

**Legal Hotlines:  
Steering a Course Through Ethical Issues**

**Paula Frederick**  
[paula@gabar.org](mailto:paula@gabar.org)

**David Mandel**  
[dmandel@lsnc.net](mailto:dmandel@lsnc.net)

**Will Hornsby**  
[whornsby@staff.abanet.org](mailto:whornsby@staff.abanet.org)

**Brief Description:**

Since hotlines provide a unique environment for the delivery of legal services, they also create unique ethical dilemmas. Issues such as third party interactions, anonymous advise and the application of new rules such as ABA Model Rule 6.5, excusing some obligations to check conflicts, are examined during this workshop. Hotline advisors are encourage to raise their questions and share their experiences with leading ethicists.

**Topical Outline:**

- I. When are you obligated to follow your state ethics rules?
  - a. Obligations to Prospective Clients
  - b. Legal Information vs. Legal Advice
  
- II. What rules do you need to follow?
  - a. Scope of Representation
  - b. Competence
  - c. Conflicts of Interest
  - d. Confidentiality
  - e. Client with diminished capacity
  
- III. Scope of Representation – How can you limit it?
  - a. Reasonable limitation
  - b. Informed consent – Does it need to be in writing?
  
- IV. Competence
  - a. Thoroughness and preparation as elements of competence

b. How does this relate to the right to limit the scope of representation?

V. Conflicts of Interest

- a. Current clients
- b. Former clients
- c. Anonymity
- d. Imputed conflicts and Model Rule 6.5

VI. Confidentiality

- a. Impact on 3<sup>rd</sup> person callers
- b. Who's the client? To whom are the obligations owed?

VII. Client with Diminished Capacity

- a. Ability to recognize and obligation to probe

VIII. Examples, Applications and Discussion