



CLASS 5

Professional Responsibility and Legal Ethics

The Decision-Making Process in the Representation

- **Clients decide issues that go to the fundamental nature of the representation, such as:**
 - Whether to offer or accept a settlement proposal
 - Whether to accept a criminal plea bargain
 - Whether to plead guilty to a criminal charge
 - Whether to file an appeal
- **And some issues that are important in the litigation itself, such as:**
 - Whether the client will testify (in criminal trials, defendant has a Constitutional right to testify)
 - Whether to incur significant litigation expenses (since it is the client who will ultimately have to pay for them)



The Decision-Making Process in the Representation (cont.)

- **Attorneys decide issues that involve litigation strategy, such as:**
 - Which motions to file (and may not file frivolous motions, even if the client insists on it) and issues to argue
 - Which witnesses to call, other than the client herself
 - The types of questions to ask witnesses
- ***NOTE: The attorney may allow “reputation” or “morality” factors to influence decisions, but may not allow those factors to compromise the diligence of the representation***



QUIZ TIME!

