#### KENDA CULPEPPER ROCKWALL COUNTY CRIMINAL DISTRICT ATTORNEY



### AUDREY MOOREHEAD DALLAS COUNTY COUNTY CRIMINAL COURT JUDGE



# What Is Professionalism

- What is "Professionalism"?
- Benefits of the "Professional Lawyer"
- Reputation and legacy
- Good things that lawyers do



## **Brady Who?**

- Prosecutor's Duty
- Defining Exculpatory and Mitigating Evidence?
- Failure to Disclose
   Under Brady (not Art.39.14)

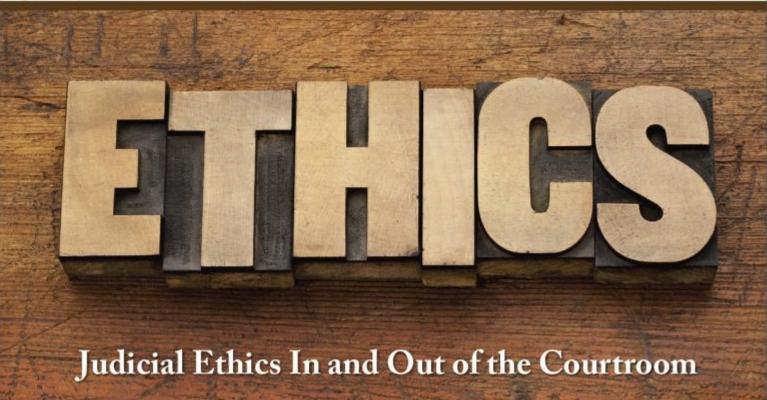


**Brady Training is Mandatory** 

# **Judges Need Ethics Too**

- Campaigning is a pain!
- It's only a gift!
- Recuse Me!
- Invitation to the Ex Parte!
- No Prestige For Me!

#### JUDICIAL CORNER



### **Mentoring**

• State Bar strives to provide resources to attorneys promoting the importance of mentoring and professional development



MENTORING, WITH ROOTS IN THE 19TH-CENTURY APPRENTICESHIP SYSTEM OF TRAINING LAWYERS, IS BECOMING A WIDELY USED 21ST-CENTURY TOOL TO HELP NEW LAWYERS TRANSITION FROM LAW SCHOOL TO PRACTICE. Within the past decade, local bar programs, many using the State Bar of Texas Transition to Practice approach, have spread throughout the country.1 Statewide programs, modeled on trend-setting mentoring initiatives in Georgia and Ohio, are operating in more than 20 states.2

Mentoring is also used increasingly in law firms and some local and statewide mentoring programs operate, the best practices to follow to ensure that a mentoring program will succeed, and predictions about the future of mentoring in the legal profession.

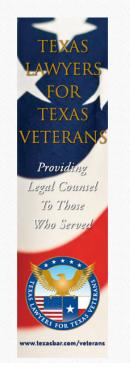
#### MENTORING THROUGH LOCAL BAR ASSOCIATIONS

The State Bar of Texas Transition to Practice program is a national leader in providing mentoring through local bar associations. Based on the Dallas Bar Association model, the program gained statewide exposure and expanded rapidly after Roland Johnson made mentoring a key initiative of his State Bar of Texas presidency in 2009-2010. Mentoring through local bars is now in operation in most major Texas cities and in several large counties.

The Transition to Practice program has been successful because it provides all the necessary structure to allow local bars to start and run their own mentoring programs law schools. This article provides a brief overview of how for new lawyers. Local bars are provided a menu of mentoring topics; a mentoring format, which includes group meetings and individual mentoring sessions; the necessary forms and agreements; and even an evaluation form. With support from the State Bar of Texas and the Texas

### **Mentoring**

STATE BAR of TEXAS	TexasBarCLE.com	TYLA.org Career	Center	FIND A LAWYER
FOR THE PUBLIC FOR LAWYERS A	BOUT TEXAS BAR	NEWS & PUBLICATIO	NS ACCE	SS TO JUSTICE



#### Mentoring

Recognizing the importance of mentors and related resources in an attorney's professional development, the State Bar of Texas strives to provide programs to Texas attorneys seeking personal and professional guidance as they navigate their careers.

