HO-CHUNK NATION
2017 LAY ADVOCATE TRAINING

LEGAL ETHICS

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Presentation Overview

- What are legal ethics?
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- Why are legal ethics important?
- Enforcement
- Your obligation to know the Rules
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“Legal ethics,” often referred to in the legal world as “professional responsibility” is used to describe a code of conduct governing proper professional behavior, which establishes the nature of obligations owed to individuals, the court and to the Nation.
Source

- HCN Rules of Professional Responsibility
  - Modeled after Wisconsin’s rules of professional responsibility.
  - Incorporates compliance with other laws (i.e. the laws of the Nation).
  - Under the Ho-Chunk Nation Tribal Court, the Rules apply to both attorneys and lay advocates.
“A lawyer's [or lay advocate’s] conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's [or lay advocate’s] business and personal affairs. A lawyer [or lay advocate] should use the law’s procedures only for legitimate purposes and not to harass or intimidate others. A lawyer [or lay advocate] should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers [or lay advocates] and public officials. While it is a lawyer's [or lay advocate’s] duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's [or lay advocate’s] duty to uphold legal process.” SCR Chapter 20, Preamble [5].
Why are legal ethics important?

- Identify and purge seriously deviant lawyers and lay advocates.
- Deter violations of the Rules of Professional Responsibility.
- Maintain the decorum and integrity of the Court system.
- Decisions in ethical situations guided by detailed directions on what actions should or should not be taken, and spells out penalties for unethical behavior.
Enforcement

- The Ho-Chunk Nation Tribal Court governs enforcement of the Rules.
- Penalties include but are not limited to sanctions, disbarment, or prohibition from representing litigants.
Your obligation to know the Rules

- Each lay advocate is expected to know the Rules of Professional Responsibility.
- Lack of knowledge of your ethical duties is not a justification for violating the Rules.
- You should read the Rules thoroughly and on a regular basis.
Selected Rules and Principles

- Competence (SCR 20:1.1)
- Conflicts (e.g., SCR 20:1.7-1.9; 20:1.18)
- Scope of authority (SCR 20:1.2)
- Communication with your client (SCR 20:1.4)
- Confidentiality (SCR 20:1.6)
- Meritorious claims and contentions (SCR 20:3.1)
Selected Rules and Principles

■ Candor toward the tribunal (SCR 20:3.3)
■ Impartiality and decorum of the tribunal (SCR 20:3.5)
■ Truthfulness in statements to others (SCR 20:4.1)
■ Communication with person represented by counsel (SCR 20:4.2)
■ Expediting litigation (SCR 20:3.2)
Questions