

## ATTACHMENT 12

## My Rules

1. I will know my job and do my job. I will always keep up with my subject areas. I will review articles, cases, and stay current with changing laws in the fields in which I practice. I will take CLEs in my field. If I have a client, and he or she seeks legal help in an area that I am not familiar, I will communicate that fact to him or her. I will only take on such representation if I believe I can educate myself sufficiently to provide competent legal representation - either through self-study or with the assistance of another lawyer. I will discuss my legal background with any potential client and discuss the types of similar cases that I have handled and my experience handling the given case. I will be upfront about it. (Rule 1.1)

2. I will discuss the scope of representation with every potential client and make sure that there is a clear understanding as to my representation. We will discuss the client's goals and how to best achieve those goals. We will discuss defenses in a criminal case. We will discuss the need to review all available discovery prior to making final decisions as to the best way to move forward. (Rule 1.2)

3. I will set timelines in my fee agreement. I will set meetings either in person or by phone to take place no less than every other week. I will keep track of my time and will provide monthly time statements to my client so that we can both track the tasks I am working on and the amount of work I am putting into the case. I will provide copies of all case file documents in a timely manner. Once involved, I will do a thorough job of obtaining all discovery and having regular meetings with my client to discuss the case, the goals, and objectives. (Rule 1.3)

4. I will always scheduled "next appointments" so that a next meeting time is always in place. I will communicate with my clients regularly by text, phone or email. I will meet them in person either by traveling to them or meeting them at my office or another agreed-upon location. I will always return text messages and phone calls within one business day at the latest. I will reply to all emails in a timely manner. I will always be available to speak with other parties who are trying to assist my client. During the representation, my clients will have regular communication from me, whether by fixed meeting times or other times. (Rule 1.4)

5. My legal fees will be clear and reasonable. I will review the legal fees at the time that we review my letter of representation. If my client cannot pay, I will charge a reduced fee. If my client cannot pay a reduced fee, then I will not charge at all and will represent the client pro bono. (Rule 1.5)

6. Everything my client tells me is confidential and I will explain that to each client at the outset. Any information I acquire related to the case shall be considered confidential and I will strive to never discuss my representation of any client unless it is directly connected to my representation and necessary to further that representation. Outside of my representation, I will not mention to any third-party that I am representing a particular person. I will not talk about cases at all outside of my practice. If I need to consult with another lawyer regarding a particular issue related to my case, I will discuss that with my client and make sure he authorizes me to communicate with the other attorney. I will include that in the fee agreement. If my client wishes me to communicate



with any third parties about his case, he must authorize that communication to me in writing. That, too, can be put in the fee agreement. (Rule 1.6)

7. Prior to agreeing to represent a client, I will make sure I have no conflicts. I will inquire as to the background of the case, the parties involved, and will make sure I understand that once I enter my appearance I will not need to withdraw because I failed to note which other parties were in the case. (Rule 1.7)

8. I shall not enter into any business transactions with any clients unless such transactions are reasonable, and the client has had a chance to consult with a lawyer to review the transaction. I shall further make sure that all such transactions are in writing. (Rule 1.8(a)). Further, I shall never use any information I acquire about a client to my client's disadvantage unless I am required to by the rules of professional conduct or unless my client gives his informed consent in writing. (Rule 1.8(b)) I shall not receive any substantial gifts of any kind from a client unless the client is related to me. (Rule 1.8(c)) I shall never make any claim or request for literary rights as a result of my representation. (Rule 1.8 (d)) I shall not provide any financial assistance to a client unless it is to cover court costs and expenses. (Rule 1.8(e)) If someone else is paying the legal fees for my client, I will make sure that my client gives informed consent, there is no interference from the party paying the fees with my relationship with my client, and the attorney-client privilege ensures that Rule 1.6 is adhered to. (Rule 1.8(f)) If I represent two or more clients, I shall not enter into an aggregate settlement or a criminal plea unless there is full-disclosure of all the terms, the clients provide informed consent in a writing signed by the clients. (Rule 1.8(g)) I shall not make any agreements prospectively limiting any claim for malpractice unless the client is independently represented and agrees to any such limitation in writing with the assistance of counsel. (Rule 1.8)(h)) Nor will I settle any such malpractice claim with a client unless the client is represented by counsel and the agreement is in writing. (Rule 1.8)(h)) I shall not acquire any proprietary interest in the cause of action or subject matter of the litigation except that I can place a lien on said property to secure my legal fees. (Rule 1.8)(i) and/or contract with a client for a reasonable contingent fee in a civil case. (Rule 1.8(I)) If I am in a firm, I realize that any rules a-I that apply to me apply to everyone in the firm. (Rule 1.8(j))