#### TRANSITION TO PRACTICE

In this program, newly-licensed lawyers are matched with more experienced attorneys who volunteer their time and experience to mentor lawyers in their first several years of licensure. Mentoring covers many areas, including law practice management, effective client representation, pro bono opportunities, career development, and other aspects helpful to successfully practicing law.

#### SBOT ADVISORY NETWORK

The SBOT Advisory Network is a mentor bank available to attorneys seeking mentors throughout the state. The mentors participating in the SBOT Advisory Network are willing to answer practice specific or geographic questions and can be contacted directly using the contact information listed on this site. Search for mentors by geographic region and/or practice area.

#### TEN MINUTE MENTOR

The Ten Minute Mentor is an online collection of video presentations by leading lawyers in the state. Each short presentation offers free, practical advice and qualifies for MCLE self-study credit.

#### Mentoring Resources Available at: texasbar.com/mentoring





TRANSITION TO PRACTICE

### **Ten Minute Mentor**



### <u>WTF</u>

- How many grievances were filed against Texas Lawyers 2021-2022? (a) 5,217 (b) 7,175 (c) 9,526
- What percentage were classified as criminal law? (a) 8% (b) 15% (c) 22%
- What percentage of grievances were based on declining/terminating representation? (a) 9% (b) 18% c)14%

- What is the State Bar Security Fund?
- What percentage of grievances were based on communication issues? (a) 28% (b)15% (c) 10%
- What percentage of grievances were dismissed as inquiries? (a) 37% (b) 70% (c)54%

# **Avoid Popular Pitfalls**

- Failure To Respond
- Failure to Communicate
- Neglect
- Failure to Safeguard Client Property



### **Texas Lawyer's Creed**

- Declaration of professionalism
- Issued in 1989 by **Court of Criminal** Appeals and Texas Supreme Court
- Re-dedicated by CCA and Texas Supreme Ct. in 2013

#### THE TEXAS LAWYER'S CREED A Mandate for Professionalism

I am a lawyer. I am entrusted by the People of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that Professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this Creed for no other reason than it is right.

#### I. OUR LEGAL SYSTEM

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

I am passionately proud of my profession. Therefore, "My word is my bond." 2. I am responsible to assure that all persons have access to competent representation 2. Lan responsible to assume that all persons have access to competent represent regulation of working explosition in Sile.
3. I commit reputifs no adventure and efficienty pro hono program.
4. I an obligation to obscure one price (error, the padica of other lawyors regularing the spirits and letter of this Cared.
5. I will always be conscissed or imp days to the judicial system.

#### II. LAWYER TO CLIENT

A lawyer own to a client allegiance, learning, skill, and industry. A lawyer shall couploy all appropriate legal means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

- I will advise my client of the contents of this creed when undertaking representation
   I will endeavor to achieve my client's lawful objectives in legal transactions and in Bigation as quickly and economically as possible. 3. I will be loyal and committed to my client's lawful objectives, but I will not permit
- that loyalty and commitment to interfere with my duty to provide objective and independent advice.
  4. I will advise my client that civility and courtery are expected and are not

- 4. Unlike the priori that infly not construpt we request not see some sing of weakers. The second second proper and expected behavior. It will not above specification of the second second
- personally for datay. I will advise my client that we will not pursue any course of action which is without murit. 10. I will advise my client that I rearve the rights to determine whicher to grant accommodations to opposing coursel is all matters what do not adversely affect my client's havful objectives. A client has no right to instruct me to refuse manonable measurements of the determine of the second s
- requests made by other counsel. 11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

#### III. LAWYER TO LAWYER

A larger over to opposing counsel, in the conduct of legal transactions and the purruit of linguino, courtery, candic, cooperation, and arrayalous observatos of all aprenous and mustual understanding. II Schülig between diesta which ari officance all subsych conduct, antimich, or domnous traveral apposing counsel. A larger shall not cappe in superformational conduct is notabilisme against other augmentionismed conducts.

