

# Model Rule 3.4(a), Fairness to Opposing Party And Counsel

- **Rule 3.4(a)**
  - A lawyer shall not . . . unlawfully obstruct another party' s access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act[.]

# Model Rule 3.4(c), Fairness to Opposing Party And Counsel

- **Rule 3.4(c)**
  - A lawyer shall not . . . knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists[.]

# Model Rule 5.3(c), Responsibilities Regarding Nonlawyer Assistant

- **Rule 5.3(c)**
  - With respect to a nonlawyer employed or retained by or associated with a lawyer: (c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:
    - (1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or
    - (2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

# Model Rule 4.4(a), Respect for Rights of Third Persons

- Rule 4.4(a)
  - (a) In representing a client, a lawyer shall not use . . . methods of obtaining evidence that violate the legal rights of such a person.

# Model Rule 4.4(b), Respect for Rights of Third Persons

- **Rule 4.4(b)**
  - (b) A lawyer who receives a document relating to the representation of the lawyer's client and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender.

# Model Rule 1.6(a), Confidentiality of Information

- **Rule 1.6(a)**

- (a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).

# Model Rule 1.6, Comment [3]

- [3] The principle of client-lawyer confidentiality is given effect by related bodies of law: the attorney-client privilege, the work product doctrine and the rule of confidentiality established in professional ethics. The attorney-client privilege and work-product doctrine apply in judicial and other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence concerning a client. The rule of client-lawyer confidentiality applies in situations other than those where evidence is sought from the lawyer through compulsion of law. The confidentiality rule, for example, applies not only to matters communicated in confidence by the client but also to all information relating to the representation, whatever its source. A lawyer may not disclose such information except as authorized or required by the Rules of Professional Conduct or other law. See also Scope.

# Model Rule 3.3(a)(1), Candor toward the Tribunal

- Rule 3.3(a)(1)
- (a) A lawyer shall not knowingly:
  - (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

# Model Rule 3.3(a)(3), Candor toward the Tribunal

- **Rule 3.3(a)(3)**
- (a) A lawyer shall not knowingly:
  - (3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

# Model Rule 3.3, Comment [1]

- [1] This Rule governs the conduct of a lawyer who is representing a client in the proceedings of a tribunal. See Rule 1.0(m) for the definition of "tribunal." It also applies when the lawyer is representing a client in an ancillary proceeding conducted pursuant to the tribunal's adjudicative authority, such as a deposition. Thus, for example, paragraph (a)(3) requires a lawyer to take reasonable remedial measures if the lawyer comes to know that a client who is testifying in a deposition has offered evidence that is false.

# Model Rule 3.4(d), Fairness to Opposing Party and Counsel

- Rule 3.4(d)
- A lawyer shall not:
  - (d) in pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party[.]

# Model Rule 3.5(d), Impartiality and Decorum of the Tribunal

- Rule 3.5(d)
- A lawyer shall not:
  - (d) engage in conduct intended to disrupt a tribunal.

# Model Rule 8.4(d), Misconduct

- Rule 8.4(d)
- It is professional misconduct for a lawyer to:
  - (d) engage in conduct that is prejudicial to the administration of justice;

# Model Rule 3.2, Expediting Litigation

- **Rule 3.2**

- A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.