

Professionalism Panel – A View From the Bench*

March 28, 2019

Elizabeth B. (“Betsy”) Hodges

Conflicts Counsel

Eversheds Sutherland (US) LLP

404-853-8067

BetsyHodges@eversheds-sutherland.us

*These hypotheticals were adapted from materials provided by the Chief Justice’s Commission on Professionalism

Problem 1: Granting Continuances

A good friend of yours is representing the defendant in a case in which you represent the plaintiff. Your friend calls you and asks you to agree to a continuance because she is overloaded with work and simply cannot get prepared in time.

- Do you agree to it?
- Do you inform your client?
- What if your client instructs you not to agree to the continuance?
- Does the reason for the request matter?
- What if her father died and she must leave town? The judge will grant it anyway, right?
- What if she isn't a friend but is the "jerk" who refused to give you a continuance in a recent case? Does that change your answer?
- What if you do not know her and don't expect ever to litigate a case against her again?

General Themes/Talking points for Problem 1

- *Professionalism is about doing the right thing and being treated the way you would want to be treated if you asked for a continuance, whether or not you will ever litigate against this person again.*
- *Professionalism is about developing a good reputation in the legal community and presenting the public with a positive view of lawyers.*

References for Problem 1

A Lawyer’s Creed

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one. (Lines 6 – 9)

Aspirational Statement on Professionalism

As a lawyer, I will aspire to preserve the dignity and the integrity of our profession by my conduct. The dignity and the integrity of our profession is an inheritance that must be maintained by each successive generation of lawyers. (Lines 48, 64 – 66)

As to opposing parties and their counsel, I will aspire to cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should . . . [g]rant reasonable requests for extensions or scheduling changes. (Lines 96 – 100)

SAMPLE

Problem 2: Dead Client

You are representing the plaintiff in a personal injury suit, and depositions of your client and the defendant are scheduled for next week. You get a call informing you that your client has been killed in an automobile accident.

- Do you inform the defendant and his lawyer of this fact before you depose the defendant?

General Themes/Talking points for Problem 2

- *Professionalism is about candor, integrity and honesty and developing a reputation for same.*
- *Professionalism is about being prepared to do the right thing even though it may result in a disadvantage.*

References for Problem 2

A Lawyer's Creed

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one. (Lines 6 – 9)

To the courts and other tribunals, and to those who assist them, I offer respect, candor and courtesy. I will strive to do honor to the search for justice. (Lines 10 – 12)

Aspirational Statement on Professionalism

As a lawyer, I will aspire to preserve and improve the law, the legal system, and other dispute resolution processes as instruments for the common good. (Lines 48, 60 – 61)

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As to opposing parties and their counsel, I will aspire to cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should . . . treat opposing counsel in a manner consistent with his or her professional obligations and consistent with dignity of the search for justice. As a professional, I should . . . [avoid] all rudeness and other acts of disrespect in all meetings including depositions and negotiations. (Lines 96 – 111)

As to the courts, other tribunals, and to those who assist them, I will aspire to . . . model for others the respect due our courts. As a professional I should . . . [a]ct with complete honesty. (Lines 115, 128 – 129)

Problem 3: Angry Client with no Claim

A client comes to you angry at a party in a business transaction and asks you to sue the other party for contract of breach, antitrust violations and to assert several RICO claims in the process. The client is wealthy, very angry and willing to pursue the lawsuit even if he will lose on all counts, because as he says "it will make that S.O.B. suffer." You quickly determine that the client has no hope of winning ultimately, although you believe there are enough questions to survive motions to dismiss and to result in protracted litigation. This could result in substantial billings, which the client is quite willing to pay.

- What do you do?

