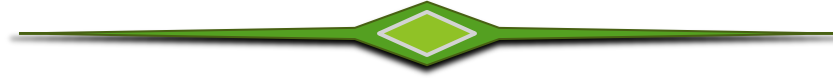


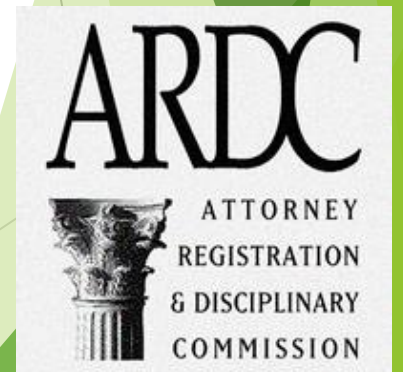
PROFESSIONAL RESPONSIBILITY



CORPORATE COUNSEL = VIRTUAL PRACTITIONER



**Ethics
Webinar**



Melissa A. Smart,
Director of Education





AUTO - TRUCK - CYCLE ACCIDENT

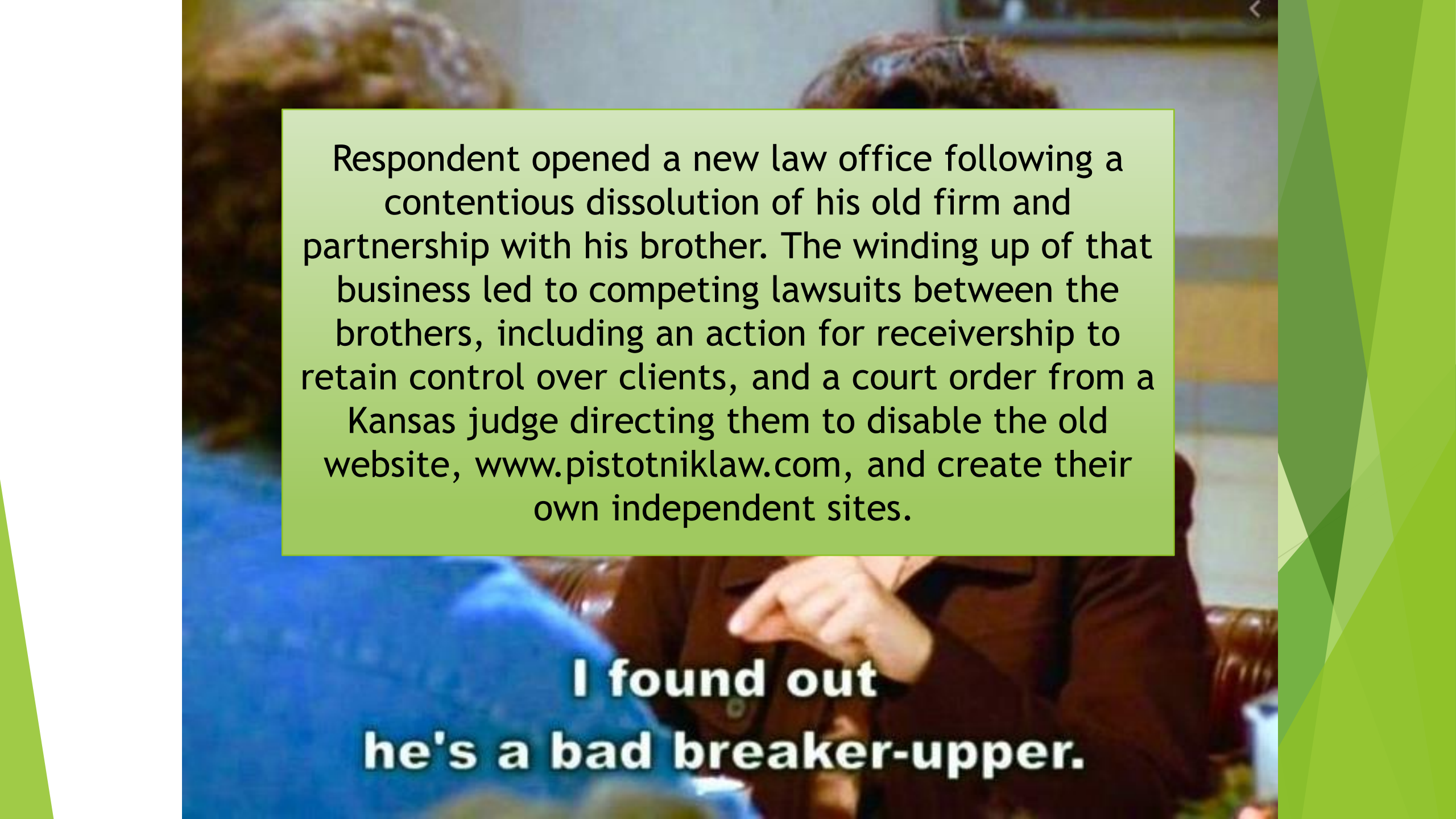
1-800-241-BRAD

www.BradPistotnikLaw.com

10111 E. 21st N. Suite 204
Wichita, KS 67206

**BRAD
PISTOTNIK
LAW**





Respondent opened a new law office following a contentious dissolution of his old firm and partnership with his brother. The winding up of that business led to competing lawsuits between the brothers, including an action for receivership to retain control over clients, and a court order from a Kansas judge directing them to disable the old website, www.pistotniklaw.com, and create their own independent sites.

**I found out
he's a bad breaker-upper.**

On September 15, 2014, after receiving an email advertisement from David Dorsett, Respondent reached out, and the two met at Respondent's law office.

During this initial meeting, Respondent hired Dorsett to: 1) build the new website, 2) serve as an information technology expert in the dissolution proceeding, and 3) provide assistance with online reputation management.

Respondent was concerned that after the fallout at the firm, his brother may be publishing negative information about him online. At the conclusion of the meeting, Respondent wrote Dorsett a check for \$5,000, and gave him full access to his office computers and passwords.



By Consumers, For Consumers.

Ripoff Report®

Don't let them get away with it.® Let the truth be known.™

"Dave look at this new page from yesterday and tell me how we get rid of it[;] states created yesterday[.]"

"Dave, can you find the IP address for this site and particular claim number to establish the location of the sender?"

By Consumers, For Consumers.

Ripoff Report®

Don't let them get away with it.® Let the truth be known.™

Six days later, on September 25, 2014, Dorsett sent extortionate threats and initiated a flood of emails to the servers of Ripoff Report², Leagle³, and the Arizona law firm that represented Ripoff Report, in effort to frustrate the recipients and cause them to remove all information pertaining to Respondent. These emails impaired the servers of Ripoff Report, Leagle, and the Arizona law firm, rendering their communications and data inaccessible.

Along with the emails, Dorsett sent the following threat separately to all three victims, each reflecting the particular site's name:

Remove this page and we stop [link of subject article removed] . . . [I]f you don't remove it we will begin targeting your advertisers and explain that this will stop happening to them once they pull their ads from leagle.com or leagle.com kills this page . . . [link removed] You have 4 hours before we start hitting your advertisers.

By Consumers, For Consumers.

Ripoff Report®

Don't let them get away with it.® Let the truth be known.™

Ripoff Report ultimately acquiesced in the ransom and removed the negative review the same day. Dorsett also sent Respondent an email detailing his methods and confirming the successful removal. Respondent paid Dorsett for his services.

Months later Respondent learned Dorsett had actually caused the publication of the negative articles in a larger ploy to also extort Respondent in addition to the other three victims and went to the FBI and reported Dorsett



Respondent agreed to plead guilty to three counts of Accessory After the Fact, in violation of 18 U.S.C. § 3.7 The USAO filed the three-count Information on October 15, 2019. The following day, the United States District Court for the District of Kansas accepted the plea, adjudicated Respondent guilty, and sentenced him to payment of a \$375,000 fine, restitution of \$55,200, and a special assessment of \$300, all due immediately in a lump sum of \$430,500. Respondent paid this amount in full on the day of his plea and sentencing.



