



by Jonas K. Seigel

Ethical Considerations for Young Lawyers

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As a young or new lawyer, it is easy to be overwhelmed with the pressures of practicing law: finding your place in a new firm, representing demanding clients, dealing with difficult adversaries, and so on. But of all the obstacles and hurdles we face, we must accept that we are powerless over some and in control of others. We are certainly in control of our moral compass, and the New Jersey Rules of Professional Conduct are our GPS. Below are some of the most important takeaways from some of the most important rules a young lawyer should keep in mind in order to build and maintain the reputation he or she has fought so hard to achieve. And remember, we can spend a lifetime building a reputation and have it ruined in a split second.

RPC 1.1 Competence

RPC 1.1 should remind us that it can be so easy to say yes to a client and so hard to say no. If you are unfamiliar with a matter presented to you, it may be best to recommend an attorney who handles that particular area of the law. Sure, you could research the case law and take a continuing legal education course, but you could also be sued if you make a mistake. The New Jersey State Bar Association is a wonderful resource for attorneys handling everything from aviation to zoning law, so take advantage of your membership.

RPC 1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer

RPC 1.2 is important because it reminds us that we work for our clients, not the other way around. Be clear about the parameters of representation and make sure you are aligned with the goals of your client from the outset. In addition to being great speakers, we must also be greater listeners. I recently turned down a matter because the client wanted to sue the mayor of a municipality for a defective sidewalk, and not the property owner. At our initial consultation, I knew his goal was not simply to be compensated for his injuries, but rather to pursue a personal vendetta.

RPC 1.4 Communications

RPC 1.4 sets forth the number one reason why a client will leave you for a new lawyer. It is imperative to have good communications with your client. So, if you do not like your client on day one, chances are you are not going to like him or her on day 90 or 365. Be clear about whether or not you want to communicate by email, text, or Skype. Establish whether you want clients texting you throughout the weekend, late at night, or early in the morning, and be mindful if a client lives in a different time zone or country.

RPC 1.5 Fees

RPC 1.5 may be the most difficult rule for solos starting out, since I have yet to meet a lawyer, new or experienced, who feels he or she is overvalued.



In determining the reasonableness of your fee, try to balance what it is that sets you apart from other attorneys (of similar experience) against the fair market value of the same legal service in your demographic or industry. Clients are looking for value, and not all clients are going to trust the lawyer with the lowest retainer or fee. If you are clueless, look for a mentor or ask other lawyers what they charge.

RPC 1.6 Confidentiality of Information

RPC 1.6 is the no gossip rule. Remember, few people see a lawyer because something great happened to them. In fact, everyday people are entrusting us with their problems and we have a responsibility to keep quiet. Society is obsessed with the law, and many lawyers are obsessed with telling their friends, family, colleagues, and neighbors about the matters they are handling. In doing so, not only do you risk violating one of the most fundamental rules of professional conduct, but you also convey to the people you confide in that you cannot be trusted. It is also important to be careful when posting information on social media or presenting scenarios in a lecture.

RPC 1.7 Conflict of Interest

RPC 1.7 offers us guidance on when we can properly represent one client while not detrimentally affecting the outcome of another client. I see this situation play out regularly in motor vehicle accidents. For example, husband (driver) and wife (passenger) are on the way to a holiday dinner when they are involved in an accident in an intersection. Both drivers claim they each had the green light. Both husband and wife are seriously injured. The police report attributes fault to both vehicles. Knowing that the husband will be deemed a percentage at fault, I will represent the passenger and refer the driver to another attorney to avoid conflict of interest.

RPC 4.1 Truthfulness to Others

RPC 4.1 is worth mentioning for several reasons. First, if you commit to being an honest lawyer to all, you will never violate RPC 3.3 Candor Toward the Tribunal. Second, to reiterate what was mentioned earlier, you never want to gain a bad reputation, especially for being dishonest. Often, I find that a simple mistake or an instance of neglect is not nearly as bad as the lie or cover-up. Lastly, if you do make a false statement, do the right thing and correct it as soon as possible. As zealous advocates for our clients, our passions may get the better of us from time to time. But the practice of law is a noble profession, and we should always act as such.

Jonas K. Seigel is the managing partner at Seigel Law—with offices in Ridgewood, West New York, and Red Bank—where he focuses exclusively on serious personal injury, medical malpractice, and wrongful death matters.

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