General Themes/Talking points for Problem 3

- *Professionalism is about candor, integrity and honesty and developing a reputation for same.*
- *Professionalism about controlling your clients and encouraging them to do the right thing despite their anger or frustration with a potential opponent.*
- *To practice law as a profession, not simply as a business.*

References for Problem 3

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To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one. (Lines 6 – 9)

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To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional one. (Lines 13 – 15)

Aspirational Statement on Professionalism

As a lawyer, I will aspire to preserve and improve the law, the legal system, and other dispute resolution processes as instruments for the common good. (Lines 48, 60 – 61)

As a lawyer, I will aspire to practice law not as a business, but as a calling in the spirit of public service. (Lines 48, 71)

As to clients, I will aspire to fully informed client decision making. As a professional, I should:

- ...
- (2) Counsel clients about the value of cooperation as a means toward productive resolution of disputes;
- (3) Maintain the sympathetic detachment that permits objective and independent advice to clients . . .

(Lines 73, 75, 77 – 80)

Problem 4: Late-Paying Client

A long-term client calls you at 3:00 p.m. and tells you he needs advice on a complicated matter by 9:00 a.m. the next morning. This will require most of the rest of the day and the evening to complete the work, but you feel you can get it done by the deadline. However, you discover the client owes your firm a substantial amount of money for previous work and has been balking at paying the outstanding receivables.

- Would it be appropriate to raise this with the client, or condition the undertaking this new work on his agreement to pay for the prior work?

General Themes/Talking points for Problem 4

- *Professionalism is about the balance between serving your clients and maintaining a balance when they are not willing to pay.*
- *To practice law as a profession, not simply as a business.*

References for Problem 4

A Lawyer's Creed

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust. (Lines 2 – 5)

Aspirational Statement

As to clients, I will aspire to determine the amount of fees by consideration of many factors and not just time spent by the attorney. (Lines 84, 88 – 89)

[Also, as] a professional, I should resolve all fee disputes through arbitration methods provided by the State Bar of Georgia. (Lines 84, 91 – 91)

Problem 5: The Delegating Partner

On his way out the door to the Masters, a partner tells you to research a matter for an important client, not to spend more than two hours on it, and to have a memo on his desk the next morning. You are not an expert in the area and really do not know where to begin.

- Do you tell the partner you cannot do it under those criteria?
- Do you accept the assignment but spend as much time as necessary to get it done? If so, how would you bill it?

General Themes/Talking points for Problem 5

- *Professionalism is about diligence and competence.*
- *Professionalism is about doing quality work, but not always charging your clients for all of the time you spent getting up to speed just to bill the hours.*
- *Professionalism is about not cutting corners.*

References for Problem 5

A Lawyer's Creed

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust. (Lines 2 – 5)

Aspirational Statement

As to clients, I will aspire to [be] expeditious and economical [in the] achievement of all client objectives. (Lines 73 – 74)

Problem 6: The Morning Lawyer

You are negotiating a complicated deal with a lawyer who is brilliant and focused in the morning and ignorant and disorganized in the afternoon. At lunch one day he consumes four martinis and you immediately understand the problem. Yet his clients seem to have no clue as to his impairment. Would you:

- A. Only arrange negotiating sessions with him that begin after 2:00 p.m.?
- B. Warn him that his impairment jeopardizes his ability to represent his client?
- C. Warn his client of the problem?
- D. Warn his partners?
- E. Contact the State Bar and file a complaint against him?

Are there other alternatives?

General Themes/Talking points for Problem 6

- *Professionalism is about protecting the public.*
- *Professionalism is about concern for the well-being of your fellow colleagues.*

References for Problem 6

A Lawyer's Creed

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one. (Lines 6 – 9)

To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional one. (Lines 13 – 15)

Aspirational Statement

As to opposing parties and their counsel, I will aspire to treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. (Lines 96 – 98)

As to my colleagues in the practice of law, I will aspire to assist my colleagues [to] become better people in the practice of law and to accept their assistance if offered to me. (Lines 139, 142)

As to our profession, I will aspire to protect the public from incompetent or other wrongful lawyering. As a professional, I should report violations of ethical regulations by fellow lawyers. (Lines 144, 149 – 150, 152)

Problem 7: Dying Client

You are called to the hospital by a long-time client who is dying of cancer. She tells you that she wants to change her will to disinherit her children and leave her entire estate to a close friend. She also announces that she wants you to complete the work quickly because she intends to commit suicide as soon as the will is finalized.

