

DO THE RIGHT THING: A LITIGATOR'S GUIDE TO ETHICS

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- A. Mission of State Bar
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- A. Expands old rule 2-400 to prohibit unlawful discriminatory conduct in course of representing client
- B. Expands rule re: the protected characteristics
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VIII. PSYCHOLOGY OF MEDIATION – Effective Ethical Behavior By Litigators in Mediation – How Litigators Can Behave to Optimize their Outcomes in Mediation

- A. Civility – Importance for Litigators to Act Civilly in Mediation

- B. When Client Asks Lawyer to Do Something that the Lawyer is Uncomfortable With –
- C. What to Do When Opposing Counsel is Difficult
- D. How to Persuade & Influence in A Negotiation So That the Other Side to Gives You What You Want

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References

Part II & III

Title of Report: Annual Discipline Report of the State Bar of California Statutory Citation: Business and Professions Code section 6086.15, 6095 (b), and 6177; Civil Code section 55.32 (f)(1); Insurance Code section 1872.95 (a) Date of Report: April 27, 2021. A full report is available for download on State Bar website at: http://www.calbar.ca.gov/About-Us/Our_Mission/Protecting-the-Public/Reports

The State Bar of California. "Fast Facts: 2020 Annual Discipline Report."

The State Bar of California. Fact Sheet: State Bar Conducts First of Its Kind Study on Racial Disparities in Attorney Discipline.

Part IV

CA Rules of Professional Conduct, Rule

CA Evidence Code 1115-1123, 1129(c)

Federal Rules of Evidence, Rule 408

Federal Confidentiality Statute, 5 U.S.C.A. § 574

Uniform Mediation Act

Cassel v. Superior Court (2011) 51 Cal.4th 113

Part V & VI

CA Rules of Professional Conduct, Rules 1.0.1, 1.7, 1.9, 1.10, 1.16, 1.18, 3.3

Forrest v. Baeza (1997) 58 Cal.App.4th 65

Fregoso v. Eat Club, Inc. 2020 WL 5513420 (9/14/2020)

Ishmael v. Millington (1966) 241 Cal.App.2d 520

Klemm v. Superior Court (1977) 75 Cal.App.3d 893

Oasis West Realty, LLC v. Goldman (2011) 51 Cal.4th 811

Sheppard, Mullin, Richter & Hampton, LLP v. J-M Manufacturing Co., Inc. (2018) 6 Cal. 5th 59

Part VII

CA Rules of Professional Conduct, Rule 8.4.1

CA Bus. & Prof. § 6068, et seq.

Part VIII

“Influence: The Psychology of Persuasion” - by Robert B. Cialdini

“Pre-Suasion: A Revolutionary Way to Influence” - by Robert Cialdini

“Predictably Irrational” - Dan Ariely