

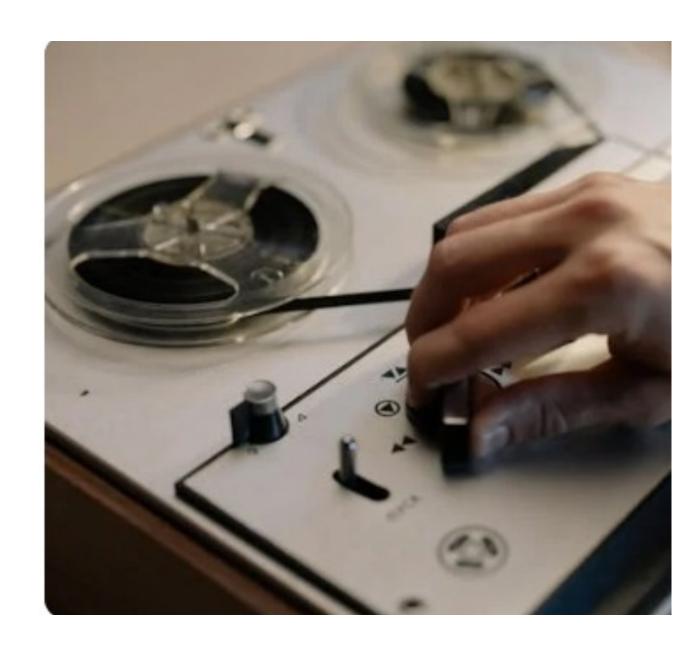


#### **ETHICAL ISSUES IN DISTRICT COURT**

NOVEMBER 12, 2025

# 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?

#### 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:**

ז Violation of Reasonable Expectation of Privacy 🔎 🔭 🕱

Lack of ProbableCause 🗣 🤛 🔎

🎀 Fruit of the Poisonous Tree Doctrine 🗟 🛂 🦃

Please file forthwith!

# Client

Client thinks they've done your job

# **Court**

Your professional obligations

#### 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



# **Stay Silent**

Let the DA's mistake stand

#### **Correct the Record**

Alert the DA and court to the error

# Rule 3.3 - Candor to the Tribunal Cannot make false statement of material fact Cannot offer evidence lawyer knows to be false

#### 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?

#### 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, casespecific support



#### The Rules Don't Have a Burnout Exception

# **Rule 1.1**

Competence

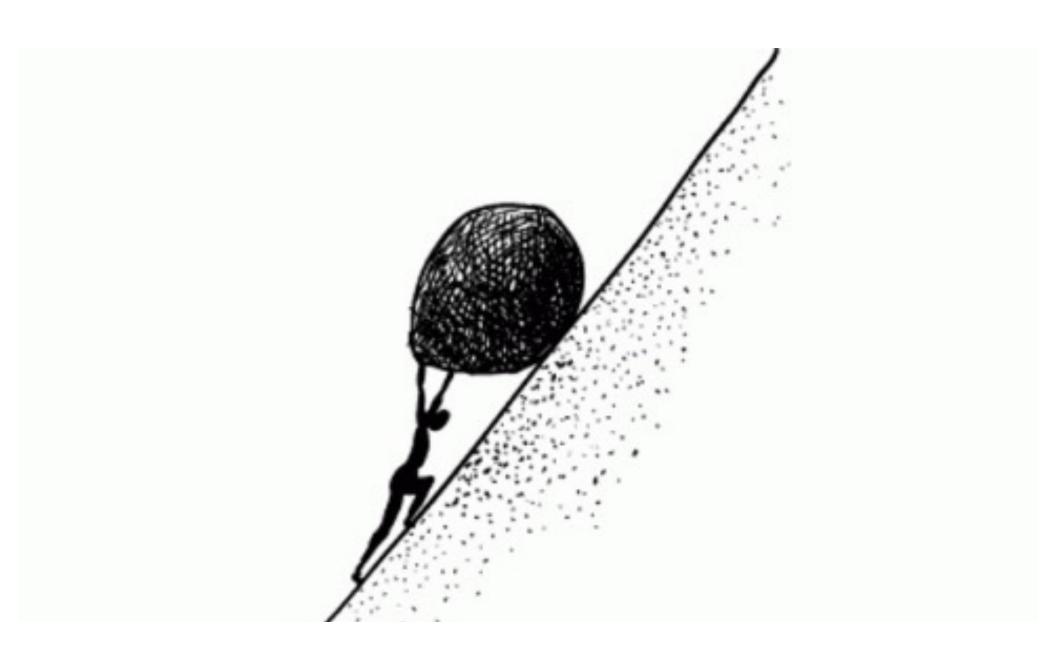
#### **Rule 1.3**

Diligence

#### **Rule 1.4**

Communication





# YOU'RE NOT FAILING

You're doing important, impossible work

Be Kind to Yourself