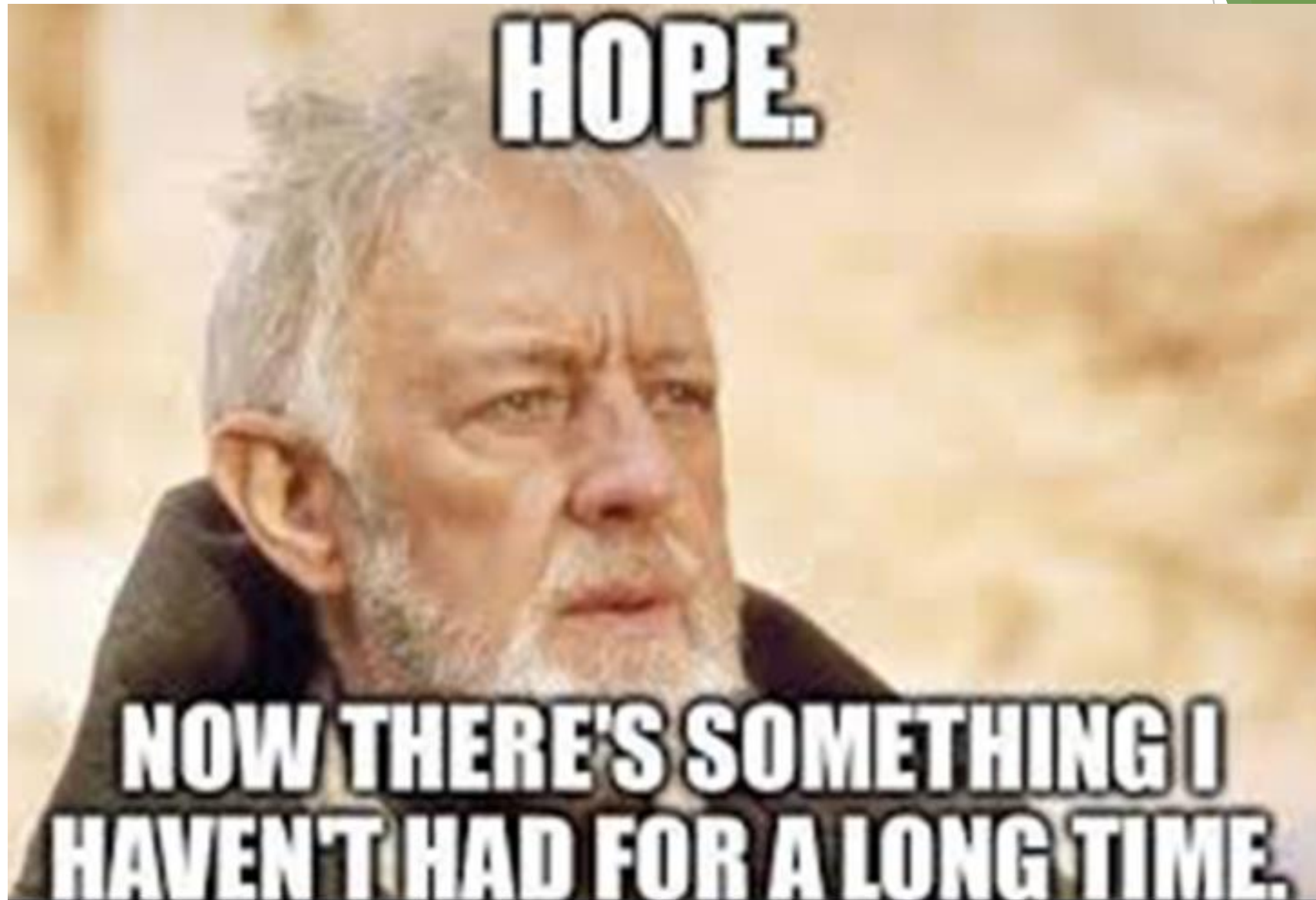
OKLAHOMA LAWYER SUSPENDED FOR ROLE IN RESPONSE TO CRITICISM

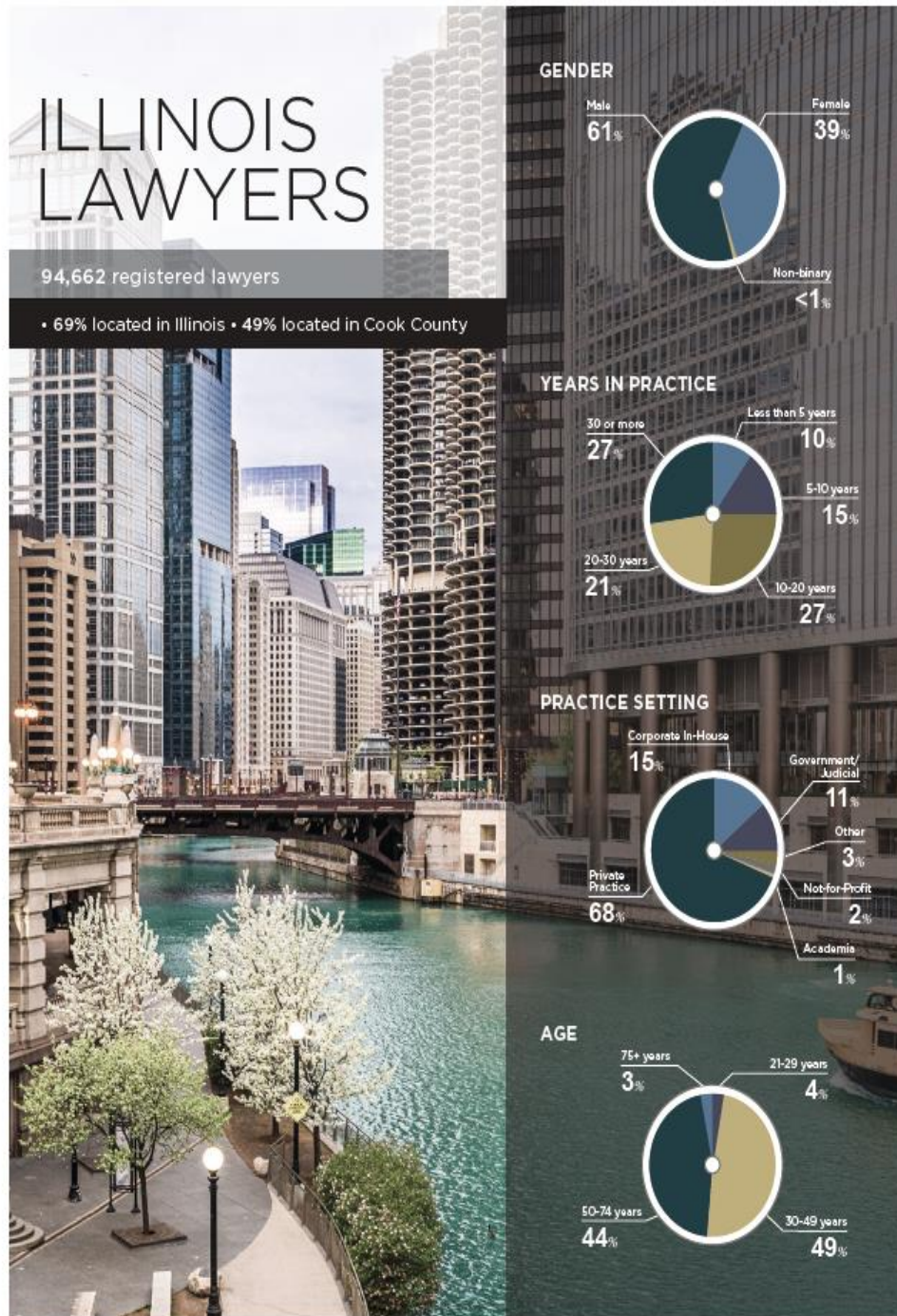
State ex rel. Okla. Bar Ass'n v. Pistotnik , Okla., No. 2020 OK 93, 11/24/20
(suspension for two years and one day for conduct including acting as an accessory
after the fact and paying for illegal conduct involving a web developer he hired to
help him with online reputation management for his law firm)



**ARE YOU
HOPEFUL
2021
WILL BE
BETTER THAN
2020?**



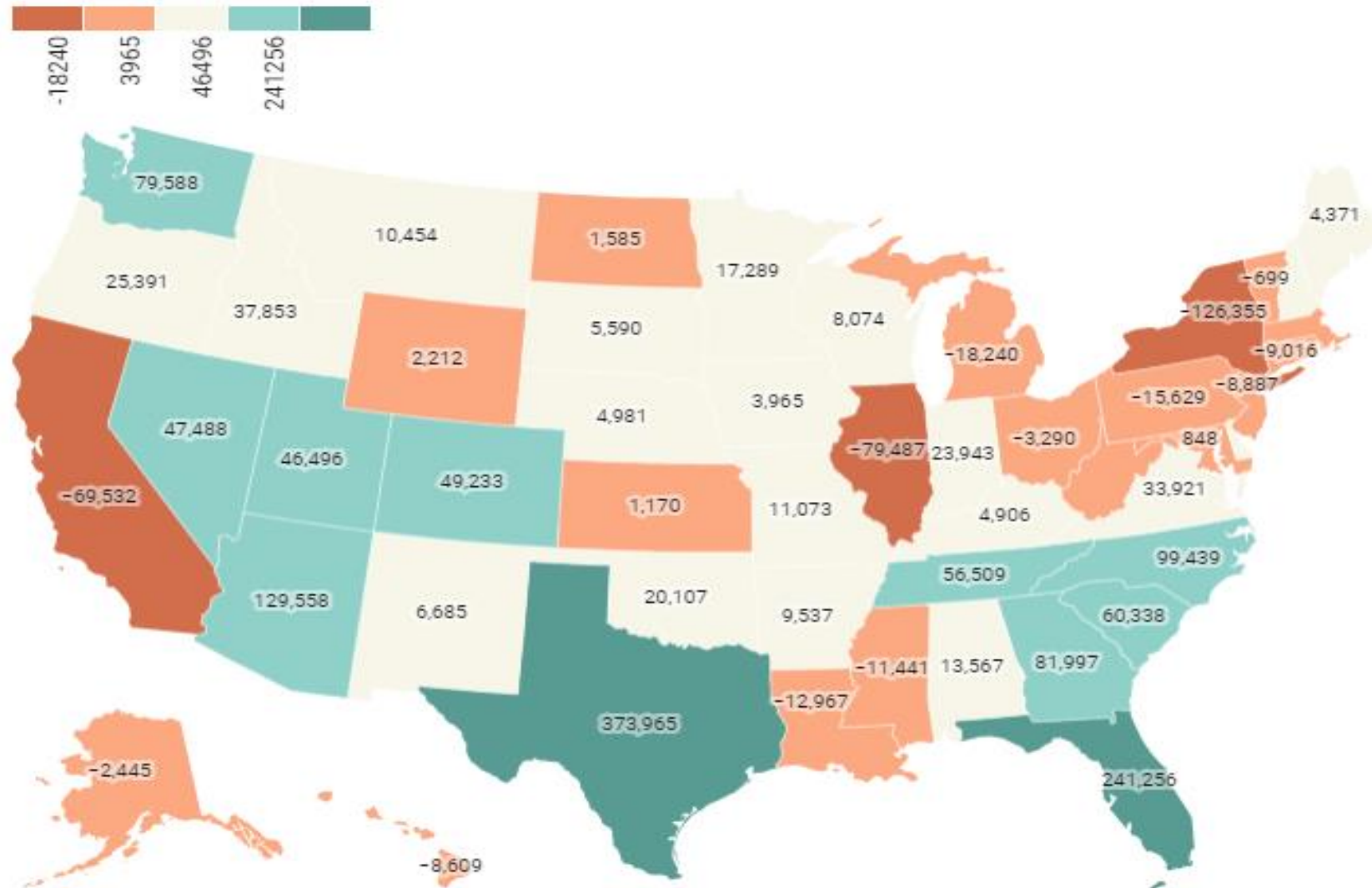




- ✓ 2019 Illinois Lawyer Population
- ✓ 94,662 of Active and Inactive
- ✓ Only 54 more lawyers than in 2019; a 3.9% net decrease since 2014
- ✓ 69% of Active and Inactive lawyers located in Illinois
- ✓ 49% located in Cook County
- ✓ 39% female lawyers

