

Professional Responsibility (STUDY GUIDE)

Professional responsibility is the area of legal practice that encompasses the duties of attorneys to act in a professional manner, obey the law, avoid conflicts of interest, and put the interests of clients ahead of their own interests.

Professional responsibility violations in general

- Conflicts of interest. This occurs where the same lawyer or firm is representing both sides in a lawsuit, or previously
 represented one side. In countries with the adversarial system of justice, a conflict of interest violates the right of each client
 to the undivided, zealous loyalty of his lawyer. Conflicts may also occur if the lawyer's ability to represent a client is materially
 limited by the lawyer's loyalty to another client, a personal relationship, or other reasons.
- Incompetent representation. Attorneys have a duty to provide competent representation, and the failure to observe deadlines
 or conduct thorough research is considered a breach of ethics.
- Mishandling of client money. Clients often advance money to lawyers for a variety of reasons. The money must be kept in special client trust accounts until it is actually earned by the lawyer or spent on court fees or other expenses.
- Fee-splitting arrangements. Attorneys may not split fees with non-attorneys, or with other attorneys who have not worked on the matter for which the client is represented.
- Disclosure of confidential information. Lawyers are under a strict duty of confidentiality to keep information received in the course of their representations secret. Absent law to the contrary, lawyers may not reveal or use this information to the detriment of their clients.
- Communication with represented parties. An attorney may not communicate directly with a person who they know to be
 represented by counsel with respect to a matter for which the attorney is seeking to communicate. For example, in a civil suit,
 the plaintiff's attorney may not speak to the defendant directly if the attorney knows that the defendant is represented by
 counsel without their attorney's express consent.
- Improper solicitation and advertising. Attorneys generally may not solicit business by personally offering their services to
 potential clients who are not already close friends or family members. Advertising by attorneys is also strictly regulated, to
 prevent puffery and other misleading assertions regarding potential results.



Code of Ethics & Professional Responsibility

CFP Board adopted the Code of Ethics to establish the highest principles and standards. These Principles are general statements expressing the ethical and professional ideals certificants and registrants are expected to display in their professional activities. As such, the Principles are aspirational in character and provide a source of guidance for certificants and registrants. The Principles form the basis of CFP Board's Rules of Conduct, Practice Standards and Disciplinary Rules, and these documents together reflect CFP Board's recognition of certificants' and registrants' responsibilities to the public, clients. colleagues and employers. - See more at: http://www. cfp.net/for-cfp-professionals/professional-standardsenforcement/standards-of-professional-conduct/ code-of-ethics-professional-responsibility#sthash. MCPw8SOLdpuf

Principle 1 – Integrity: Provide professional services with integrity.

Integrity demands honesty and candor which must not be subordinated to personal gain and advantage. Certificants are placed in positions of trust by

Professional Responsibility Speedy Study Guide

O. Ray Whittington

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Table of Contents Professional Responsibility Speedy Study Guide

- 1. Understanding the eBook Professional Responsibility Speedy Study Guide
 - The Rise of Digital Reading Professional Responsibility Speedy Study Guide
 - Advantages of eBooks Over Traditional Books
- 2. Identifying Professional Responsibility Speedy Study Guide
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Professional Responsibility Speedy Study Guide
 - User-Friendly Interface
- 4. Exploring eBook Recommendations from Professional Responsibility Speedy Study Guide
 - Personalized Recommendations
 - Professional Responsibility Speedy Study Guide User Reviews and Ratings
 - Professional Responsibility Speedy Study Guide and Bestseller Lists
- 5. Accessing Professional Responsibility Speedy Study Guide Free and Paid eBooks
 - Professional Responsibility Speedy Study Guide Public Domain eBooks
 - Professional Responsibility Speedy Study Guide eBook Subscription Services
 - Professional Responsibility Speedy Study Guide Budget-Friendly Options

- 6. Navigating Professional Responsibility Speedy Study Guide eBook Formats
 - o ePub, PDF, MOBI, and More
 - Professional Responsibility Speedy Study Guide Compatibility with Devices
 - Professional Responsibility Speedy Study Guide Enhanced eBook Features
- 7. Enhancing Your Reading Experience
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 - Highlighting and Note-Taking Professional Responsibility Speedy Study Guide
 - Interactive Elements Professional Responsibility Speedy Study Guide
- 8. Staying Engaged with Professional Responsibility Speedy Study Guide
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Professional Responsibility Speedy Study Guide
- 9. Balancing eBooks and Physical Books Professional Responsibility Speedy Study Guide
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Professional Responsibility Speedy Study Guide
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Professional Responsibility Speedy Study Guide
 - Setting Reading Goals Professional Responsibility Speedy Study Guide
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Professional Responsibility Speedy Study Guide
 - Fact-Checking eBook Content of Professional Responsibility Speedy Study Guide
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements

• Interactive and Gamified eBooks

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