- What do you do?

General Themes/Talking points for Problem 7

- *Professionalism is about doing the right thing for the right reason.*
- *Professionalism is about counseling your clients to do the right things.*

References for Problem 7

A Lawyer's Creed

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust. (Lines 2 – 5)

Aspirational Statement

As to clients, I will aspire to fully informed client decision-making. (Lines 73 – 74)

As to the public and our system of justice, I will aspire to counsel clients about the moral and social consequences of their conduct. (Lines 155 – 156)

Problem 8: Protection of the Public

One of your long-time clients asks you to go to the jail and bail out his son who has been arrested for dealing drugs. When you arrive you realize that the boy has a serious drug problem but you can arrange to have him released that afternoon. He informs you that he needs to get out quickly because he is in desperate need of a "fix."

- What do you do?

General Themes/Talking points for Problem 8

- *Professionalism is about the protection of the public.*
- *Professionalism is about doing the right thing.*

References for Problem 8

A Lawyer's Creed

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust. (Lines 2 – 5)

Aspirational Statement

As to clients, I will aspire to fully informed client decision-making. (Lines 73 – 74)

As to the public and our system of justice, I will aspire to counsel clients about the moral and social consequences of their conduct. (Lines 155 – 156)

Problem 9: Accident and Release

Your client is a company that wishes to sell the assets of one of its divisions to another company with which it has had a business relationship for several years. As part of the deal, the two companies have agreed to resolve some minor disputes over accounts receivable by entering into a standard form mutual release in which each company releases all claims against the other that arose prior to the closing date. Your client is elated because 24 hours before closing his truck ran a red light hitting the purchaser company's truck, destroying the contents of that truck which were valued at over \$100,000.

- The other parties are not aware of this. Should you disclose this at closing?

General Themes/Talking points for Problem 9

- *Professionalism is about candor, integrity and honesty and developing a reputation for same.*
- *Professionalism is about being prepared to do the right thing even though it may result in a disadvantage.*

References for Problem 9

A Lawyer's Creed

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one. (Lines 6 – 9)

Aspirational Statement on Professionalism

As a lawyer, I will aspire to preserve and improve the law, the legal system, and other dispute resolution processes as instruments for the common good. (Lines 48, 60 – 61)

As a lawyer, I will aspire to preserve the dignity and the integrity of our profession by my conduct. The dignity and integrity of our profession is an inheritance that must be maintained by each successive generation of lawyers. (Lines 48, 64 – 66)

As to opposing parties and their counsel, I will aspire to cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should . . . treat opposing counsel in a manner consistent with his or her professional obligations and consistent with dignity of the search for justice. As a professional, I should . . . [avoid] all rudeness and other acts of disrespect in all meetings including depositions and negotiations. (Lines 96 – 111)

Problem 10: Hidden Witness.

You represent the defendant in a lawsuit and have subpoenaed an expert witness. You have asked the witness simply to remain in the foyer of the courthouse and told him that you will call him if you need him. During the plaintiff's presentation of the case, it becomes obvious that this same expert witness is necessary for the authentication of some very important documents which relate to the case. You know that if the plaintiff is unable to get these documents into evidence, the plaintiff will lose. The plaintiff's lawyer requests that the judge give him a brief recess in order for him to locate an expert witness and she agrees. Plaintiff's lawyer calls the expert witness' office and is told by the receptionist that the expert witness is out of the office for the entire day. Plaintiff's lawyer returns to the courtroom and reports to the judge what he has been told. It is obvious that the judge is highly irritated that the plaintiff's lawyer is so ill-prepared that he didn't (1) realize that the testimony of the expert witness was necessary and (2) that he did not subpoena the expert witness.

