



## Resources for Legal Ethics Research and Analysis

Over the last 15 years or so that I have been writing this ethics column, I often summarize recent decisions involving legal ethics or professional responsibility that may have some educational value to the national readership of this publication. In the course of doing so for this article, I was reminded of the voluminous number of resources available to those who need to research or analyze an issue of legal ethics. I decided to use this column to provide an overview of the key sources available on the rules of professional conduct and other materials that govern the conduct of lawyers.

For example, in Delaware, the website of the Office of Disciplinary Counsel, a branch of the Delaware Supreme Court that investigates complaints against lawyers, has a link to the decisions of the Delaware Supreme Court involving public and private reprimands, as well as a *Digest of Lawyer Discipline*, which has a link to the decisions of the Court in which public discipline has been imposed on a Delaware lawyer. (This and other links are easily found by performing a Google search.) In addition, the Delaware State Bar Association has a link on its website to the opinions of the Bar Association's Committee on Professional Ethics, which issues non-binding opinions at the request of members of the Delaware Bar. The Bar Association Committee also provides commentary on proposed changes to the Rules of Professional Conduct. This committee is separate from the Delaware Supreme Court's Permanent Advisory Committee on the Delaware Rules of Professional Conduct. The Delaware State Bar Association website also includes a link to ethics columns by Charles Slanina, whose column is published each month in a Bar Association newsletter. (The ethics columns from this publication are available at [www.innsocourt.org/TheBencher](http://www.innsocourt.org/TheBencher)).

From a national perspective, there are several online gateways and research guides that provide an extensive list of the materials available to help locate opinions and secondary sources covering legal ethics. Georgetown Law has an online Legal Ethics Research Guide, which reminds the reader to consult sources beyond the familiar cases and statutes, such as Codes of Professional Ethics, as well as ethics opinions issued by state and national bar associations. Other secondary sources include blogs, books, multi-volume treatises and articles. Among the most comprehensive of secondary sources is the *ABA/BNA Lawyers' Manual on Professional Conduct*, which includes the

full text of the Rules of Professional Conduct in their various versions for each state, and extensive citations to cases, articles, and books discussing the issues arising under each rule. Also useful is the *National Reporter on Legal Ethics and Professional Responsibility*, edited by Roy M. Mersky and Norman Quist. A helpful treatise is Geoffrey C. Hazard & W. William Hodes, *The Law of Lawyering* (3d ed. 2001), and also notable is Robert H. Aronson & Donald T. Weckstein, *Legal Ethics in a Nutshell* (3d ed. 2007). An essential resource in this area is the *Restatement of the Law Third: The Law Governing Lawyers* (2000).

Among the sites that provide commentary and analysis on legal ethics issues are [legalethics.com](http://legalethics.com), Legal Ethics Forum, as well as the ABA Center for Professional Responsibility. The latter provides, in addition to publications and opinions, an online research service that offers guidance on ethical dilemmas and assists in identifying appropriate standards and materials to address those dilemmas. Another online resource is *Freivogel on Conflicts*, which provides frequently updated materials on ethics-related topics.

Other helpful online research gateways include a website sponsored by the University of San Francisco School of Law that provides a link to *The Notre Dame Journal of Law, Ethics and Public Policy*; *Georgetown Journal of Legal Ethics*; and *The Journal of the Legal Profession*. The Cornell Law School Legal Ethics Library is also a valuable online compilation with a comprehensive collection of resources for researching legal ethics topics.

Finally, one can follow the conventional procedures for researching court decisions that address legal ethics such as searches via Lexis and Westlaw. The limits of relying only on trial court decisions in this area may be reflected in Delaware cases, for example, where the trial courts often observe that their primary obligation is not to enforce the Rules of Professional Conduct. See, e.g., *Manning v. Vellardita*, C.A. No. 6812-VCG (Del. Ch. March 28, 2012) (denying a motion to disqualify counsel but referring the attorney involved to the appropriate agencies in Delaware and New York to investigate an apparent violation of Lawyers' Rule of Professional Conduct 1.9) (decision available at [www.delawarelitigation.com](http://www.delawarelitigation.com)). ♦

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