

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.

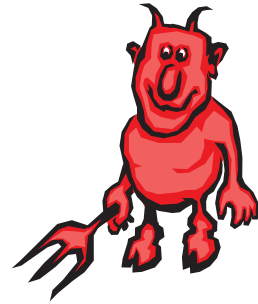
Common Rationalizations:



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.

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