Illinois suffered nation's 2nd worst population drop in 2020

Change in resident population July 2019-July 2020



Map: @illinoispolicy • Source: [U.S. Census Bureau](#) • Created with [Datawrapper](#)



- No COUNTRY- *for* RURAL LAWYERS

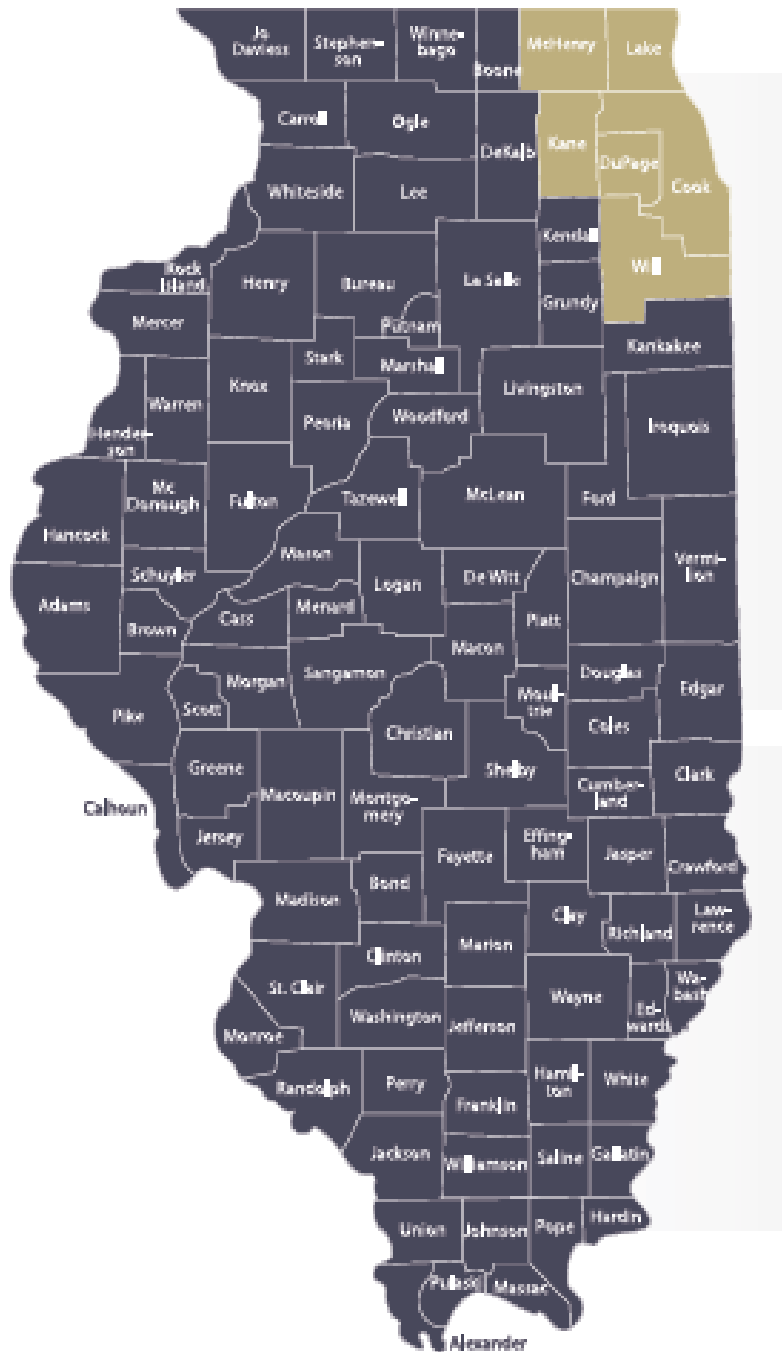
Number of Illinois Counties	102
Counties with more than 5 new attorneys*	26
Counties with 5 or fewer attorneys*	76
Counties with 0 new attorneys*	39

*Attorneys admitted in the last four years.

Practice Settings

Active Status Lawyers Who Practice

Practice Setting	Practice Size % of Total			
	2016	2017	2018	2019
Private Practice	68.2% 47,456	68.6% 49,444	68.5% 49,970	67.8% 49,996
Corporate In-house	13.9% 9,662	14.0% 10,080	14.3% 10,423	14.8% 10,901
Government/ Judge	11.4% 7,911	11.4% 8,209	11.4% 8,321	11.6% 8,607
Other	3.2% 2,220	3.2% 2,297	3.1% 2,233	3.0% 2,220
Not-for-profit	2.0% 1,360	2.0% 1,428	2.1% 1,544	2.2% 1,607
Academia	1.3% 963	0.8% 604	0.6% 461	0.6% 456
Total	69,572	72,062	72,952	73,787



LAWYERS IN PRIVATE PRACTICE

Solo:	27%	• 87% carry malpractice insurance
2-10 lawyers:	26%	• 36% have a succession plan
11-25 lawyers:	10%	• 51% have a trust account
26-100 lawyers:	11%	• 50% engaged in <i>pro bono</i> service
100+ lawyers:	26%	

Malpractice Disclosure Data

Practice Size	% Malpractice Responses							
	Yes							No
	2018			2019			2018	2019
Solo Firm	1,097	96.8%	1,097	1,097	96.8%	1,097	5,097	37.9%
Firm of 2-10 Attys.	94	96.8%	94	94	96.8%	94	776	6.0%
Firm of 11-25 Attys.	94	96.8%	94	94	96.8%	94	98	2.0%
Firm of 26-100 Attys.	94	96.8%	94	94	96.8%	94	121	2.2%
Firm of 100 + Attys.	11,158	96.8%	11,937	11,937	97.0%	11,937	375	3.0%
Total	84.0%	84.6%	86.3%	87.4%	16.0%	15.4%	13.7%	12.6%

37.9% of
Sole Practitioners Have
No Malpractice
Insurance

Top Five Reasons Solos Have No Coverage

Reason for No Malpractice	% of Responses*
Nature of practice involves minimal risk of liability	52.7%
Cost of malpractice insurance too high	17.6%
Assets insufficient to require malpractice insurance protection	4.1%
Assets adequately protected without malpractice insurance	3.0%
Never considered or deferred consideration of obtaining malpractice insurance coverage	1.2%

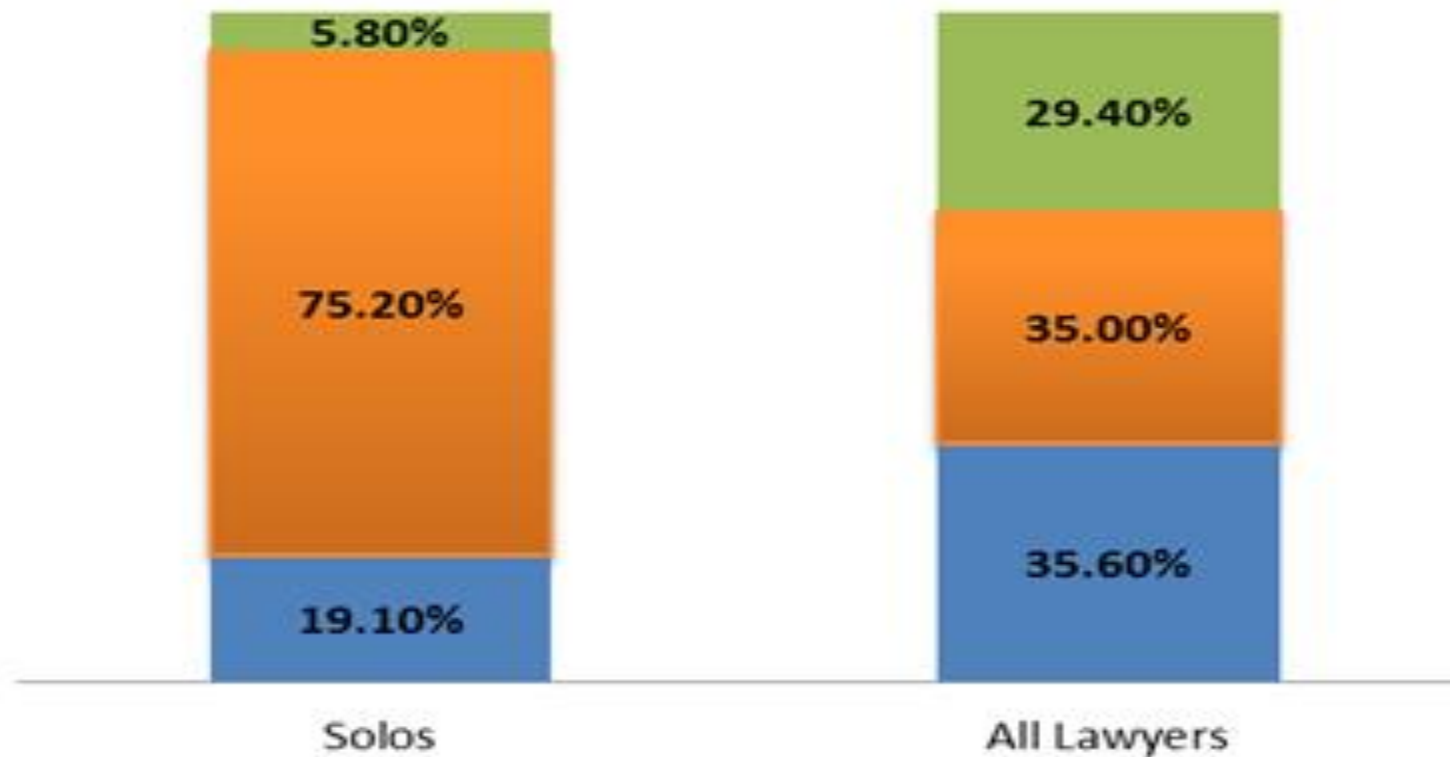
Top Five Solo Practice Areas with No Insurance