- 1. I will be countrious, civil, and prompt is oral and written communication.
   2. I will not quartel over matters of form or style, but I will concentrate
   on matters of industance.
   3. I will identify for other counted or parties all charges I have made in documents
   1. I will identify for other counted or parties all charges I have made in documents
- 5. Yes instructing we than it cannot in priority an campon in them made in assumed in a summary in a set of the probability of the probability
- formalities, provided legitimate objectives of my client will not be adventely affected. 7. I will not serve motions or pleadings in any manner that unfairly limits another

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units to surround

- 8. I will attempt to receive by arreament my objections to matters contained in pleadin
- 6. I We matting to record by Paperson we represent the second second second second by the second improper if done by me.
- parmin ing chain of an anyon under any control of an anyoling which which its unablaid and the system.
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- and not discoverable. 19. I will not neck nanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

#### IV. LAWYER AND JUDGE

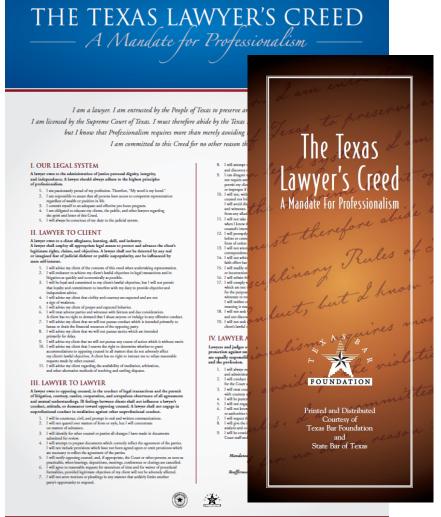
Lawyers and judges owe ach other respect, diligence, cander, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

- I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.
   I will conduct mysdf in Court in a professional manner and demonstrate my respect for the Court and the law.

- for the Coars and the low. 5. 1 well trans coards, regioning prefixed, the Coart, and Hennikers of the Coart and the Coart and Henniker and Henniker and Henniker and Henniker and Henniker 4. In the Henniker and Henniker and Henniker and Henniker and Henniker 5. 1 well are an experiment and the Henniker and Henniker 5. 1 well are an experiment and Henniker and Henniker 5. 1 well are an experiment and Henniker and Henniker 5. 1 well are an experiment and Henniker and Henniker 5. 1 well as consideration of the Henniker and Processon and Annihold 5. 1 well as consideration of the Henniker and Processon and Annihold 5. 1 well as consideration of the Henniker and Processon and Henniker Annihold Henniker 5. 1 well as consideration of the Henniker profession and processon and the Coart, Henniker Annihold Henniker 5. 1 well as considered in the Annihold Henniker and Processon and Henniker 5. 1 well as considered of the Internet Annihold Henniker and Henniker 5. 1 well as considered of the Internet Annihold Henniker and Henniker 5. 1 well as considered of the Internet Annihold Henniker and Henniker 5. 1 well as considered of the Internet Annihold Henniker and Henniker 5. 1 well as considered of the Internet Annihold Henniker and Henniker 5. 1 well as considered of the Internet Annihold Henniker 5. 1 well as considered of the Internet Annihold Henniker 5. 1 well as considered of the Internet Annihold Henniker 5. 1 well as considered of the Internet Annihold Henniker 5. 1 well as considered in the Internet Annihold Henniker 5. 1 well as considered in the Internet Annihold Henniker 5. 1 well as considered in the Internet Annihold Henniker 5. 1 well as considered in the Internet Annihold Henniker 5. 1 well as considered in the Internet Annihold Henniker 5. 1 well as considered in the Internet Annihold Henniker 5. 1 well as considered in the Internet Annihold Henniker 5. 1 well as considered in the Internet Annihold Henniker 5. 1 well as considered in the Internet Annihold Henniker 5. 1 well as
  - Mandated by the Supreme Court of Texas and the Texas Court of Criminal Appeals on November 7, 1989.
  - Reaffirmed by the Supreme Court of Texas and the Texas Court of Criminal Appeals in April 2013.

### **Texas Lawyer's Creed**

- I. Our Legal System
- II. Lawyer to Client
- III. Lawyer to Lawyer
- IV. Lawyer and Judge



## **Texas Lawyer's Creed**

onduct.