- What do you do?

General Themes/Talking points for Problem 10

- *Professionalism is about candor, integrity and honesty and developing a reputation for same.*
- *Professionalism is about being prepared to do the right thing even though it may result in a disadvantage.*

References for Problem 10

A Lawyer's Creed

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one. (Lines 6 – 9)

To the courts and other tribunals, and to those who assist them, I offer respect, candor and courtesy. I will strive to do honor to the search for justice. (Lines 10 – 12)

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As to opposing parties and their counsel, I will aspire to cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should . . . treat opposing counsel in a manner consistent with his or her professional obligations and consistent with dignity of the search for justice. As a professional, I should . . . [avoid] all rudeness and other acts of disrespect in all meetings including depositions and negotiations. (Lines 96 – 111)

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(Lines 115, 128 – 129)

SAMPLE

Problem 11: Legal Fees

You have just completed a complicated financial agreement and have billed Client A \$10,000. Two months later, Client B comes into your office with the exact same problem. It takes you only one hour to change the names, dates, etc. of the earlier agreement. You send the new agreement to Client B who is very pleased with the quality of the product and the speed with which you got it to the client. Both were sizable, important deals. How much do you bill Client B?

- A. The straight hourly rate (i.e., \$300)?
- B. \$5,000?
- C. \$10,000?

General Themes/Talking points for Problem 11

- *Professionalism is about the balance between serving your clients and maintaining a balance when they are not willing to pay.*
- *To practice law as a profession, not simply as a business.*

References for Problem 11

A Lawyer's Creed

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust. (Lines 2 – 5)

Aspirational Statement

As to clients, I will aspire to fair and equitable fee agreements. As a professional, I should:

- (1) Discuss alternate methods of charging fees with all clients;
- (2) Offer fee agreements that reflect the true value of the services rendered;
- ...
- (3) Determine the amount of fees by consideration of many factors and not just time spent by the attorney. . . .

(Lines 84 – 89)

Problem 12: Too Much Work

You have been courting a particular potential client for several years. The person finally calls and asks you to handle a very major transaction which will clearly lead to much more legal work for many years to come. She wants you to handle all the work personally and not delegate it to anyone else. Unfortunately, you are so busy that it is going to be extraordinarily difficult for you to take on this new work.

- What do you tell the potential client?

General Themes/Talking points for Problem 12

- *Professionalism is about honesty and integrity.*
- *Professionalism is about providing a quality work product for the client.*
- *Professionalism is not just about making money.*

References for Problem 12

A Lawyer's Creed

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust. (Lines 2 – 5)

Aspirational Statement

As to clients, I will aspire to fully informed decision-making. As a professional, I should:

- ...
(4) Communicate promptly and clearly with clients;
(5) Reach clear agreements with clients concerning the nature of the representation.
(Lines 73, 75, 81 – 83)

Problem 13: Abusive Discovery

You represent a plaintiff who is a very wealthy individual. The defendant is a very small company which is in some serious financial distress. You know that your client has a weak claim at best. However, your wealthy client demands that you inundate the defendant with interrogatories and requests for production of documents, knowing full well that the defendant cannot afford to pay its counsel to comply with the discovery requests. Your client is also aware that the president of the defendant company has scheduled a trip to Europe for the purpose of negotiating a transaction which could save his company. Your client demands that you notice the defendant's president for a deposition for the Wednesday of the week he intends to be in Europe.

- What do you tell your client?

General Themes/Talking points for Problem 13

- *Professionalism is about candor, integrity and honesty and developing a reputation for same.*
- *Professionalism about controlling your clients and encouraging them to do the right thing despite their anger or frustration with a potential opponent.*
- *To practice law as a profession, not simply as a business.*

References for Problem 13

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As to clients, I will aspire to fully informed client decision making. As a professional, I should:

...

