

Ethics Emergency Survival Kit

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3 days before appellate oral argument
Client: "Bend the facts in the trial record."
You: "Not appropriate. Won't do it."
Client: lose/lawsuit malpractice
To quote the travelers cheques
commercials from the 1970's:
"What will you do?
What will you do?"

Before we discuss your options in the appellate emergency just described, answer this question:

What is the best way to survive a motor vehicle collision?

Not to get in a motor vehicle collision in the first place.

Similarly, what is the best way
to survive an appellate
emergency?

Not to get in one in the first
place.

Strategies for Avoiding Ethics Emergencies

Choose better clients:

Some walk into office with suing you as a
litigation strategy if client doesn't prevail.

1. Rep Agreement – authorize
background checks and grant permission
to communicate with prior counsel, if
any.

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