

Ethics Resources

Introduction

As law students, we learned the rules of professional responsibility, and as lawyers and judges, we are presumed to know and follow them. But most of us lack photographic memories, and some of the rules are less than intuitive. The materials that follow provide sources, links, and lists of Michigan ethics materials available to practitioners.

MRPC and MCJC

The core ethics materials for Michigan attorneys and judges are the Michigan Rules of Professional Conduct (MRPC) and the Michigan Code of Judicial Conduct (MCJC). Chapter nine of the Michigan Court Rules will not be dealt with because it is procedural and is primarily concerned with how attorneys and judges are dealt with *after* they have violated or are alleged to have violated the MRPC and MCJC.

If you own the West-published *Michigan Rules of Court*, then you have both the MRPC and MCJC. They can also be found in chapter 10 of ICLE's four-volume *Court Rules of Michigan Annotated* and online through ICLE's website at <http://www.icle.org/shared/asp/mrpc.asp> (MRPC) and <http://www.courts.michigan.gov/mji/wbt/ethics/mcjc.htm> (MCJC).

MRPC and MCJC Caselaw with Lexis and Westlaw

Having the rules is not always enough. It is often useful to have caselaw that has interpreted the rules or statutes in question. Finding caselaw for rules and statutes is easy when you have annotated resources such as the Michigan Compiled Laws Annotated and Michigan Compiled Laws Service for Michigan statutes, or the Michigan Court Rules Practice for the Michigan Court Rules. There are, unfortunately, no annotated versions of the MRPC and MCJC.

You can, however, easily find interpretive cases if you have a Westlaw or Lexis Michigan-only plan. You can find these interpretive cases with some very simple searches. For example, to find cases that discuss MRPC 3.5, you could use one of the following searches:

- MRPC /s 3.5
- Rule /s 3.5

The second search, "Rule /s 3.5," gives some wrong results, but finds an extra case that the first search missed.

Additional Westlaw Materials

If you have a Westlaw plan, then you may also have the Michigan Court Rules as part

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of your plan. The MRPC are included in Westlaw's online Michigan Court Rules, just as they are in West's printed version. You can "keycite" the MRPC and MCJC and find lots of interpretive opinions and secondary resources. Here's how.

To find the Michigan Court Rules, click the "Directory" link at the top center of the screen and type "Michigan Court Rules" in the search window, or type "MI-RULES" in the "Search these databases" window on the left side of the screen. Once in the database, type "3.5" in the search window and select the "MRPC 3.5" entry. This search works whether your default search is Natural Language or Terms & Connectors. A more precise search is a Terms & Connectors "FIELD" search; for example, "CI(3.5)" searches for 3.5 in the Citation field.

Next, you'll "keycite" rule 3.5. Keycite, as you probably know, is Westlaw's version of Shepard's. Shepard's and Keycite not only tell us the history of our case and help answer the question, "Is my case, law, or rule still good law?", they also show other documents that cite to your starting document—in this case, MRPC 3.5.

At the top left of your screen, you should see the word "Keycite." Below that, you should see two links: "history" and "citing references." Click the "citing references" link. When I wrote this article, I found 41 citing references to MRPC 3.5, including eight Michigan appellate cases.

Westlaw includes a few national databases that you may find useful. The *Multistate Legal Ethics & Professional Responsibility—Cases* database contains published and unpublished opinions from all 50 states. The *Judicial Conduct Reporter* database is composed of documents prepared by the American Judicature Society. The *ABA Lawyers Manual on Professional Conduct* provides "information on ethical and professional issues typically encountered by lawyers." It contains full-text ABA ethics opinions since 1986.

Additional Lexis Materials

Lexis contains at least two relevant Michigan-specific databases: *Michigan State Case Law and Ethics Opinions* and *Michigan Judicial Ethics Opinions*. To search these resources for rule 3.5, type "3.5" in the search window and click "enter." When I wrote this article, I found eight documents in the *Michigan Judicial Ethics Opinions* database and 40 in the *Michigan State Case Law and Ethics Opinions* database.

Two national databases may be of interest to you. *Attorney Fees: Mealey's Combined Reports* focuses on attorney fee disputes from all 50 states. The *ABA Formal Ethics Opinions* database contains opinions from the *American Bar Committee on Ethics and Professional*

Conduct. The opinions are current and go back to 1924.

Free Michigan Internet Resources

- Ethics, Judicial and Professional Committee: Non-binding advisory opinions; <http://www.michbar.org/opinions/ethics/opinions.cfm>
- Attorney Discipline Board: Full-text searching of ADB opinions from 1978; <http://www.adbmich.org>
- Attorney Grievance Commission: <http://www.agcmi.com>
- Judicial Tenure Commission: <http://jtc.courts.mi.gov>
- Dykema Gossett PLLC, *Michigan Legal Ethics* (Internet resource): <http://www.law.cornell.edu/ethics/mi/narr/>

Free National Internet Resources

- ABA Model Rules of Professional Conduct: <http://www.abanet.org/cpr/mrpc>
- American Legal Ethics Library: <http://www.law.cornell.edu/ethics/>
- The National Organization of Bar Counsel: <http://www.nobc.org>

Printed Editions of the Rules

- *Michigan Rules of Court* (West 2006). West's court rules include the MRPC and MCJC.
- Daniel D. Kopka, *Court Rules of Michigan Annotated* (ICLE 2006). This ICLE publication consists of four loose-leaf volumes with annual updates. Chapter 10 includes the MRPC and the MCJC.
- ABA, *Annotated Model Rules of Professional Conduct* (ABA 2003). Contains extensive commentary and case references.
- Ronald D. Rotunda, Legal Ethics, *The Lawyer's Deskbook on Professional Responsibility* (ABA 2000). Contains the national rules and extensive commentary.
- John S. Dzienkowski, ed., *Professional Responsibility Standards, Rules & Statutes* (West 2004).

Treatises

- *Michigan Basic Practice Handbook*. Chapter 22, Legal Ethics. Contains a nice overview of legal ethics in Michigan.
- *National Reporter on Legal Ethics and Professional Responsibility*

- Ronald D. Rotunda, Michael I. Krauss, *Legal Ethics in a Nutshell* (West 2006). A West nutshell, this title provides rule-by-rule explanation and commentary.
- Charles W. Wolfram, *Modern Legal Ethics* (West 1986).
- Ronald D. Rotunda, *Rotunda's Black Letter Outline on Professional Responsibility* (West 2004). Written primarily for law students, the title is well-written and comprehensive.
- Geoffrey C. Hazard, Jr., Angelo Dondi, *Legal Ethics: A Comparative Study* (Stanford 2004). This title offers international comparisons.

Periodicals

- *Lawyer's Manual on Professional Conduct* (ABA/BNA). Bi-weekly BNA newsletter provides national coverage of court decisions and other relevant news.
- *Georgetown Journal of Legal Ethics*

- *The Journal of Law, Medicine & Ethics*
- *Notre Dame Journal of Law, Ethics & Public Policy*
- *Journal of Ethics & Social Philosophy*
- *The Professional Lawyer*
- *Journal of the Institute for the Study of Legal Ethics* ♦



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