Practice Area of Law	% of Responses
Real Estate	28.5%
Criminal	17.1%
Estate Planning/Probate	16.3%
Domestic Relations	13.8%
Corporate	13.6%

Succession Planning Data

Succession Planning Responses in 2019

■ Yes ■ No ■ Not Sure



Top Five Practice Areas for Solos With No Written Succession Plan

Practice Area of Law	% of Responses
Real Estate	28.5%
Criminal	17.1%
Estate Planning/Probate	16.3%
Domestic Relations	13.8%
Corporate	13.6%

REGULATORY ACTION

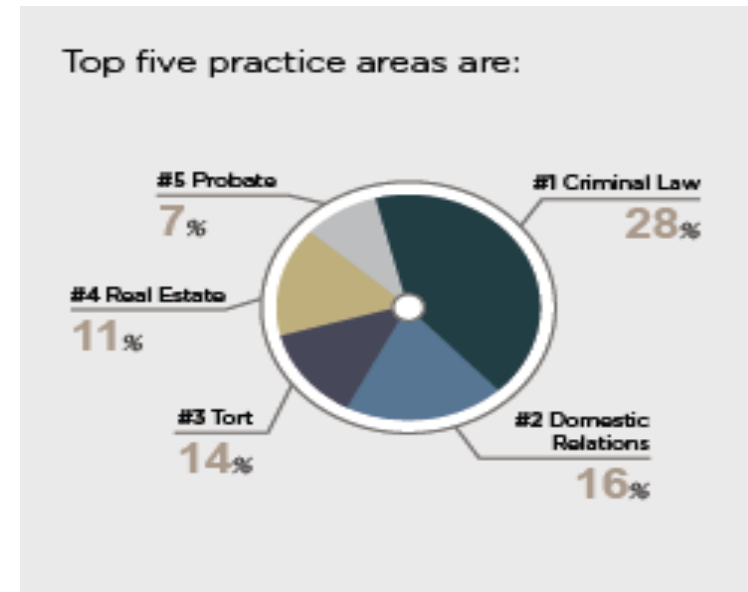
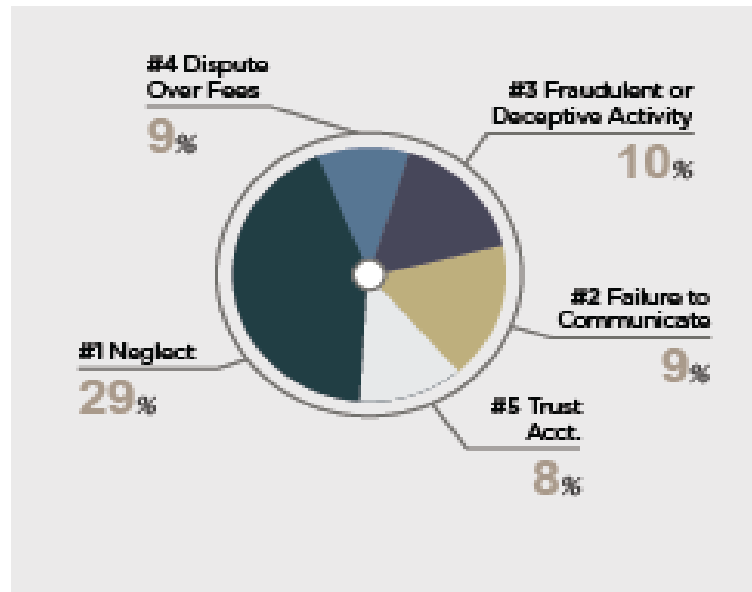


Investigations in 2019

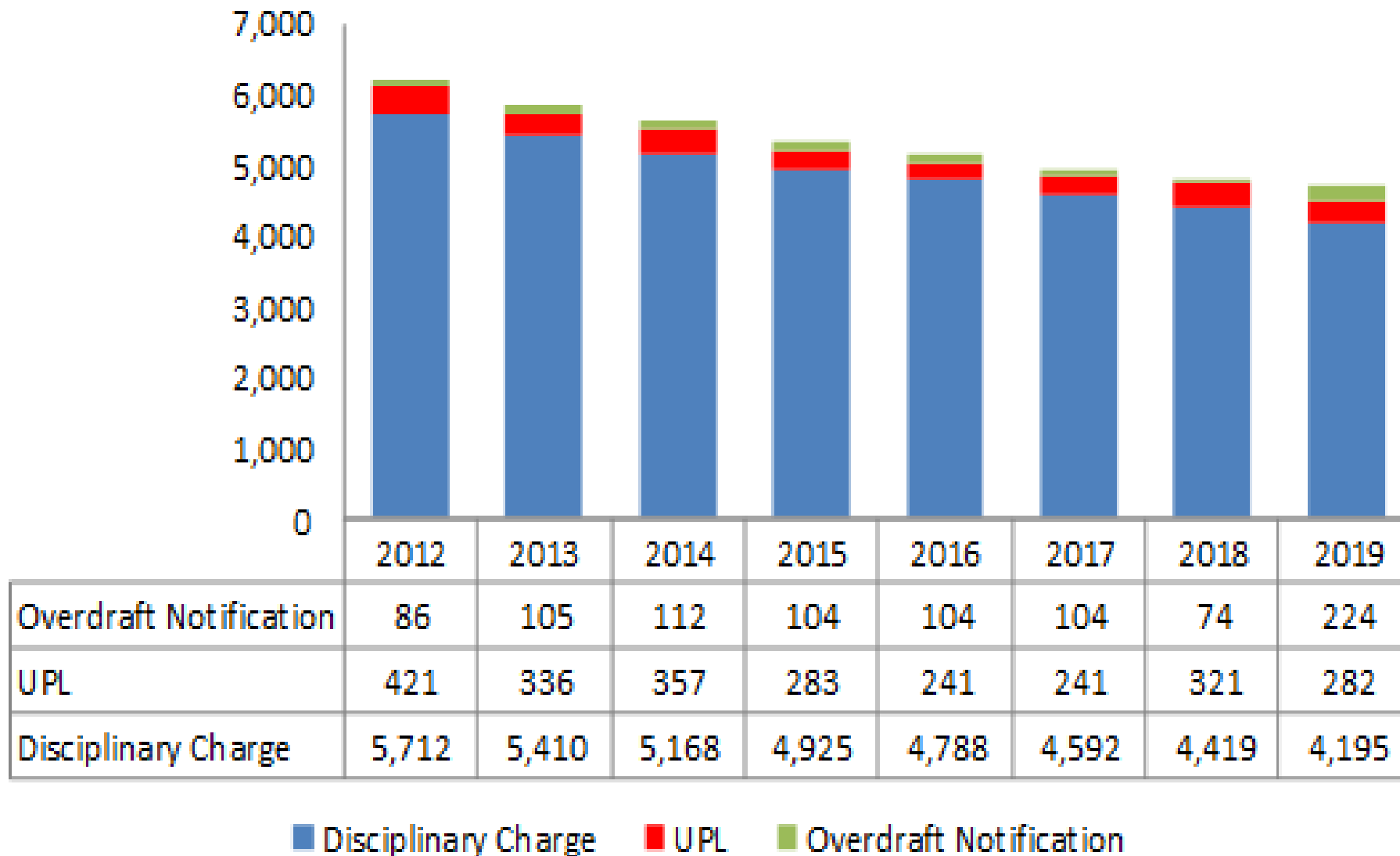
4,937 grievances docketed in 2019;

