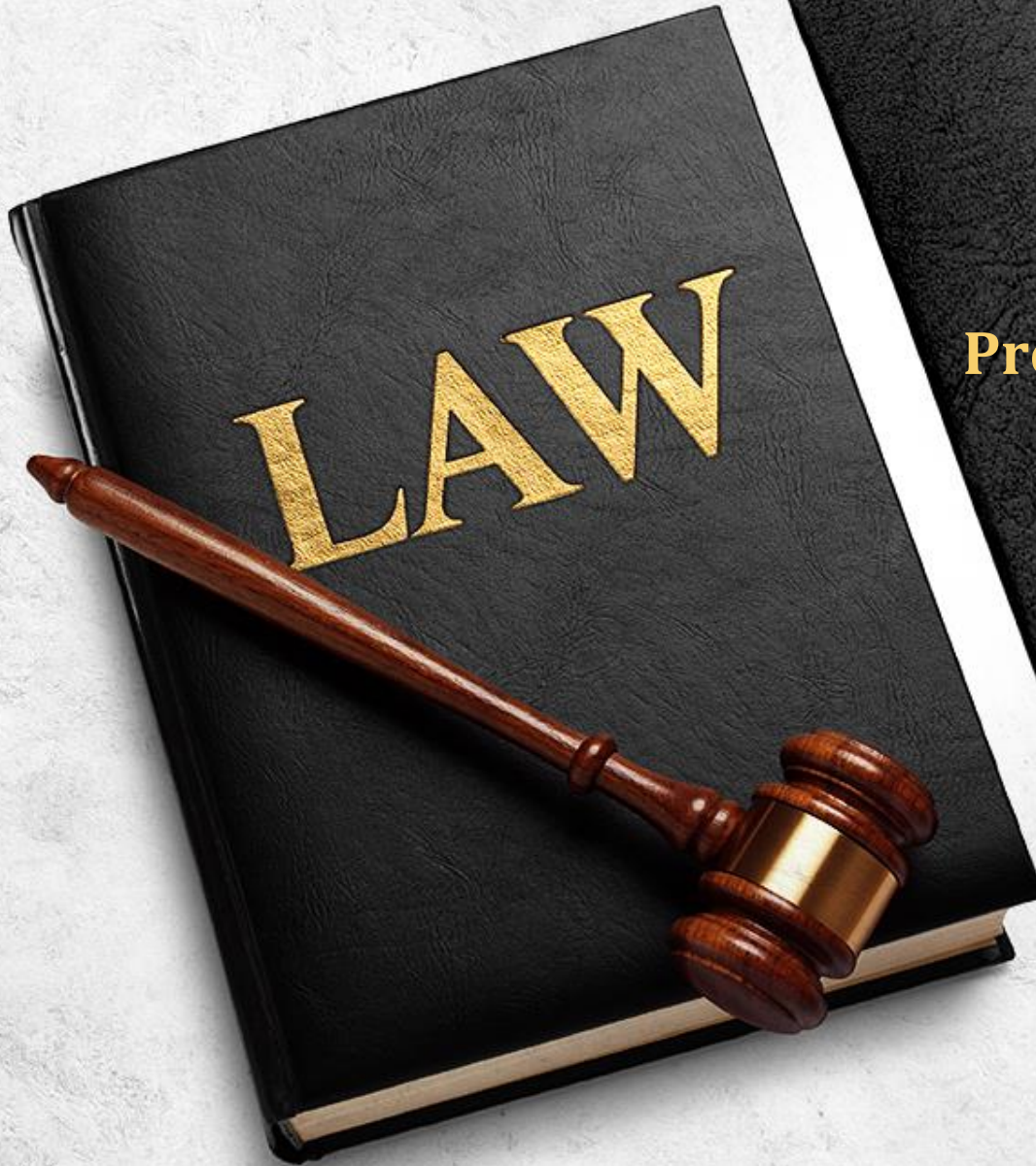


# Legal Ethics

## Lecture 04

Prof. Marvin Longabaugh

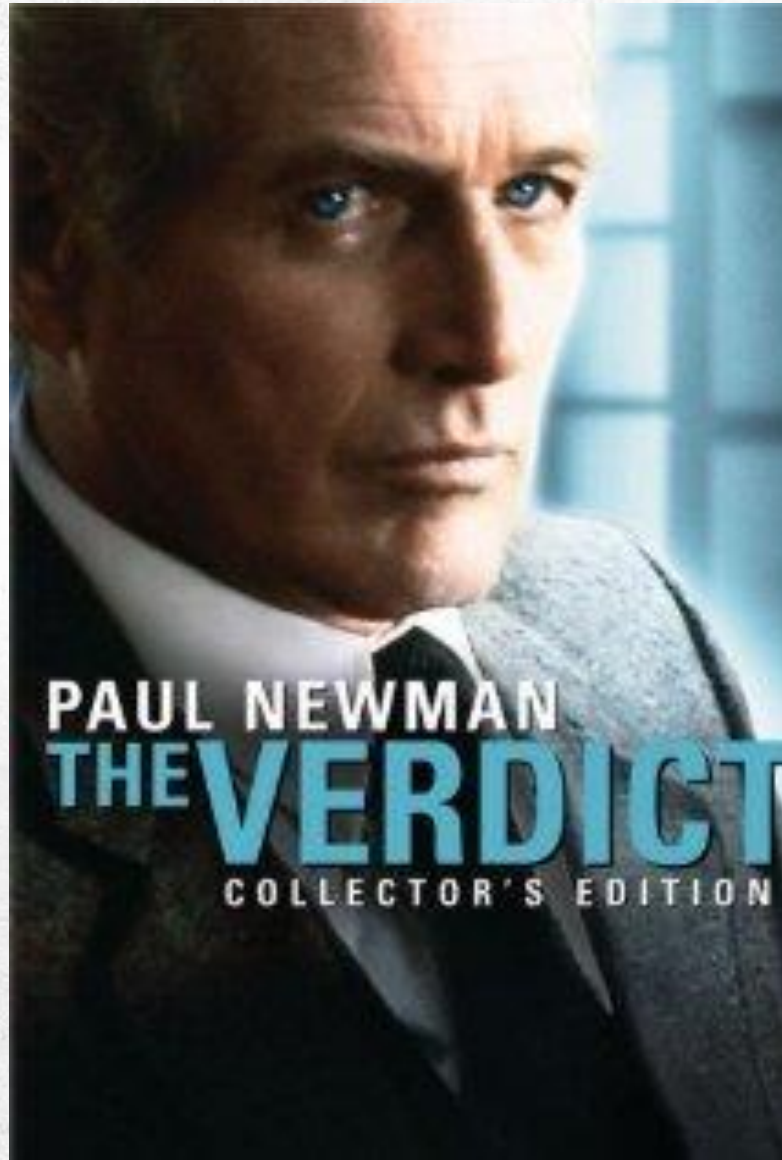
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# The Verdict (1982)

M\_Verdict\_04



# General Duties to the Client

- **Loyalty**
  - This includes the duty to avoid conflicts of interest and to put the interests of the client above the interests of the lawyer
- **Zealous Advocacy**
  - Includes the duty to serve the interests of the client even if the lawyer does not believe in the justness of the client's cause
  - **DOES NOT** include lying to a court or suborning perjury
  - **DOES NOT** include filing frivolous claims
