

# IADC – International Corporate Counsel College



## Ethics Standards For Counsel In The United States

Nothing But The Truth . . .

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# CLIENT-LAWYER RELATIONSHIP



## Rule 1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer

- d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning, or application of the law.

# ADVOCATE



## Rule 3.3 Candor Toward The Tribunal

- a) A lawyer shall not knowingly:
  - 1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

# ADVOCATE (continued)



## Rule 3.3 Candor Toward The Tribunal (continued)

- a) A lawyer shall not knowingly:
  - 3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

# ADVOCATE (continued)



## Rule 3.3 Candor Toward The Tribunal (continued)

- b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

# ADVOCATE



## Rule 3.4 Fairness to Opposing Party and Counsel

A lawyer shall not:

- a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;
- b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;

# TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS



## Rule 4.1 Truthfulness In Statements to Others

In the course of representing a client a lawyer shall not knowingly:

- a) make a false statement of material fact or law to a third person;  
or
- b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

# CLIENT-LAWYER RELATIONSHIP



## Rule 1.6 Confidentiality of Information

- a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).
- b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:
  - 1) to prevent reasonably certain death or substantial bodily harm;



# CLIENT-LAWYER RELATIONSHIP



## Rule 1.6 Confidentiality of Information (continued)

- 2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;
- 3) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;
- 4) to secure legal advice about the lawyer's compliance with these Rules;

# CLIENT-LAWYER RELATIONSHIP



## Rule 1.6 Confidentiality of Information (continued)

- 5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;
- 6) to comply with other law or a court order; or
- 7) to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.

# CLIENT-LAWYER RELATIONSHIP



## Rule 1.6 Confidentiality of Information (continued)

- c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

# Questions