3,633 different attorneys, representing 3.8% of all registered attorneys; and

16.7% of these 3,633 attorneys were the subject of more than one investigation



Trend of Top Three Categories of Investigations: 2012-2019



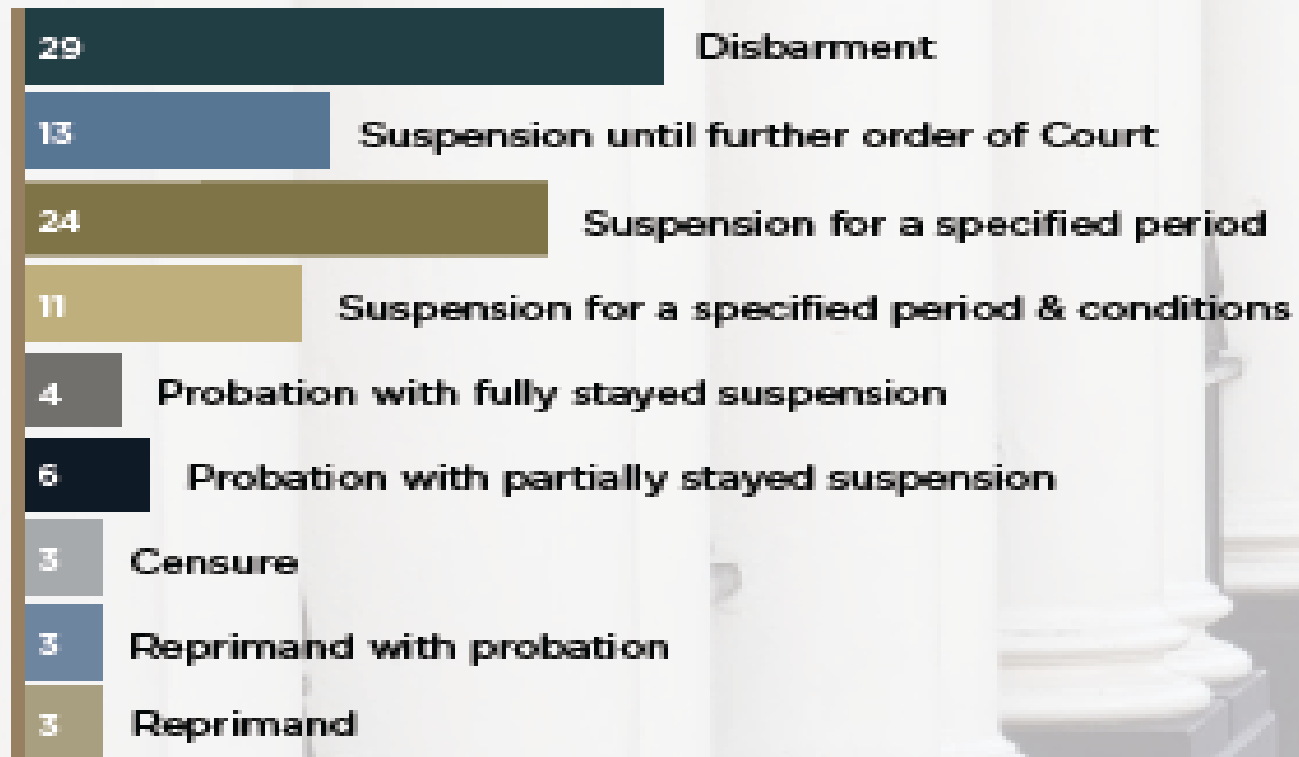
Prosecutions in 2019

- **44** formal disciplinary complaints filed before the Hearing Board.
- **39** disciplinary and regulatory proceedings filed directly with the Illinois Supreme Court.
- **73%** of formal disciplinary complaints alleged fraudulent or deceptive activity.
- **45%** of cases before the Hearing Board concluded by the filing of discipline on consent.

Sanctions in 2019

SANCTIONS

96 sanctions entered by the Illinois Supreme Court
against **95** lawyers in **2019**



DISCIPLINED LAWYERS IN 2019

68%

were between the ages of 30 and 49

63%

were sole practitioners

42%

were 30 or more years in practice

31%

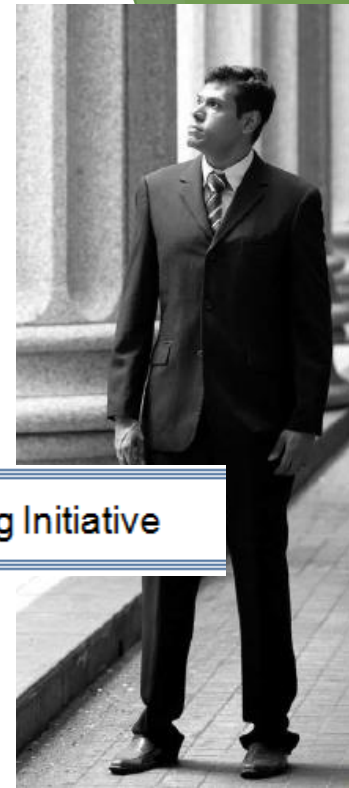
had one or more identified substance abuse or mental impairment issues

ARDC INITIATIVES





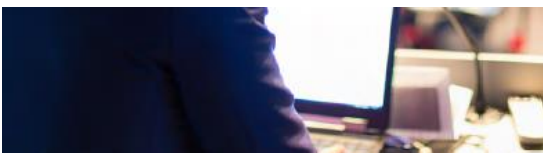
Educational Initiative



Lawyer Well-Being Initiative



ARDC Intermediary Connecting Services Initiative



Diversity and Inclusion Initiative



CORONAVIRUS **SHUTDOWN**

Ethical Obligations During the Coronavirus Shutdown: Covid-19 Responses

On March 20, 2020, Illinois Governor J.B. Pritzker issued a statewide stay-at-home order aimed at stopping the spread of coronavirus. All non-essential businesses in the state were ordered to close their doors effective March 21, 2020, at 5:00 p.m., and remain closed through April 7, 2020. The executive order specifically lists 23 different kinds of businesses that are “encouraged to remain open”, including “professional services, such as legal service.



ETHICAL OBLIGATIONS DURING THE CORONAVIRUS SHUTDOWN: COVID-19



Everyone is *VIRTUAL*. ALL. THE. TIME.

Ethical Obligations During the Coronavirus Shutdown: Covid-19 Responses

Communicate with Clients

Diligence in a Constantly Changing Situation

Succession Planning

Calendaring

Electronic Filing

Mail Delivery or Other Deliveries

Working Remotely

Data Security and Privacy Review

ADDITIONAL GUIDANCE ON WORKING REMOTELY



**PENNSYLVANIA BAR ASSOCIATION
COMMITTEE ON LEGAL ETHICS AND PROFESSIONAL RESPONSIBILITY**

April 10, 2020

FORMAL OPINION 2020-300

ETHICAL OBLIGATIONS FOR LAWYERS WORKING REMOTELY

THE NEW WORLD WE LIVE IN

TRIALS & LITIGATION

Lawyers are dressing way too casual during Zoom court hearings, judge says

BY [DEBRA CASSENS WEISS](#)

APRIL 15, 2020, 9:24 AM CDT

[Like 2.5K](#) [Share](#) [Tweet](#) [Share](#) [Reddit](#) [Up](#) [Down](#) [Print](#)



Image from Shutterstock.com.

Is *EVERYONE* TRAPPED IN A CAT FILTER?

WHY ARE CLIENTS ARE LAWYERS APPEARING IN
VIRTUAL HEARINGS DOING THINGS THAT
WOULDN'T HAPPEN IN COURT?

COURTROOM DECORUM - "PANDEMIC STYLE"

zoom

BEYOND

Jefferson Circuit Court
function to elect
lawyer

www.courier-journal.com

The perils of virtual

Experts say they fear that the ease with which litigants can now be judged from their homes.

Law360 cites a hearing on Thursday in which a federal judge asked DLA Piper partner David Priebe whether he was at a resort. The lawyer replied he was using a Mount Vesuvius Zoom filter. "They don't wear ties at Mount Vesuvius?" asked Judge Edward Davila.

At that point, Priebe jumped up, revealing an untucked shirt. He returned with a tie that he had wrapped around his neck. "Thanks for your indulgence," Davila said. "At least there's not cats on the screen."

The Louisville Courier Journal lists other examples of remote hearing mishaps and misjudgments in Kentucky:

- A lawyer fell asleep and began snoring during motion hour, according to Judge Charles Cunningham.
- A client appeared in her bikini by a pool, while another drank a beer, according to lawyer Erin Pippin.
- A lawyer puffed on a cigar while cases were being called, according to Judge Julie Kaelin.
- Someone who wasn't muted complained "This is f---ing stupid," according to lawyer Karen Faulkner.
- A lawyer started drinking a glass of wine during a hearing about a parent's problem drinking, according to lawyer Kirsten Daniel.
- A naked woman appeared, although she didn't have a case on the docket, according to Judge Jennifer Leibson. Another woman wasn't wearing clothes and had curlers in her hair, apparently unaware her camera was turned on, according to Judge Stephanie Pearce Burke. And a defendant appeared without any pants on, said Jillian Hall.
- A defendant's meth pipe was visible on a table behind him, according to lawyer Ashlea Nicole Hellmann.
- A client who had been in a car accident did her Zoom deposition while driving, according to lawyer Tish Morris.

LTER

n hearings;
g

Ethical Obligations During the Coronavirus Shutdown: Covid-19 Responses



It may not be specifically stated in the RPC, but practicing Civility & Patience, particularly in times of stress and crisis will help most practitioners avoid professional disciplinary issues.

TRAUMATIC IMPLICATIONS OF PANDEMIC

- ▶ Lack of predictability during these current times
- ▶ Lack of structure to our days
- ▶ Difficult to plan out calendar and events
- ▶ Difficult to comprehend long term impact of the pandemic and how it will affect our lives moving forward

GOAL: CREATE SOME PLAN FOR EACH DAY AND STRUCTURE YOUR WORK DAY
ONE WEEK AT A TIME

LAWYERS' HELPING LAWYERS'



LAP is only able to serve those in need as a result of the efforts of our staff, and the financial contributions of those within our legal community.