9. I shall not switch sides. I will not represent the other party at a later date. I will safeguard the client's confidential information and shall never use it against my client or disclose said information to a third-party unless the rules require such a disclosure. (Rule 1.9)

10. When joining a firm, I will understand that if any lawyer is conflicted out of a case, it means all the lawyers may be conflicted. (Rule 1.10)

11. I will note that any lawyers who were former government employees cannot represent a client when they were involved in the case as a government employee unless the agency provides consent and a waiver. Further, when one lawyer is disqualified, then all the lawyers in a firm are disqualified unless timely screened and the screened lawyer does not receive any portion of the fee, and written notice is given to all necessary tribunals to verify compliance with the rules. (Rule 1.11)

12. As a former judge, I will not represent anyone who previously appeared before me as a judge in the same matter unless all parties give informed consent in writing. (Rule 1.12)

13. I don't represent organizations. However, if at any time I have an organization as a client, I shall revisit this rule, but shall be mindful of any possible conflicts and other ethical concerns. (Rule 1.13)

14. If I believe my client has diminished capacity, I will maintain the attorney-client relationship, but shall take reasonable protective steps to safeguard my client's well-being. In that case, I shall only reveal necessary confidential information to protect my client. (Rule 1.14)

15. I will keep my client's property safe. I shall maintain their files for 7 years. If there is money that needs to be held in escrow, I shall properly account for all such funds in my escrow account at all times. (Rule 1.15)

16. I shall withdraw from any case where my continuing representation might violate the rules of professional conduct or other law. Further, if for any reason, I suffer mentally or physically, and believe I cannot adequately represent the client, I shall withdraw. I shall further withdraw if my client discharges me. Further, I may withdraw if the client is not cooperating with counsel, if the client is taking action that is fraudulent or criminal, or if the client seeks a course of action that I consider repugnant. If I withdraw, I will only do so after giving notice to my client and will withdraw if it does not harm the client. (Rule 1.16)

17. If I ever decide to sell my practice, or seek to purchase another law practice, I shall revisit this rule, but shall be mindful of the sensitivity of the client information as well as any ethical responsibilities. (Rule 1.17)

18. Any legal consultation with a prospective client shall provide that prospective client with the same rights and layers of protection as a regular client. If I do not represent a prospective client, I shall not take an adverse position in the matter by representing another client. Further, I will safeguard his or her disclosures to me as if those disclosures were made by any client. (Rule 1.18)

19. I am at all times an "advisor." As an advisor, I may provide legal advice, but also advice based on my life experiences and observations. (Rule 2.1)

20. If my client needs an "evaluation" done by any third party, we will discuss the scope and purpose of the evaluation. Further, depending on the circumstances, we will discuss whether the evaluation can and should be released and to which parties. I will obtain my client's consent to obtain any evaluation and shall obtain his or her consent to distribute any evaluation. (Rule 2.3)

21. I may act as a third-party neutral, mediator, or arbitrator. In that event, I shall disclose my role and shall make sure the parties understand that I am not representing either side. (Rule 2.4)

22. I will always make sure that any claim I make has merit. In a criminal case, however, I may



defend a client with the goal to making the State prove each and every element. (Rule 3.1)

23. I shall move things along and not delay a case without a good reason. I shall make reasonable efforts to expedite litigation while protecting my client's interests. (Rule 3.2)

24. I shall always be honest with any tribunal. In making legal arguments, I will make sure that caselaw is consistent with my position. If caselaw is adverse to my position, I shall reference it. I shall not allow my client to engage in dishonesty with any tribunal. If he or she does, I shall move to withdraw from the case unless my client can make things right. (Rule 3.3)

25. I shall be fair to opposing counsel and to the opposing party. I shall be honest and play by the rules to uphold the integrity of our judicial system. (Rule 3.4)