(2) Counsel clients about the value of cooperation as a means toward productive resolution of disputes;

(3) Maintain the sympathetic detachment that permits objective and independent advice to clients . . . (Lines 73, 75, 77 – 80)

As to opposing parties and their counsel, I will aspire to treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. As a professional, I should:

- (1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
- (2) Be courteous and civil in all communications;
- ...
- (4) Avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations. . . .

(Lines 96, 103 – 111)

As to the courts, other tribunals, and to those who assist them, I will aspire to represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. As a professional, I should

- (1) avoid non-essential litigation and non-essential pleading in litigation;
- ...
- (3) Seek non-coerced agreement between the parties on procedural and discovery matters;
- ...
- (6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our systems of justice.

(Lines 115 – 127)

Problem 14: Confidential Information

One day you receive an email from Plaintiff's counsel that includes communications between Plaintiff and her counsel related to a lawsuit which you are defending. Without reading the substance of the email you realize two things:

- (a) the email lays out the plaintiff's trial strategy; and (b) it was emailed to you by mistake.

What do you do with this email? If it is ten pages long, would you read the entire email before deciding? Would you inform your client that this happened? Would your answer be different if attorney/client privileged materials were inadvertently provided to you in response to a document request?

General Themes/Talking points for Problem 14

- *Professionalism is about doing the right thing and being treated the way you would want to be treated if you asked for a continuance, whether or not you will ever litigate against this person again.*
- *Professionalism is about developing a good reputation in the legal community and presenting the public with a positive view of lawyers.*

References for Problem 14

A Lawyer's Creed

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As to opposing parties and their counsel, I will aspire to cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should . . . [g]rant reasonable requests for extensions or scheduling changes. (Lines 96 – 100)

Problem 15: Eavesdropping

You are sitting in the snack bar of the courthouse waiting for the time to report back on a case when you realize the group sitting in the next booth is discussing the case you are litigating.

- Do you have an obligation to interrupt them and tell them who you are?
- Do you have an obligation to tell the attorney for the other side that you heard his witnesses discussing the case?

General Themes/Talking points for Problem 15

- *Professionalism is about doing the right thing and being treated the way you would want to be treated if you asked for a continuance, whether or not you will ever litigate against this person again.*
- *Professionalism is about developing a good reputation in the legal community and presenting the public with a positive view of lawyers.*

References for Problem 15

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As to opposing parties and their counsel, I will aspire to cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should . . [g]rant reasonable requests for extensions or scheduling changes. (Lines 96 – 100)

Problem 16: Unethical Conduct by an Opposing Lawyer

You are involved in a transaction during which the opposing lawyer commits a number of breaches of the ethical standards.

- Do you have an obligation to report the conduct to the State Bar?
- If not, what do you do about it?

General Themes/Talking points for Problem 16

- *Professionalism is about protecting the public.*
- *Professionalism is about concern for the well-being of your fellow colleagues.*

References for Problem 16

A Lawyer's Creed

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one. (Lines 6 – 9)

To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional one. (Lines 13 – 15)

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As to my colleagues in the practice of law, I will aspire to assist my colleagues [to] become better people in the practice of law and to accept their assistance if offered to me. (Lines 139, 142)

As to our profession, I will aspire to protect the public from incompetent or other wrongful lawyering. As a professional, I should report violations of ethical regulations by fellow lawyers. (Lines 144, 149 – 150, 152)

Problem 17: Pro Bono

A young lawyer in your firm comes to you and tells you that she has been asked to take on a pro bono representation. You and another senior partner are determining what response you should make to this young lawyer. All of the lawyers in your firm are very busy at this time and the requested pro bono undertaking will clearly add additional strain on your legal personnel.

- What questions do you ask the associate?

