

IVAN MARTINEZ PRESENTS

Reel Legal Ethics

Part Deux

May 28, 2015

WRITTEN AND DIRECTED BY
Ivan Martinez

Presented to



Objectives

Recognize

- Unethical Conduct
- Behavior Falling Below Aspirational Goals

Convey

- Ethical Rule Forbidding Conduct
- Aspirational Guideline Addressing Behavior

- ***The Godfather*** © 1972 Paramount Pictures
- **Description of scene one:** Tom Hagen (Robert Duvall) is the attorney/consigliere for the Corleone crime family. Hagen meets with Don Vito Corleone (Marlon Brando) and Santino “Sonny” Corleone (James Caan) regarding an upcoming meeting with Virgil “The Turk” Sollozzo (Al Lettieri). Hagen explains that The Turk is well-connected in trafficking heroin. Hagen advises Don Vito that the Corleones should work with The Turk because selling heroin is a lucrative enterprise with a tremendous future. Hagen also points out that, with the additional proceeds, the Corleones will be better able to further their other criminal endeavors.

ATTORNEY OFFERS CLIENT INVESTMENT ADVICE

▪ Attorney May Give Advice Outside His Legal Expertise.

Texas Disciplinary Rules of Professional Conduct (TDRPC) Rule 2.01

▪ Better Practice May Be To Advise Client to Seek Advice of Outside Expert.

See Comment 4 to TDRPC Rule 2.01

ATTORNEY ADVISES CLIENT REGARDING FUTURE CRIME

- “Confidential Information” of a Future Crime likely to result in substantial injury to the property or financial interests of another
- Lawyer Shall Try and Dissuade the Client from Committing the Crime. TDRPC Rule 1.02(d)

“A Lawyer Shall Not Assist a Client in [Criminal] Conduct...”

TDRPC Rule 1.02(c)

ATTORNEY CONSPIRES WITH CLIENT TO COMMIT FUTURE CRIME

A Lawyer Shall Not:

- Commit a “Serious Crime” or Any Other Criminal Act that Reflects Adversely on the Lawyer's Honesty, Trustworthiness or Fitness as a Lawyer;
- Engage in Conduct Involving Dishonesty, Fraud, Deceit or Misrepresentation;
- Engage in Conduct Constituting Obstruction of Justice

TDRPC Rule 8.04(a)(2)(3)(4) MISCONDUCT

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Reel Legal Ethics, Part Deux

Also available as part of the eCourse

[Reel Legal Ethics, Part Deux](#)

First appeared as part of the conference materials for the
2015 Robert O. Dawson Conference on Criminal Appeals session
"Reel Legal Ethics, Part Deux"