



**IDS** OFFICE OF INDIGENT  
DEFENSE SERVICES  
SAFEGUARDING JUSTICE

# ETHICAL ISSUES IN DISTRICT COURT

NOVEMBER 12, 2025

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## Scenario 1: Virtual Meeting Recording

- You meet with your client via Zoom
- You discuss case strategy and potential defenses
- Later, you discover the client recorded the meeting
- Client posted a snippet to TikTok





## **After the Fact**

How do you respond  
to the breach?



## **Going Forward**

How do you prevent  
recurrence?

# KEY RULES

## **Rule 1.6(a) - Confidentiality**

Cannot reveal information acquired during professional relationship without client consent

## **Rule 1.4 - Communication**

Must communicate with client about risks and decisions

## **Rule 1.1 - Competence**

Includes understanding technology risks and implementing safeguards

# PREVENTION STRATEGIES

- Verbal warning at the start of every virtual meeting
- Written engagement agreement addressing recording
- Document your protocols
- Consider in-person meetings for sensitive matters
- Know your platform's security features

**Subject:** 🎯 Urgent Legal Matter—Require Your Esteemed Assistance! ⚖️

I hope this message finds you well! 😊

I have taken the liberty of conducting some preliminary research into my case. 🧐

...

I have prepared a comprehensive Motion to Suppress Evidence that I believe will be instrumental—nay, pivotal—in achieving a favorable outcome in my case.

...

**Key Legal Arguments Include:**

✨ ✨ Violation of Reasonable Expectation of Privacy 🏠 ✨ ✨ 🚔 🚓

✨ ✨ Lack of Probable Cause 🙋 🤔 🔍

✨ ✨ Fruit of the Poisonous Tree Doctrine 🧑 🐍 💀 🌳

...

Please file forthwith! 🙏

The diagram consists of two side-by-side rectangular boxes. The left box is brown and contains a large white arrow pointing to the left, with the word 'Client' centered above it. The right box is blue and contains a large white arrow pointing to the right, with the word 'Court' centered above it. Each box also contains a line of text below the arrow.

**Client**

Client thinks they've  
done your job

**Court**

Your professional  
obligations

# KEY RULES

## **Rule 1.2(a) - Scope**

Client sets objectives

Lawyer determines means

## **Rule 1.1 - Competence**

You must verify all legal work—every citation, every legal proposition

## **Rules 3.1 & 3.3**

Cannot assert frivolous positions or make false statements to tribunal



# MANAGING THE CLIENT


## **Rule 1.4 - Communication**

- Explain your role vs. their role
- Thank them for their initiative
- Verify the research independently
- Educate about AI limitations (hallucinations, jurisdiction issues)
- Use it as a teaching moment



# DIGITAL RECORD ERROR

- DWI sentencing
- Digital record shows wrong prior conviction level
- Or: record is missing a prior entirely
- The error favors your client
- DA hasn't caught it

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## **Stay Silent**

Let the DA's mistake  
stand



## **Correct the Record**

Alert the DA and  
court to the error

# KEY RULES

## **Rule 3.3 - Candor to the Tribunal**

Cannot make false statement of material fact

Cannot offer evidence lawyer knows to be false

# KEY RULES

## **Rule 3.3 - Candor to the Tribunal**

Cannot make false statement of material fact

Cannot offer evidence lawyer knows to be false

- Does silence equal a false statement?
- When does silence become problematic?
- Is presenting your client based on a record you **know** is wrong an affirmative misrepresentation?



## DIGITAL DISCOVERY VOLUME

- Body cam footage: 40+ hours
- Digital evidence: thousands of texts, social media posts
- Multiple witness phones
- Trial is in two weeks
- You have 30 other active cases



## Duty

- Duty to review discovery
- Duty to investigate



## Reality

But what's  
"adequate" when  
you're drowning?

# KEY RULES

## **Rule 1.1 – Competence**

Duty to review discovery

## **Rule 1.3 – Diligence**

Duty to investigate



# PRACTICAL APPROACH

- Strategic review protocols: Focus on critical time periods, key witnesses, contested facts
- Technology tools: Video speed controls, search functions, transcription services—but only if you're competent to use them
- Document your decisions: What you reviewed, why, what you prioritized
- Know when to ask for help: Continuance, additional resources, case-specific support

# THE RULES DON'T HAVE A BURNOUT EXCEPTION

**Rule 1.1**  
Competence

**Rule 1.3**  
Diligence

**Rule 1.4**  
Communication



# YOU'RE NOT FAILING

You're doing important, impossible work

Be Kind to Yourself



*#SAFEGUARDINGJUSTICE*