ETHICS FOR APPELLATE PRACTITIONERS

Judge Michael Keasler
Texas Court of
Criminal Appeals, Retired



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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.

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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."

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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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