

Serving Clients with Diminished Capacity: Ethics Issues in Legal Services and Pro Bono Practice

Live Webcast

January 22, 2021

9:30 am – 11:15 am (Pacific Time)

Why You Should Attend

Lawyers in many practice areas will run into situations where a client's diminished capacity is an issue. This program will address the challenges and ethical issues for pro bono and legal services lawyers in particular that arise when representing individuals with diminished capacity, whether because of mental illness, substance abuse or other factors. The panel will explore ethical issues that lawyers must address and offer approaches and strategies that lawyers may consider in carrying out representation in these circumstances.

What You Will Learn

- How to approach the unique confidentiality concerns that can arise when working with clients experiencing mental health, substance abuse or capacity issues
- How to manage conflicts and communications issues
- Navigating the duty of loyalty
- Assisting clients with diminished capacity
- The faculty will use hypothetical fact patterns to illustrate how these ethical questions arise in legal services and pro bono practice settings.

Who Should Attend

Pro Bono volunteers at law firms and corporate law departments, legal aid and nonprofit attorneys, law students, solo and small firm practitioners, and social service providers working with legal services.

AGENDA

9:30

Opening Remarks

Katie Danielson

9:45

Serving Clients with Diminished Capacity: Ethics Issues in Legal Services and Pro Bono Practice – Application of the Rules and Hypotheticals

The program will cover the ethical issues related to conflicts of interest, confidentiality, and diminished capacity, with special attention to representation of clients with mental illness or substance abuse issues. Addresses issues that arise in pro bono representation and a legal services context yet translatable to many practice areas. Emphasizing strategies to address diminished capacity.

- Conflicts of interest and disclosures (Rule 1.7, 1.9)
- Clients with limited competence and capacity; vulnerable clients (Rule 1.1, 1.2, 1.4; Model Rule of Professional Conduct 1.14 (not adopted in California))
- Confidentiality, including with third parties, threats against others (Rule 1.6)
- Uncooperative clients: communicating and withdrawal
- Hypotheticals to illustrate the application of these ethical rules to real-world scenarios

Merri A. Baldwin, Toby J. Rothschild, Richard Zitrin

11:15 Adjourn

Faculty

Chair:

Katie Danielson

Senior Supervising Attorney
Homeless Advocacy Project
Justice & Diversity Center of The Bar Association of San Francisco
San Francisco, California

Merri A. Baldwin

Shareholder
Rogers Joseph O'Donnell
San Francisco, California

Toby J. Rothschild

Of Counsel
OneJustice
Westminster, California

Richard Zitrin

Lecturer in Law Emeritus
University of California, Hastings College of the Law
San Francisco, California

Senior Pro Bono Program Attorney: Christina Thompson