- **Diligence**
  - Timeliness
  - Following up on matters
- **Communication**
  - Informing the client of relevant developments in his or her case
  - Exception: When the communication may cause harm to the client
- **Knowledge and Skill**
  - This mostly applies before accepting the case in the first place





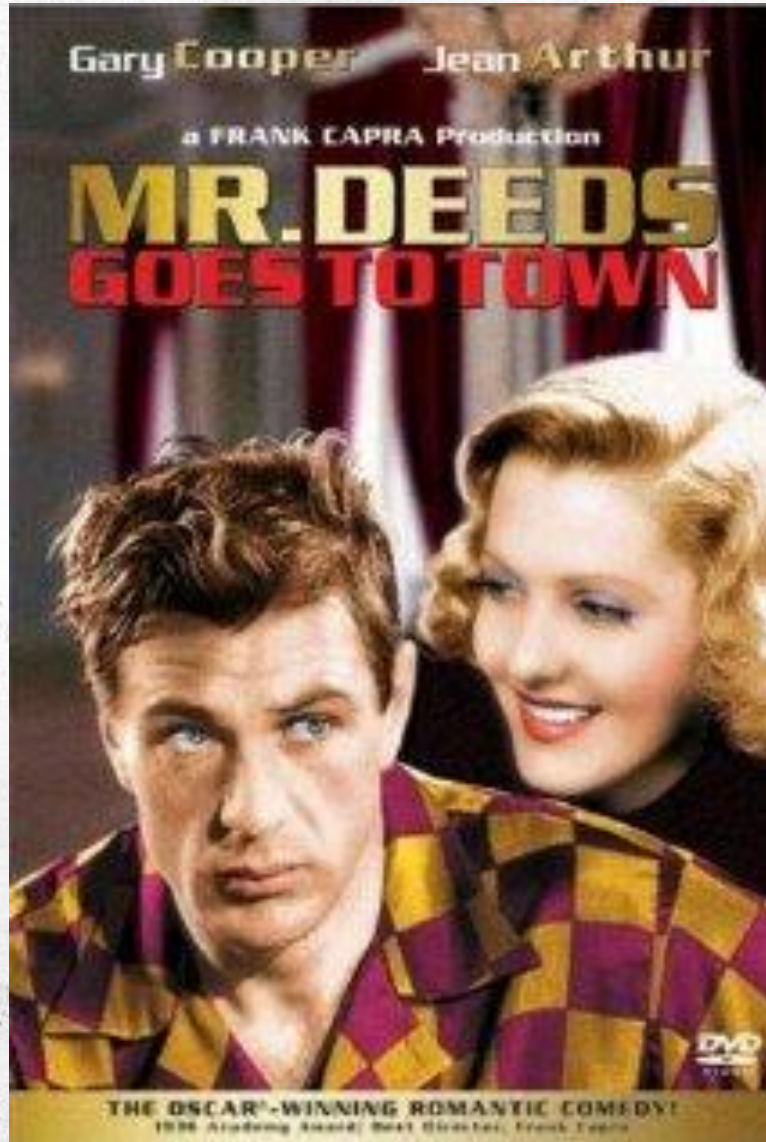
# Competence

- Competence, Legal Malpractice, and Other Civil Liability (Rule 1.1)
- Maintaining Competence
- Competence Necessary to Undertake Representation (Rule 1.1 & Comment 1)
- Gaining Competence
- Emergency Matters (Rule 1.1)
- Exercising Diligence and Care (Rule 1.3, Comment 1)



