputation, and ability of the lawyer or lawyers performing the services;**



## **Part II - Kiss me - I'm Irish**

### **RPC 8.4. Misconduct**

**It is professional misconduct for a lawyer to:**

**(g) engage, in a professional capacity, in conduct involving discrimination (except employment discrimination unless resulting in a final agency or judicial determination) because of race, color, religion, age, sex, sexual orientation, national origin, language, marital status, socioeconomic status, or handicap where the conduct is intended or likely to cause harm.**



## **Part III - Maintaining Client Confidentiality**

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### **RPC 1.18. Prospective Client**

**(a) A lawyer who has had discussions in consultation with a prospective client shall not use or reveal information acquired in the consultation, even when no client-lawyer relationship ensues.**

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### **RPC 8.4. Misconduct**

**It is professional misconduct for a lawyer to:**

**(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;**



## **Part IV - Business Transactions with a Client**

### **RPC 1.8. Conflict of Interest: Current Clients; Specific Rules**

**(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:**

**(1) the transaction and terms in which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing to the client in a manner that can be understood by the client;**

**(2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel of the client's choice concerning the transaction; and**

**(3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.**



## **Part V - The Advisor**

### **RPC 2.1. Advisor**

**In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations, such as moral, economic, social and political facts, that may be relevant to the client's situation.**



## **Part VI - Safekeeping Property**

### **RPC 1.15. Safekeeping Property**

**(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds shall be kept in a separate account maintained in a financial institution in New Jersey. Funds of the lawyer that are reasonably sufficient to pay bank charges may, however, be deposited therein. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of seven years after the event that they record.**



## **PartVII - Negotiator**

### **RPC 4.1. Truthfulness in Statements to Others**

**(a) In representing a client a lawyer shall not knowingly:**

**(1) make a false statement of material fact or law to a third person; or**

**(2) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client.**

**(b) The duties stated in this Rule apply even if compliance requires disclosure of information otherwise protected by RPC 1.6.**



## **Part VIII - Conflicts of Interest**

### **RPC 1.7. Conflict of Interest: General Rule**

**(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:**

**(1) the representation of one client will be directly adverse to another client; or**

**(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by a personal interest of the lawyer.**

**(b) Notwithstanding the existence of a concurrent conflict**



## **Part IX - Confidentiality**

### **RPC 1.6. Confidentiality of Information**

**(a) A lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b), (c), and (d).**



## **Part X - Duty to Former Clients & Terminating Representation**

### **RPC 1.9. Duties to Former Clients**

**(a) A lawyer who has represented a client in a matter shall not thereafter represent another client in the same or a substantially related matter in which that client's interests are materially adverse to the interests of the former client unless the former client gives informed consent confirmed in writing.**

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### **RPC 1.16. Declining or Terminating Representation**

**(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:**

**(4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;**



## Part XI - Advertising "That's not my Tiger!"

### RPC 7.1. Communications Concerning a Lawyer's Service

(a) A lawyer shall not make false or misleading communications about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement. A communication is false or misleading if it:

(1) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;



## RPC 7.2. Advertising {weight}

(a) No advertisement shall rely in any way on techniques to obtain attention that depend upon absurdity and that demonstrate a clear and intentional lack of relevance to the selection of counsel; included in this category are all advertisements that contain any extreme portrayal of counsel exhibiting characteristics clearly unrelated to legal competence.

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**RPC 7.1(a)(3) - A communication is false or misleading if it compares the lawyer's services with other lawyers' services**



## **Part XII - A letter from Julie in Colorado**

**RPC 7.1(a)(2) A communication is false or misleading if it is likely to create an unjustified expectation about results the lawyer can achieve, or states or implies that the lawyer can achieve results by means that violate the Rules of Professional Conduct or other law;**