26. I shall be mindful of the Judges and Jurors. I shall not communicate with either ex parte, or try to influence them in a way that is not acceptable. I shall not engage in any undignified behavior before any tribunal. (Rule 3.5)

27. In general, I shall avoid discussing any case publicly or with a newspaper. My cases are confidential and I don't need to be discussing them in the public. (Rule 3.6)

28. I will try to avoid being called as a witness in any case where I am also the lawyer or to continue representing a client where I am likely to be called as a witness. (Rule 3.7)

29. I will make sure that prosecutors are following their responsibility especially with turning over mitigating evidence and other necessary discovery to criminal clients. (Rule 3.8)

30. If I represent a client in a legislative body or administrative agency, I will disclose my representation to that body or agency as a lawyer and act accordingly. (Rule 3.9)

31. I will be truthful in all statements made to others. (Rule 4.1)

32. If another party has a lawyer, I will not communicate with that person about the legal matter unless the attorney is present or I have the attorney's permission to do so. (Rule 4.2)

33. When dealing with an unrepresented party, I shall not imply or state that I am "disinterested" or give legal advice, but may suggest they get legal counsel, if their interests are in conflict with my client. (Rule 4.3)

34. I shall always be respectful towards third-parties and shall do nothing to embarrass, delay or burden them. If an email was sent inadvertently, I shall notify the sender. (Rule 4.4)

35. I shall never threaten criminal charges in order to gain an advantage in a civil matter. (Rule 4.5)

36. If I am a supervising lawyer in a firm, I shall make sure that all other lawyers and staff are

following the rules of professional responsibility. (Rule 5.1)

37. If I am ever working under the supervision of another lawyer, I must adhere to the rules of professional conduct at all times. (Rule 5.2)

38. If I supervise non-lawyer assistants, I will make sure that they are aware of and are following the rules of professional conduct. (Rule 5.3)

39. I must maintain my professional independence as a lawyer. (Rule 5.4)

40. I will not engage in the unauthorized practice of law. If practicing in another jurisdiction, I must follow their rules of professional conduct. (Rule 5.5)

41. I will not make any agreements with any attorney that restricts the right to practice law. (Rule 5.6)

42. If I am involved in any law-related services, I will be mindful of following the same rules of professional conduct. (Rule 5.7)

43. I will always have at least one pro bono case going at all times, and shall do no less than 50 hours of pro bono work each year. (Rule 6.1)

44. I will gladly accept appointments to represent individuals unless there is a conflict or other material problem with the appointment. (Rule 6.2)

45. If I am part of any legal organization, I will be mindful to do no harm to any client or to take any action in that organization that could negatively impact my client. (Rule 6.3)

46. If I am involved with law-reform activities, I will be mindful of any decision that might impact my client. (Rule 6.4)

47. If I do any legal services work at the courthouse, e.g. 20 minute meetings to provide legal support for indigent or needy individuals, I will assist those individuals provided there are no known conflicts. (Rule 6.5)

48. I shall never make a misleading statement or fact about my legal services. (Rule 7.1)

49. If I advertise, I shall be truthful in all information. (Rule 7.2)

50. I shall not solicit prospective clients. (Rule 7.3)

51. I may advertise my "fields of practice" in the areas of criminal, family, and civil cases. (Rule 7.4)

52. My firm name and letterhead shall only include the information as to the name, address, and

the states where I am admitted. (Rule 7.5)

53. I shall not make political contributions with the goal of seeking any type of “appointment” as a judge or any other position. (Rule 7.6)

54. In any disciplinary matter or bar admission, I shall be truthful with all disclosures, and shall fully cooperate. (Rule 8.1)

55. I shall never make false statements regarding the integrity of a judge or other legal official. (Rule 8.2)

56. I shall report other misconduct by a lawyer or a judge if the misconduct becomes known to me. (Rule 8.3)

57. I shall not engage in any “misconduct” in any way either by violating the rules of professional conduct, engaging in any fraud, deceit, dishonesty or misrepresentation. (Rule 8.4)

58. If a disciplinary matter arises, I shall be mindful of disciplinary authority’s “choice of law.” (Rule 8.5)