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## ETHICS

# Ethics Traps and How to Avoid Common Pitfalls

*It isn't usually bad lawyers who have claims or grievances filed against them. There are plenty of those. More often, it is bad lawyers who are jerks who have claims or grievances filed against them.*

- Unknown

### Themes:

- Avoiding common pitfalls and ethics traps.

### Conversation Starters:

- Think about a time in your life when you had a horrible customer service experience. What caused you to have that experience? What could the person who was helping you have done differently to give you a better experience? Now think of a time in your life when you had an excellent customer service experience. What did that customer service representative do differently that made you feel better about the experience?
- What are the most common complaints that clients have for attorneys in your practice area? Why do clients have these grievances? What can you do in your practice area to improve your client's experience and to make sure that you fully comply with all of the Rules of Professional Conduct?
- How can specific products, resources, and advanced planning strategies help attorneys avoid malpractice and grievances? What resources should attorneys have at his or her disposal today? In one year? In five years? How much do the resources cost? How should a new attorney with a limited office budget prioritize those resources?
- Why is it important to maintain professional liability insurance?
- What are the implications of professional liability coverage? (Keeping in mind that professional liability insurance is not required in Washington)

### Activities:

- All practice areas are subject to the Rules of Professional Conduct but different practice areas require different points of emphasis, in order to avoid trouble with clients and trouble with the bar. Review resources and discuss whether there are any specific areas you should focus on to ensure that you meet your ethical obligations.

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### Activities (continued):

- Review and Discuss Rules of Professional Conduct which relate to entering into the attorney-client relationship, and managing expectations, especially: 1.1, 1.2, 1.3, 1.4, 1.5, 1.7, 1.8, 1.14, 1.15A, 1.15B, 1.16 and 1.18. What procedures do you use at your firm before entering into an attorney-client relationship? How do you manage expectations at that stage of the process?
- Are there any ethical rules that you have discussed today that you would like more information about? What steps can you take to ensure you are fully complying with the Rules of Professional Conduct? Consider using the WSBA's Advisory Opinions as a resource. Can you find an opinion that addresses one of the issues you have discussed today? If so, what guidance does the opinion provide about how you can handle that type of ethical issue?

### Resources:

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [NWLAWYER: Annual WSBA Discipline Report Snapshot \(June 2016\)](#)
- [WSBA: Ethics Line 800-945-WSBA \(9722\)](#)
- [WSBA: Endorsed Professional Liability Insurance](#)
- [WSBA: Professional Liability Insurance Policies](#)
- [American Bar Association: The Biggest Malpractice Claim Risks and How to Avoid Them](#)
- [Washington State Court Rules: Rules of Professional Conduct](#)
- [WSBA: Advisory Opinions](#)

*Do what you know is right, and you will be fine.*

- Spokane Lawyer