# Mr. Deeds Goes to Town (1936)

M\_MrDeeds\_01





# Duties Regarding the Handling of Client Money

- **Maintain relevant *client trust accounts***
- **Separation of funds**
  - Commingling client assets with attorney assets is an ethical violation and will lead to complete liability if something happens to those assets
  - Keeping ***adequate records*** regarding the client funds and trust accounts
  - Keeping the client informed of what is happening with his or her money
  - Give back to the client whatever of the client's money is not used up by costs
  - **MAY NOT** hold client funds as “collateral” to collect fees



# Safekeeping Property

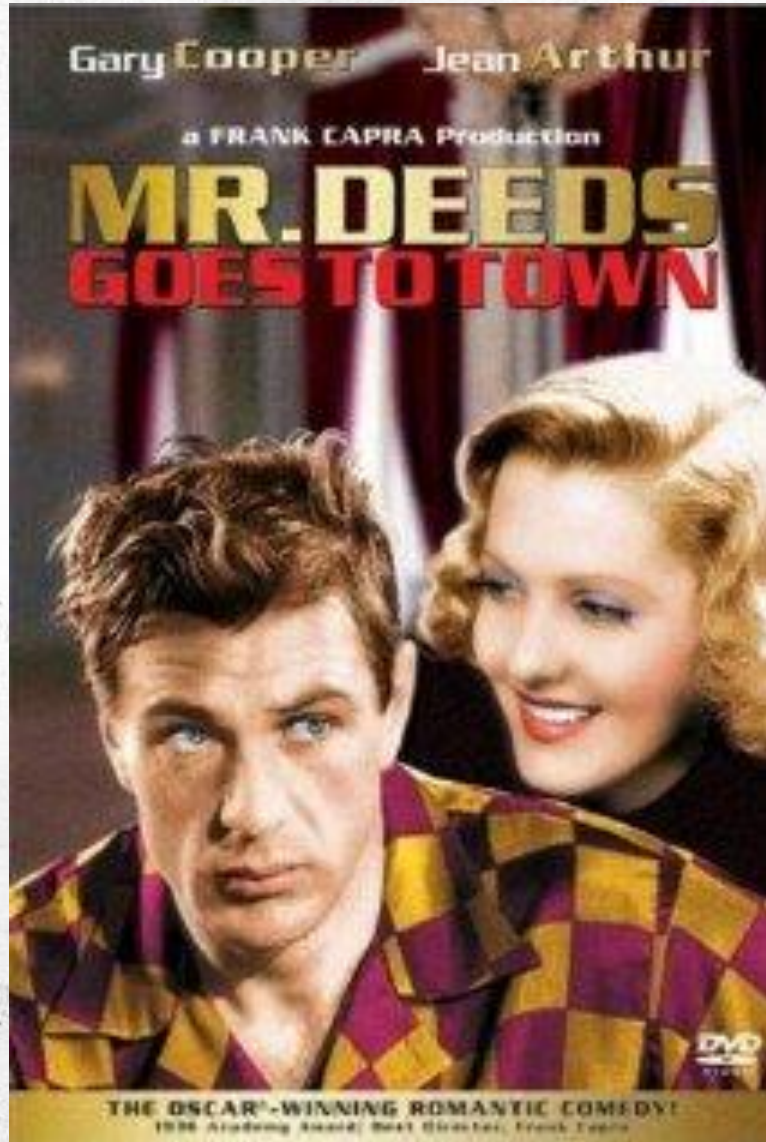
- You owe immediate fiduciary duties to a client or a third party who gives property to you as their agent.
- You must keep client funds in a trust account and never commingle them with your personal or business accounts. Rule 1.15(a).
- You must safeguard property other than money by:
  - Notifying your client when you receive it
  - Promptly delivering it
  - Promptly setting up proper accounting procedures and maintaining them for a period of years.





# Mr. Deeds Goes to Town (1936)

M\_MrDeeds\_02





# Safekeeping Property

- With a contingent fee, there must be a written accounting to the client, stating “the outcome of the matter, and if there is a recovery, showing the remittance to the client and the method of its determination.” Rule 1.5(c).
- If you and your client have a dispute about trust fund property, you cannot withdraw the disputed portion of the fee until the dispute is resolved. Rule 1.15(e).
- Interest earned on client trust accounts is the client’s private property.
  - IOLTA Accounts



# Quick Quiz





# End Of Class Review Quiz

**THE  
BIG  
QUIZ**



# The End

