

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-standards-enforcement/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

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Rosina Ehmann



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