All donations are tax deductible. All donations go towards helping Illinois attorneys in need.

[Illinoislap.org/mental-health-donations](https://illinoislap.org/mental-health-donations)

312-726-6607



Treatment Assistance Program

The background features a collage of a book cover with a grid pattern and the text 'RULES and STANDARDS' in a serif font. Overlaid on the right side are several overlapping green triangles of varying shades, creating a modern, abstract design.

Professional Discipline: Rules, Opinions & Beyond

RULES *and*
STANDARDS

YOU CAN'T ESCAPE TECHNOLOGY IN A VIRTUAL WORLD



THE WALL STREET JOURNAL.

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More Work Goes 'Undercover'

Bringing the Office To Bed for 3 a.m. Emails to China; Wi-Fi Mattresses

Using a laptop that isn't aligned properly with the eyes and wrists can cause strain.

Sliding to reach for files can lead to neck and shoulder pain.

Extending legs out straight can affect the lower back.





December 16, 2020

ABA issues new guidance for lawyers to navigate model rules while working remotely

Share this:



CHICAGO, Dec. 16, 2020 — The American Bar Association [Standing Committee on Ethics and Professional Responsibility](#) released today a formal opinion to help lawyers and the public better understand the application of model rules to lawyers practicing remotely, particularly when working from jurisdictions in which they are not licensed.

[Formal Opinion 495](#) provides guidance when a lawyer may practice the law for which they are licensed while physically in a different jurisdiction. Specifically, a lawyer physically present in a jurisdiction in which they are not licensed to practice — and the local jurisdiction has not determined such practice is unauthorized — may practice if they meet the following guidelines:

ABA Formal Opinion on Ethics of Lawyers Working Remotely

Published on: Friday, December 18, 2020

During the COVID-19 pandemic, more and more lawyers have worked remotely from home and practiced law primarily through electronic means. Some of these lawyers live in a different state than where they are licensed to practice law.

The ABA Standing Committee on Ethics and Professional Responsibility's released [Formal Opinion 495 on Lawyers Working Remotely](#) on Wednesday, which explains that such a practice does not present problems under the ABA Model Rules of Professional Conduct, as long as the lawyer does not hold themselves out or advertise that they are licensed to practice law in a jurisdiction in which they are not licensed.

The concern centers on the unauthorized practice of law, a subject addressed by ABA Model Rule 5.5, which generally prohibits the unauthorized practice of law.

Further, Rule 5.5(b)(1) prohibits a lawyer from "establish[ing] an office or other systematic and continuous presence" in a jurisdiction where the lawyer is not licensed to practice law. Rule 5.5(b)(2) prohibits a lawyer from "hold[ing] out to the public" or representing that they are licensed to practice law in a jurisdiction to which they are not licensed.

But [Formal Opinion 495](#) explains that a lawyer does not have a "systematic" presence in a jurisdiction merely by their physical presence in that state. "The lawyer's physical presence in the local jurisdiction is incidental; it is not for the practice of law," the opinion reads.

The ABA standing committee qualifies its conclusion, noting that "it is not this committee's purview to determine matters of law," and that "this committee will not opine whether working remotely by practicing the law of one's licensing jurisdiction in a particular jurisdiction where one is not licensed constitutes the unauthorized practice of law under the law of that jurisdiction."

ABA ethics opinions are persuasive authority, but not binding on any state authority. Even with the ABA taking action, Florida and other states that take a tougher line on the issue may be hard to convince. For instance, a [comment](#) addressing Florida's unauthorized practice rule specifically bans the practice of another state's law while sitting in Florida. Only a handful of states, including Maine, Utah, and Arizona expressly allow lawyers to practice in a state where they are not barred.



[Formal Opinion 495](#) provides guidance when a lawyer may practice the law for which they are licensed while physically in a different jurisdiction. Specifically, a lawyer physically present in a jurisdiction in which they are not licensed to practice — and the local jurisdiction has not determined such practice is unauthorized — may practice if they meet the following guidelines:

- Does not establish an office or other systematic presence in that local jurisdiction.
- Does not “hold out” a presence or availability to perform legal services in that local jurisdiction.
- Does not actually provide legal services for matters in that local jurisdiction, unless otherwise authorized.

The opinion notes that providing local contact information on websites, letterhead, business cards or advertising are examples of communications that would improperly suggest a local office or local presence.



ILLINOIS COURTS CONNECT

[Illinois Courts Home](#) > [News](#)

The Ethics of Working Remotely from Another Jurisdiction

By: Mary F. Andreoni, ARDC Ethics Education Senior Counsel

- (1) review the UPL rules of both the jurisdiction in which they are licensed and the jurisdiction in which they are considering for a remote practice;
- (2) comply with any registration or other requirements imposed by the remote jurisdiction;
- (3) not hold out to the public or state or imply as being admitted to practice in the remote jurisdiction;
- (4) consider how having a remote practice might impact a later application for admission in the remote jurisdiction; and
- (5) know that regardless of whether authorized to practice pursuant to Rule 5.5 or not, lawyers are subject to the disciplinary authority of the remote jurisdiction and can also face reciprocal discipline in their licensing jurisdiction.

For a comparison of state rules as adopted to individual ABA Model Rules of Professional Conduct, including Rule 5.5, go to *ABA Jurisdictional Rules Comparison Charts* at https://www.americanbar.org/groups/professional_responsibility/policy/rule_charts/.

January 13, 2021

ABA issues new guidance for how lawyers should respond to online criticism, negative reviews

Share this:



CHICAGO, Jan. 13, 2021 — The American Bar Association [Standing Committee on Ethics and Professional Responsibility](#) released today a formal opinion addressing the ethical obligations for lawyers to consider when they contemplate responding to online criticism and posted negative reviews.

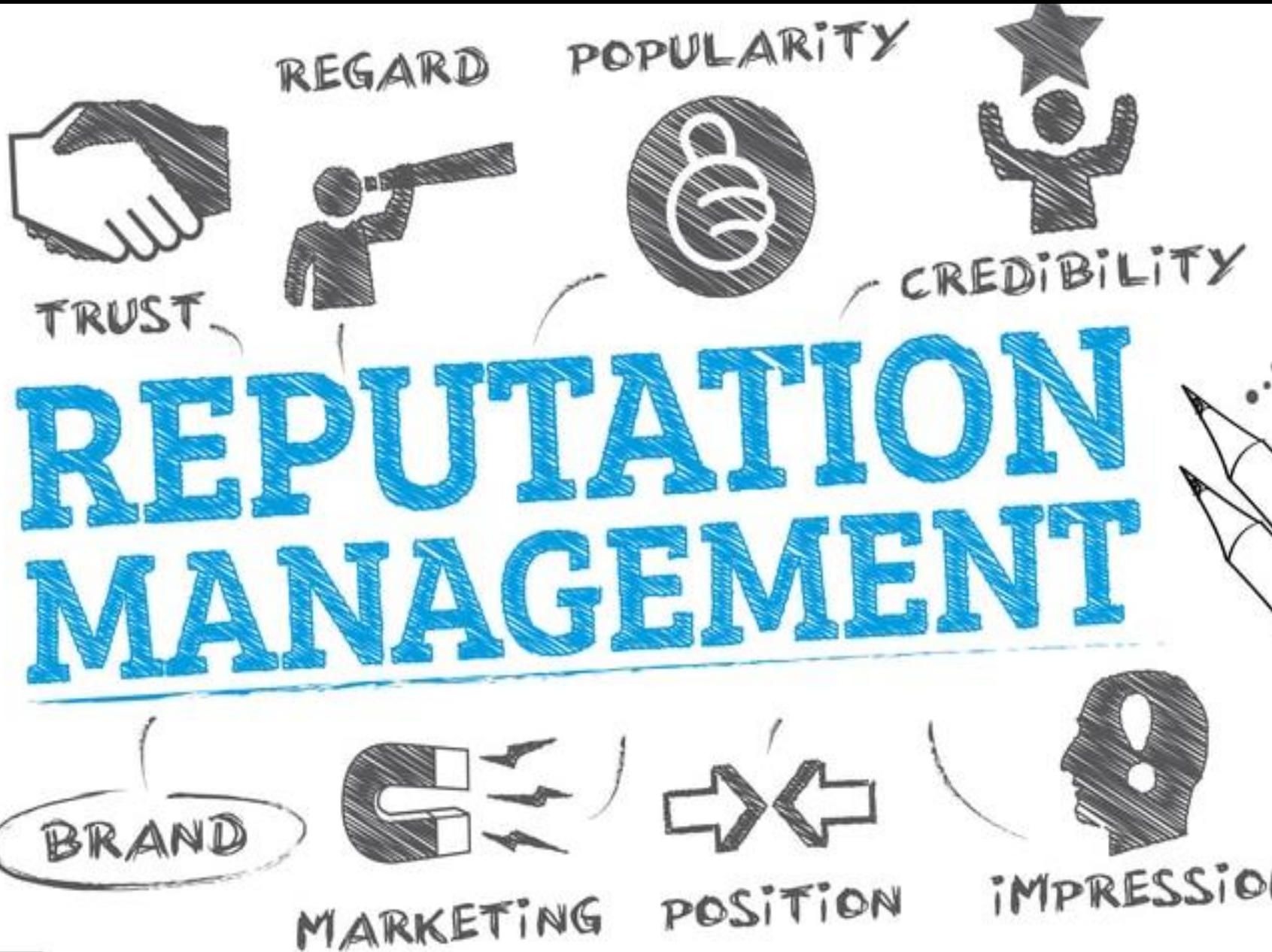
[Formal Opinion 496](#) notes that lawyers are regularly targets of internet postings, and stresses that [ABA Model Rule of Professional Conduct 1.6\(a\)](#) prohibits them from disclosing information relating to any client's representation or information that could reasonably lead to the discovery of confidential information by another. The formal opinion adds that a negative online review, alone, does not meet the requirements of permissible disclosure under the "self-defense" provision of ABA model rules.

