

ETHICS-A PERSPECTIVE AFTER CROSSING THE DIVIDE FROM ATTORNEY TO JUDGE
JUDGE MICHAEL A. FAGALDE-MARIPOSA COUNTY SUPERIOR COURT
COURSE OUTLINE

- My experience as an attorney/judge
- Attorney concerns:
 - Trust accounts - Rules of Professional Conduct Rule 1.15, Business and Professions Code Sections 6091.2, 6211, 6212 and 6213
 - Advertising and solicitation - Rules of Professional Conduct 7.1, 7.2, 7.3 and 7.4
 - Conflicts of interest Rules of Professional Conduct 1.10, 1.11
 - Attorney-client privilege - Rules of Professional Conduct Rule 1.6, Business and Professions Code Section 6068
 - California Rules of Professional Conduct - Effective November 1, 2018
 - Fee agreements - Rules of Professional Conduct Rule 1.5
 - Billing
 - Collecting
 - File Retention
 - MCLE
 - Communications with represented parties - Rules of Professional Conduct Rule 4.2
 - Ex parte communications with judicial officers - Rules of Professional Conduct Rule 3.5
 - State Bar discipline
- Judicial concerns:
 - New Judges Orientation (NJO)-stop thinking like an attorney
 - 2 week judicial college
 - QE classes
 - Implicit bias
 - Disqualification and disclosure
 - Ex parte communications
 - Financial disclosures
 - Duty to investigate and report attorney misconduct
 - CJP
- Attorney Behavior and Ethics of Concern to Judges
 - Truthfulness or lack thereof - Rules of Professional Conduct Rule 3.3 and Chapter 8
 - Inaccuracy
 - Case citations

- Interpretation of statutes, cases, or facts
- Failure to communicate with client, victim or witnesses - Rules of Professional Conduct Rule 1.4
- Mistreatment of opposing parties or opposing counsel - Rules of Professional Conduct Chapter 8
- Fighting over trivial matters and losing sight of the big picture