- Brochures available in English and Spanish
- All State Bar members can receive a free poster and brochures
- To request a copy:
  - Email: professionalism @texasbar.com

lovalty and commitment to interfere with my duty 5. I will notify opposing counsel, and, if to provide objective and independent advice. appropriate, the Court or other persons, as soon 4. I will advise my client that civility and as practicable, when hearings, depositions, courtesy are exi weakness 5. I will advise m expected behavior. Mission of The Bar Foundation 6. I will treat ad with fairness and d The Texas Bar Foundation solicits charitable no right to demand contributions and provides funding to enhance the indulge in any offer 7. I will advise m rule of law and the system of justice in Texas, conduct which is especially for programs that relate to the administradrain the financial tion of justice; ethics in the legal profession; legal 8. I will advise m assistance for the needy; the encouragement of legal tactics which are in 9. I will advise m research, publications and forums; and the education any course of actio 10. I will advise n of the public. to determine wheth In 1965, the founding attorneys established the opposing counsel Texas Bar Foundation as an expression of the chariadversely affect my client has no rig table aims of the lawyers of Texas. With each succesreasonable requests sive year, the Foundation has accomplished its mis-11. I will advise n availability of medi sion, project by project, grant by grant. In the process, alternative method it serves people who, historically, have limited access disputes. to the legal system - the poor, elderly, young and III. Lawver To Lawver abused. Whether by educating the public, providing A lawyer owes to o of legal transactions justice system, the Bar Foundation succeeds in making courtesy, candor, o observance of all agreem a difference in people's li Ill feelings between The Foundation board of tru lawyer's conduct, attitu grant program. Requests for funding are accepted from counsel. A lawyer shal conduct in retaliation cations classified as 501(c)3 by the Internal 1. I will be court Service. Trustees, three of whom are not and written comm attorneys, evaluate the requests and make the funding 2. I will not qua decisions. The grant process moves efficiently, and a style, but I will law-related public need can be evaluated and funded substance. 3. I will identify in a remarkably swift period of time. changes I have ma To make a gift, request a grant application, 4. I will attempt or for additional information, please contact the correctly reflect the Texas Bar Foundation 504 Lavaca Street Suite 1005, not include provisio agreed upon or Austin, Texas 78701-2857. Call 1 (888) 480-8881. necessary to reflect Web address: www.txbf.org State Bar of Texas

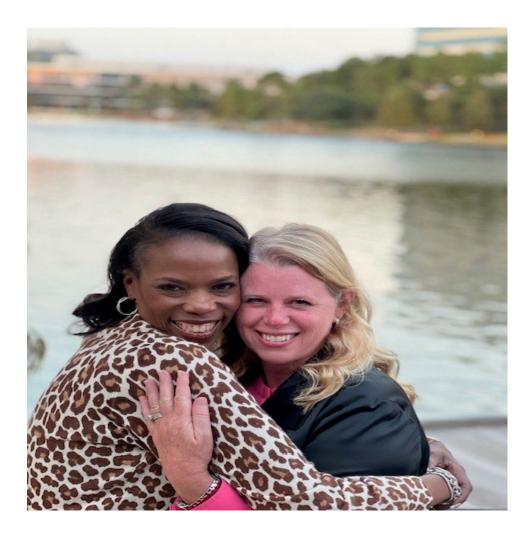
17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections

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#### **Brochure**

### **COLLEGIALITY LOOKS LIKE:**



## **Ethics Hotline**

- Provides guidance for members on ethical obligations
- Offered through Chief Disciplinary Counsel's Office (CDC)
- Toll-free: (800) 532-3947
- 8 a.m. to 5 p.m. Monday-Friday



## **CRIMINAL JUSTICE SECTION**

- The Criminal Justice Section of the State Bar of Texas is made up of more than 3100 criminal practitioners, which includes prosecutors, defense attorneys and judges across the state. Our mission is to promote excellence in the practice of criminal law by embracing ethics, professionalism, education, training and fellowship.
- JOIN: txbarcjs.org

