The Ten Commandments of Ethical Advocacy in Depositions

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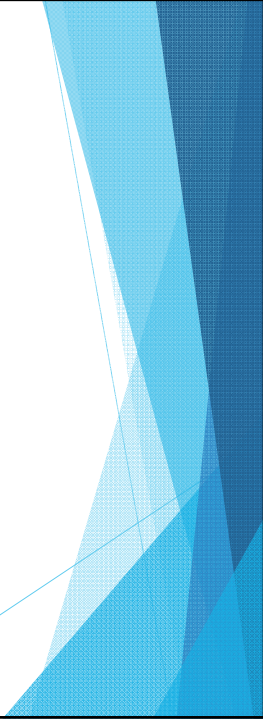

I. Thou Shalt Prepare Thy Witness

1.01 Competent and Diligent Representation

(b) In representing a client, a lawyer shall not:

(1) neglect a legal matter entrusted to the lawyer; or

(2) frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.

Video Clip

Texas Lawyer's Creed

III. LAWYER TO LAWYER

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

14. I will not arbitrarily schedule a deposition, court appearance, or hearing until a good faith effort has been made to schedule it by agreement.

II. Thou Shalt Know Thy Claims and Defenses

3.01 Meritorious Claims and Contentions

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous.

Potential Consequences

Interview the client yourself - Don't rely upon a paralegal to do

Tex. R. Civ. P. 13

CPRC 10.001 et seq

Counter claim for frivolous lawsuit under DTPA

Title search: The Ten Commandments of Ethical Advocacy in Depositions

Also available as part of the eCourse
[Insurance Litigation Strategies](#)

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20th Annual Insurance Law Institute session
"Ethics of Witness Preparation in Coverage Case"