

Legal Ethics – Double Panel Session

Trish Weaver was a panelist at the Bar Association of Montgomery County's Annual Law Day program on Friday, April 22, 2016. The Legal Ethics section of the program was divided into two panel sessions: "Lawyer Ethics, Cutting Edge Best Practices And The Use Of Ethics Counsel: What Should You And Your Firm Be Considering?" and "Ethics, Best Practices And The View From The Bench."

This double session program focused on best practices for individual lawyers and law firms as related to ethical issues which the practitioner frequently confronts.

Among the issues addressed in session one were:

- Preserving the attorney-client privilege for the sole practitioner or a member of a firm, small and large.
- Protecting the privilege intra-firm; the use of in-house counsel as well as outside counsel; what to do, why and when?
- How best to handle situations where a claim is threatened and/or where a claim is made by a client.
- Who should advise the involved lawyer and/or the firm and when?
- Who should be involved when a grievance is presented and when should counsel be involved?
- Is a small firm or solo-practitioner in a different situation than a law firm?
- Should firms have designated ethics counsel? Why and why not?
- Best practices for checking for and handling conflicts of interest; lateral transfer by lawyers and potential firm disqualifications – what are the risks and rewards?

In session two, a cross-section of members of the Judiciary round tabled lawyer conduct and potential ethical issues as viewed from the bench. Matters considered were the obligation of the court to report counsel as opposed to other available options:

- Where is the line?
- What is a Judge to do and what do Judges think should be done in situations involving ethical transgressions?
- What are the Court's expectations insofar as Candor to the Tribunal, Impartiality and Decorum of the Tribunal and Fairness to Opposing Parties and Counsel?

Trish is Chair of the Maryland State Bar Association's Ethics Committee, Chair of the firm's Appellate Practice and is a member of the Litigation, Alternative Dispute Resolution and Corporate practices.