

ETHICS FOR APPELLATE PRACTITIONERS

Judge Michael E. Keasler
Texas Court of Criminal Appeals



Ethics:



- The moral principles which determine the rightness or wrongness of particular acts or activities;
- The field of study concerned with the principles of human duty;
- The science of morals

Ethics:



- Standards of conduct that indicate how one should behave based on moral duties and virtues arising from principles about right and wrong.

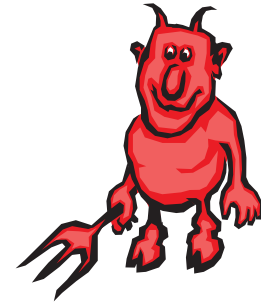
Common Rationalizations:



1. If it's necessary, it's ethical.
2. If it's legal, it's ethical; if it's permissible, it's proper.
3. I'm just fighting fire with fire.
4. We've always done it this way.
5. Everyone else is doing it.
6. It's a dumb rule.
7. It's ethical as long as it doesn't hurt anyone.
8. It's ethical if I don't gain personally.
9. I've got it coming; they owe me.
10. I'm doing it for my family.
11. It's for a good cause.
12. I don't care what it looks like; I can still be objective.
13. This is a business, management, or political issue; it doesn't involve ethics.
14. To get along, go along.
15. "They" don't understand.
16. Sometimes you have to take shortcuts to survive.

The Doctrine of Relative Filth:

“I’m not so bad so long as there are people who are worse.”



Competence and Diligence

- Disciplinary Rule 1.01(a) provides that a lawyer should not agree to handle any matter beyond his or her level of competence.
- Rule 1.01(b) says that a lawyer shall not neglect any matter or fail to complete all services owed to the client.
- Rule 1.01(c) defines neglect as “inattentiveness involving a conscious disregard for the responsibilities owed.”
- In criminal appellate law, competence usually is assessed under 6th Amendment IAC.

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: Ethics for Appellate Practitioners

Also available as part of the eCourse

[2018 Robert O. Dawson eConference on Criminal Appeals](#)

First appeared as part of the conference materials for the
2018 Robert O. Dawson Conference on Criminal Appeals session
"Ethics for Post-Conviction Lawyers"