General Themes/Talking points for Problem 17

- *Professionalism is about finding time to serve the public and our systems of justice.*
- *Professionalism is about finding a balance between billable work and pro bono work.*

References for Problem 17

A Lawyer's Creed

To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients. (Lines 19 – 23)

Aspirational Statement

As to the public and our systems of justice, I will aspire to provide the pro bono representation that is necessary to make our system of justice available to all. (Lines 155, 167)

Pro Bono - continued

Additional facts:

- A. The representation will not be unpopular, it will simply be time consuming and has no prospects of leading to any paying business in the future.
- B. Although this activity will generate no fees for your firm currently, your young associate will be placed into contact with all companies considering locating major facilities in your community. This contact could very well lead to substantial new legal business in the future. Do you approach it differently?
- C. The pro bono activity relates to something which is very unpopular in the community and may well cause some of your existing clients to be unhappy, perhaps even to leave your firm if you take on the representation.

Same General Themes/Talking Points

Problem 18: Threatened Criminal Action

In a dispute with a landlord, you agree that for a certain rebate of rent you will not turn her in for criminal violations of the tenancy code.

- Is that okay?

General Theme/Talking point for Problem 18

- *Professionalism is about upholding the law and our systems of justice.*

References for Problem 18

A Lawyer's Creed

To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients. (Lines 19 – 23)

Aspirational Statement

As to the courts, other tribunals and those who assist them, I will aspire to provide model for others the respect due to our courts. As a professional I should act with complete honesty. (Lines 115, 128 – 129)

Problem 19: Stonewalling

During a judicial chambers conference with the judge on a discovery dispute, a partner has just asserted that a properly-discoverable document requested by the other side cannot be located. The associate, aware that the document is in the partner's briefcase, whispers in the partner's ear that the document is present and available. The partner remains silent.

- What does the associate do?

General Themes/Talking points for Problem 19

- *Professionalism is about upholding the law and our systems of justice.*
- *Professionalism is about honesty and integrity.*
- *Professionalism is about doing the right thing even though it may be detrimental to the client.*

References for Problem 19

A Lawyer's Creed

To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients. (Lines 19 – 23)

Aspirational Statement

As to the courts, other tribunals and those who assist them, I will aspire to provide model for others the respect due to our courts. As a professional I should act with complete honesty. (Lines 115, 128 – 129)

Problem 20: Settlement Limits

You are authorized by your client to offer \$100,000 to settle a case. As a negotiating strategy and without consulting the client, you decide to make an offer of \$75,000 and you inform the plaintiff's lawyer that this is your first and final offer and last dollar.

- Is that okay?

General Theme/Talking point for Problem 20

- *Professionalism is about honesty and integrity.*

References for Problem 20

A Lawyer's Creed

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one. (Lines 6 – 9)

Aspirational Statement

As to opposing parties and their counsel, I will aspire to cooperate with opposing counsel in a manner consistent with the competent representation of all parties. (Lines 96 – 98)

Problem 21: Bidding for Work

You are approached by the general counsel of a major corporation who would like you to represent the corporation locally. He tells you that he is interviewing you and two other lawyers in town and that he wants you to bid on doing his work.

- Would you submit a bid?
- Does the amount matter?

- A. The work is likely to result in fees of \$5,000.
- B. The work is likely to result in fees of \$50,000.
- C. The work is likely to result in fees of \$500,000.

General Themes/Talking points for Problem 21

- *Professionalism is about the balance between serving your clients and demanding willing to pay.*
- *To practice law as a profession, not simply as a business.*

References for Problem 21

A Lawyer's Creed

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust. (Lines 2 – 5)

Aspirational Statement

As to clients, I will aspire to fair and equitable fee agreements. As a professional, I should:

- (1) Discuss alternate methods of charging fees with all clients;
- (2) Offer fee agreements that reflect the true value of the services rendered;
- ...
- (3) Determine the amount of fees by consideration of many factors and not just time spent by the attorney. . . .

(Lines 84 – 89)