[Formal Opinion 496](#) notes that lawyers are regularly targets of internet postings, and stresses that [ABA Model Rule of Professional Conduct 1.6\(a\)](#) prohibits them from disclosing information relating to any client's representation or information that could reasonably lead to the discovery of confidential information by another. The formal opinion adds that a negative online review, alone, does not meet the requirements of permissible disclosure under the "self-defense" provision of ABA model rules.

"As a best practice, lawyers should consider not responding to a negative post or review because doing so may draw more attention to it and invite further response from an already unhappy critic," the opinion said.

The opinion said the lawyer may request that the website or search engine host remove the post for a specific reason although the lawyer is still obligated not to disclose confidential information. The lawyer might also reach out to the client or former client to discuss the matter outside of the public arena.

If a lawyer chooses to respond publicly, permissible responses could include posting an invitation to contact the lawyer privately to resolve the matter or indicating that professional considerations preclude an online response.





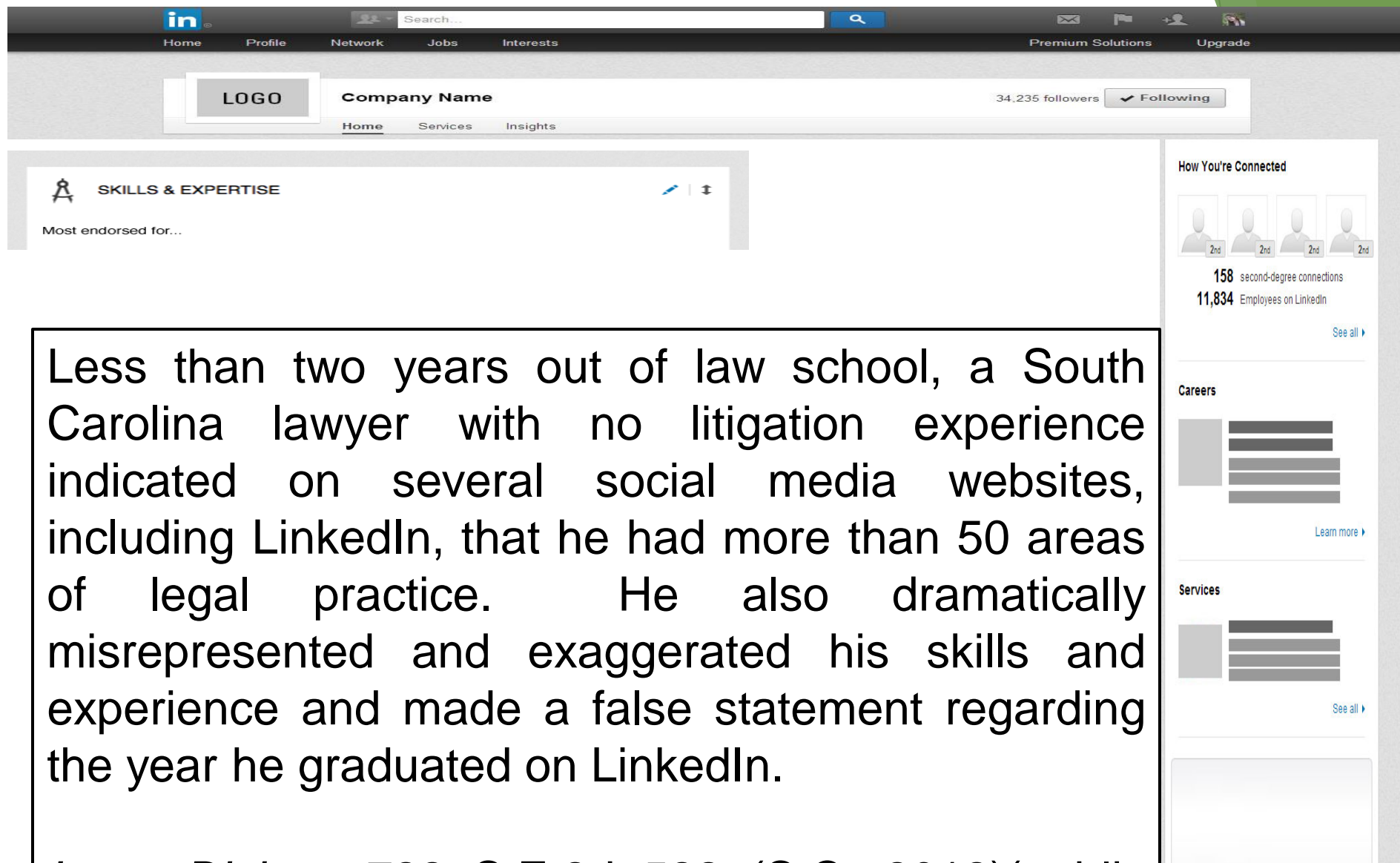
BOOK OF BUSINESS

Michael Joseph Shifrin, Northbrook

Mr. Shifrin, who was licensed in 2005, was suspended for one year. He knowingly made over 200 unauthorized alterations in his former firm's computer software during a four-year span.

Those changes resulted in an increase of over \$30,000 in Mr. Shifrin's compensation and over \$200,000 in his book of business, while working a detriment to his co-workers. The suspension is effective on October 7, 2019.





Less than two years out of law school, a South Carolina lawyer with no litigation experience indicated on several social media websites, including LinkedIn, that he had more than 50 areas of legal practice. He also dramatically misrepresented and exaggerated his skills and experience and made a false statement regarding the year he graduated on LinkedIn.

In re Dickey, 722 S.E.2d 522 (S.C. 2012)(public reprimand).



**Is It Better to be LinkedOut?
Potential Ethical Implications of
LinkedIn Endorsements &
Recommendations**

IDC Quarterly, Volume 24, Number 1. © 2014. Illinois Association of
Defense Trial Counsel.

Can LinkedIn Endorsements & Recommendations cause problems for practitioners?



...hybrid between a “virtual résumé” or “virtual self-promotion” and standard social media websites??

- Rule 1.1 “Competence” (a lawyer has a duty to provide competent representation);
- Rule 7.1 “Communications Concerning a Lawyer’s Services” (a lawyer cannot make a false or misleading communication about the lawyer or the lawyer’s services);
- Rule 7.4 “Communications of Fields of Practice and Specialization” (the Supreme Court of Illinois does not recognize certifications of specialties);
- Rule 8.4 “Misconduct” (a lawyer cannot engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).
- Proposed ABA Model Rule 1.1 suggests lawyers should be required to keep abreast of the benefits and risks associated with the use of social media, or risk being found in violation of the competency rule.

The purpose of the rules is to prevent attorneys from overstating their qualifications, areas of expertise, experience level, and overall competency.

in the Matter of Margrett A. Skinner,
758 S.E.2d 788 (Ga. May 19, 2014) = public reprimand

LawyerRatingZ

Find, rate and review Attorneys and Lawyers

HOME



SEARCH



BROWSE



RATE



BEST



ARTICLES



Margrett Skinner reviews

Margrett Skinner
Attorney

[MAP & INFO](#)

THIS IS THE WORST LAWYER I HAVE EVER MEET. SHE NEVER CONTACTED ME, AND WHEN I EMAILED HER ANSWER WAS "LISENT IF YOU EMAIL ME I WILL CHARGE YOU FOR EACH EMAIL" ON COURT DATE WAS LATE AND DID NOT DO ANYTHING FOR ME. THEN SHE DID NOT EVEN FILE THE ORDER, AND TOLD ME I TOUGHT THE OTHER LAWYER WILL DO IT. I HIGHLY RECOMEN TO LOOK FOR SOMEONE ELSE. SHE MISREPRESENT ME IN COURT





“This is simply false. The person did not reveal all the facts of his situation up front in or first and second meeting...I feel badly for him but his own actions in beating up a female coworker are what cause the consequences he is now so upset about.”



In re Betty Tsamis, 2013PR00095, (Jan. 14, 2014) = reprimand

Incentivize!



Can lawyers incentive positive online reviews?

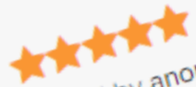
What about refunding money to disgruntled clients if they agree to take down negative online reviews?

Can you
incentivize
clients to give
good Avvo
reviews and
punish clients
who post negative
reviews?



STEELE LEGAL GROUP, LLC

Personalized. Aggressive. Representation.



Posted by anonymous
September 10, 2015

Child Support

Atty Steele's vast knowledge of family law is second nature. His advice is not sugar coated, but laced with genuine concern for the child's best interest. Thank you for so much for the consultation. If my case was closer, I'd have hired him in a heartbeat! Class act!

Consulted attorney

STEEL

Per



Posted by Jackie
March 29, 2015

Will NEVER use anyone else again - DAVID'S THE BEST

Truly - i will never hire another lawyer. The experience i had with David, as well as the team he takes such pride in, was better than any experience i've ever had with a lawyer and i've had more than anyone should because i have a jerk for an ex husband. Who always put our kids in the middle and always won. Until he got into a court room with David. And since that day, my life has been better and...

5-1509-
DI-527
Indiana
Dec. 1, 2015



David Steele's client reviews

★★★★☆ 46 total

[Review David Steele](#)



Posted by anonymous
February 18, 2016

Review

Hired the Steele Group to represent me in a child custody case. To make a long story short, all of his associates and his staff left in mass exodus. This guy went off the deep end and when I found out certain papers hadn't been filed with the Court, he made excuses, sent ranting emails, voicemails and text messages using profanity, etc. Papers that weren't filed ended up...



Mr. Steele was disbarred for incentivizing clients to post positive Avvo ratings and punishing those who posted negative reviews, responding to them with online comments that sometimes disclosed confidential information.

Oh....and he also misappropriated appx \$150,000 of client funds, threatened clients and staff and made false statements that were: “virtually pathological in frequency and scope.”

OPTIONS

1. Let it be
2. Deal with the site
3. Respond in a way that does not Violate Rule 1.6
4. Create a positive internet presence
5. See what Civil Remedies are Available
6. Blast Away and Become a Test Case as to Reach of Rule 1.6?



AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

Formal Opinion 498

March 10, 2021

Virtual Practice

*The ABA Model
enabled law p
virtually, lawyer*

“The ABA Model Rules of Professional Conduct permit lawyers to conduct practice virtually, but those doing so must fully consider and comply with their applicable ethical responsibilities, including technological competence, diligence, communication, confidentiality, and supervision,” the opinion concludes.

*is technologically
When practicing
nce, diligence, and*

communication, especially when using technology. In compliance with the duty of confidentiality, lawyers must make reasonable efforts to prevent inadvertent or unauthorized disclosures of information relating to the representation and take reasonable precautions when transmitting such information. Additionally, the duty of supervision requires that lawyers make reasonable efforts to ensure compliance by subordinate lawyers and nonlawyer assistants with the Rules of Professional Conduct, specifically regarding virtual practice policies.

https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/aba-formal-opinion-498.pdf



AJC

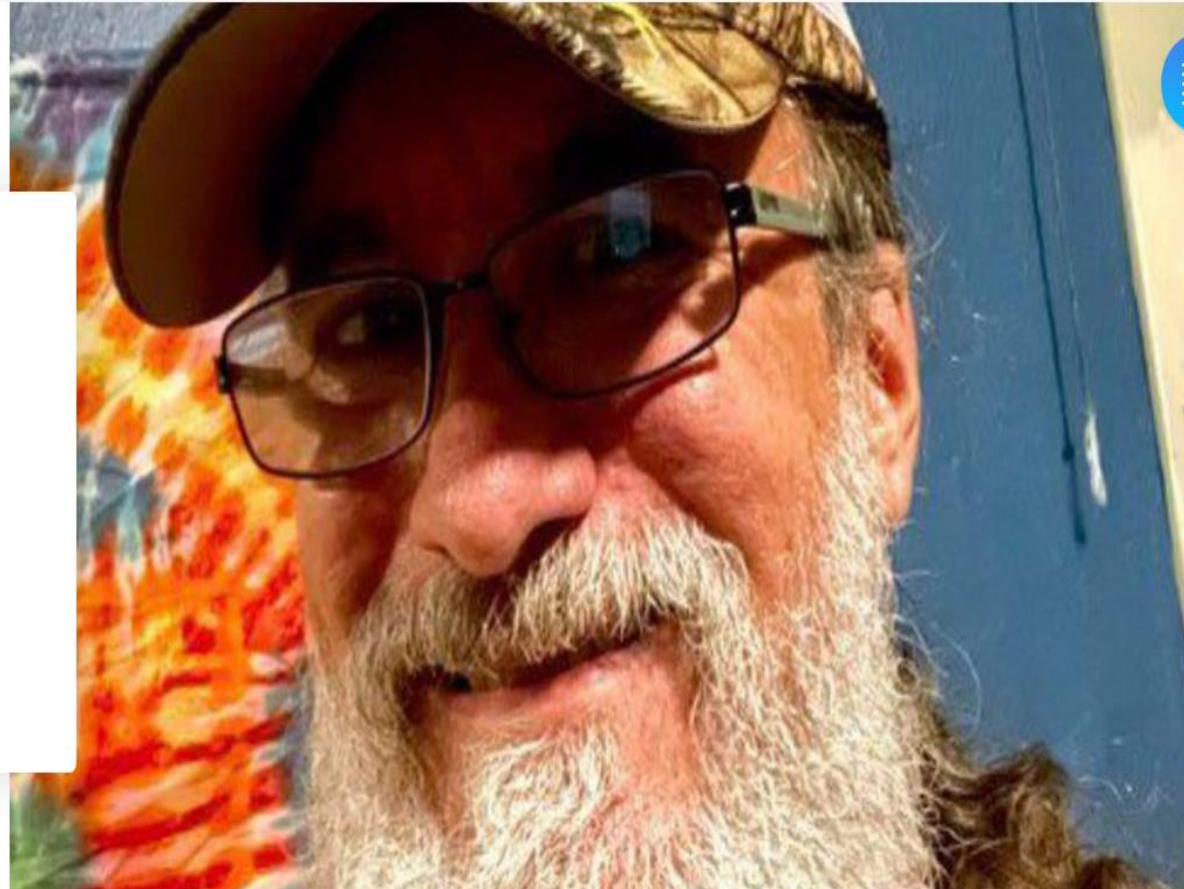
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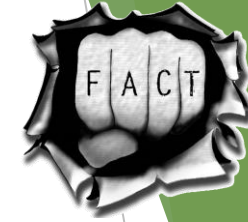
Georgia attorney
among those who
broke into U.S.
Capitol





AN ATTORNEY'S PERSONAL MISCONDUCT CAN RESULT IN DISCIPLINE

(even if unrelated to the practice of law)



RULE 8.4: MISCONDUCT

It is professional misconduct for a lawyer to:

- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation

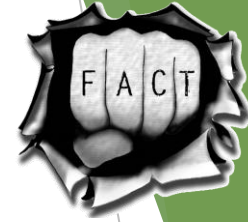
Rule 761. Conviction of Crime

- (a) It is the duty of an attorney admitted in this State who is convicted in any court of a felony or misdemeanor to notify the Administrator of the conviction in writing within 30 days of the entry of the judgment of conviction...
- (b) If an attorney is convicted of a crime involving fraud or moral turpitude, the Administrator shall file a petition with the court alleging the fact of such conviction and praying that the attorney be suspended from the practice of law until further order of the court.





RULES GOVERNING OTHER CONDUCT



RULE 4.4: RESPECT FOR RIGHTS OF THIRD PERSONS

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

RULE 8.4: MISCONDUCT

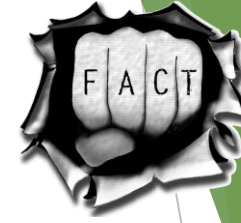
It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.
- (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.
- (d) engage in conduct that is prejudicial to the administration of justice.





RULES GOVERNING OTHER CONDUCT



ABA Rule 8.4(g)

It is professional misconduct for a lawyer to: (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

ISBA Assembly Opposes Adoption of 8.4(g) in Illinois

The Illinois State Bar Association Assembly also weighed the arguments of those in favor and opposition, and formally announced at its December Midyear meeting that it would recommend Illinois oppose the adoption of the ABA Model Rule 8.4(g).

The ISBA Assembly believed the rule does not properly define “discrimination” and “harassment” to properly apply the Rule to achieve its intent. Model Rule 8.4(g) also raised a number of concerns about subjecting lawyers to unfounded disciplinary complaints. It was further discussed that Illinois Rules of Professional Conduct [4.4](#) and [8.4\(d\) and \(j\)](#) already address discrimination and harassment associated with the practice of law here in Illinois.

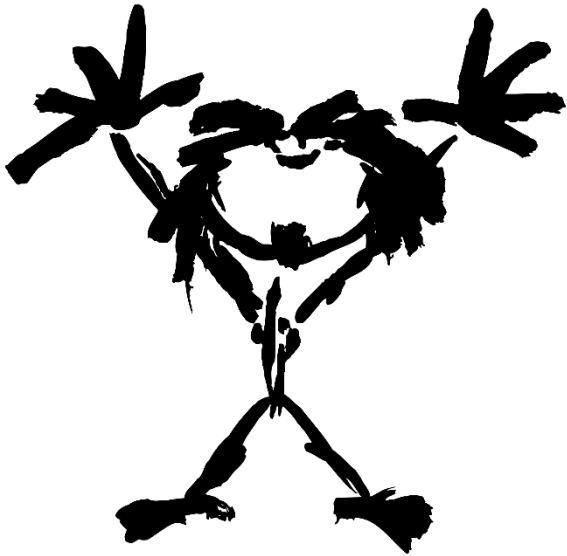


Bar complaint filed against Trump attorneys in Arizona

The complaint was filed against 21 attorneys who went to court on behalf of President Donald Trump and the Arizona GOP after the 2020 election.

“It’s not a liberal or conservative thing at all. It’s about not filing frivolous lawsuits which wastes thousands and thousands of taxpayer dollars,” McWhirter said.

Bar counsels, who run the offices that prosecute ethics cases, typically focus on concrete instances of clients harmed by lawyer malfeasance. They are highly resistant to charging any lawyer pressing a political agenda for a willing client, inside or outside of court.



QUESTIONS?

RESOURCES

- For Additional FREE CLE Check Out the ARDC's New Online Learning Portal – www.iardc.org
- ▶ Send questions regarding the content of this Program to the ARDC Education Department - Education@iardc.org
- ARDC Ethics Inquiry Hotline for Guidance on Rules:
Chicago office – (312) 565-2600 or (800) 826-8625
Springfield office – (217) 522-6838 or (800) 252-8048