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Legal Ethics and Criminal Law Practice

December 2025

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Conflicts of Interest

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"Disqualifying Conflicts"

- "Current" representations
  - Not directly adverse to another (current) client
  - No significant risk of a material limitation due to obligations owed to another (client, former client, third person) or personal interest of the lawyer

- "Former" representations
  - No materially adverse representation in same or substantially related matter

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Examples

- Representation of Defendant (assault charge)
  - Representation of victim of assault

- Representation of Defendant (assault charge)
  - Former representation of victim of assault

- Representation of Defendant (assault charge)
  - Former representation of police officer/witness

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Prospective (but Declined) Clients

- Like "former clients" but level of conflict depends upon information received
  - No material confidences = no conflict
  - Confidences but took reasonable measures to limit: lawyer with information may be screened
  - Confidences without reasonable limits: whole firm disqualified

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Conflict Waivers

- "Informed consent" confirmed in writing

- Elements
  - Circumstances
  - Risks (and benefits)
  - Alternatives
    - "Zeal"
    - Confidences

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Ethics Screens

- Procedures to isolate lawyer from matter
  - Paper and electronic records
  - All communications about case
  - Any pay from case

- Only available in Missouri when
  - Change of role (government or judge to lawyer or back)
  - Not a lawyer (law clerk, assistant)
  - Not a client (declined prospect)

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Missouri Rule 4-1.11

(a) Except as law may otherwise expressly permit, a lawyer who has formerly served as a public officer or employee of the government:

(1) is subject to Rule 4-1.9(c); and

(2) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.

(b) When a lawyer is disqualified from representation under Rule 4-11(a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:

(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this Rule 4-1.11.

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Rule 4-1.11(c)

Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person.

As used in this Rule 4-1.11, the term "confidential government information" means information that has been obtained under governmental authority and which, at the time this Rule 4-1.11 is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public.

A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom.

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Rule 4-1.11(d)

Except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee:

(1) is subject to Rules 4-1.7 and 4-1.9; and

(2) shall not:

(i) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed in writing; or

(ii) negotiate for private employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk to a judge, other adjudicative officer, or arbitrator may negotiate for private employment as permitted by, and subject to the conditions stated in, Rule 4-1.12(b).

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Missouri Informal Opinion 950004

QUESTION: Attorney was an assistant public defender and is now an assistant prosecuting attorney. (1) May Attorney prosecute in cases which were pending in the public defender´s office while Attorney was employed there? (2) May attorney prosecute former clients who Attorney personally represented on unrelated matters?

ANSWER: (1) Under Rule 4-1.11, Attorney may not prosecute in these cases if Attorney personally and substantially participated in the case while Attorney was in the public defender´s office. Attorney would be considered to have personally and substantially participated if you were privy to confidential information regarding the case. (2) This question is governed by Rule 4-1.9(b). Attorney may not prosecute if Attorney obtained information in the course of previous representation of the defendant that could be used to the defendant´s disadvantage in the current matter.

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Missouri Informal Opinion 960269

QUESTION: Attorney is a former assistant prosecutor. Question 1. May Attorney represent a criminal defendant who is charged with crime which occurred while Attorney was an assistant prosecutor but for which the defendant was arrested and charged after Attorney was in private practice? Question 2. The criminal defendant is on probation for a crime to which the defendant pled guilty while Attorney was an assistant prosecutor. May Attorney represent the defendant in probation revocation proceedings? Question 3. May Attorney include the potential probation revocation in negotiations? Question 4. Is Attorney precluded from representing anyone on any matter that arises out of a criminal charge that was filed while Attorney was an assistant prosecutor? Question 5. Are other members of Attorney´s firm precluded from handling matters described in Question 4? Question 6. Must Attorney notify potential criminal clients about Attorney´s prior employment as an assistant prosecutor?

ANSWER: Question 1. Yes. Question 2. No. Question 3. No. Question 4. Attorney is precluded from representing anyone on any matter that stems from or arises out of a criminal charge that was filed while Attorney was an assistant prosecutor if that charge is one with which Attorney, or anyone Attorney supervised, were involved, in any way. Question 5. Members of Attorney´s new firm are not precluded from handling these cases as long as Attorney follows the provisions of Rule 4-1.11(a) including effective screening and notice. Question 6. Attorney is not required to inform potential criminal clients about Attorney´s prior employment by the prosecutor´s office unless Attorney obtains information which indicates that Attorney may have a conflict.

Missouri Informal Opinion 940152

QUESTION: Attorney is a prosecuting attorney. Attorney has a social relationship with the victim in a case and has had an attorney/client relationship with the victim previously. The defendant has several years previously made a criminal complaint against an employee of the victim in the current case. Must Attorney request a special prosecutor?

ANSWER: No, unless these relationships would affect Attorney´s independent exercise of discretion.

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Missouri Informal Opinion 940114

Attorney is a prosecuting attorney. The prosecutor´s office has a case against A in which B is the victim. It also has a case against B in which A would be a witness against B.

(1) Does the office have a conflict?

(2) May the office prepare the witnesses for the trials in which they are not defendants without their criminal defense counsel present?

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Informal Opinion 940114 – Answer

(1) No.

(2) Yes, however it would be advisable to give counsel an opportunity to be present. Each session should be started by cautioning everyone that the other case should not be discussed.

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Missouri Informal Opinion 990054

QUESTION: Attorney is a former prosecutor, now in private practice. Attorney has been contacted for representation in a probation violation hearing. Attorney originally prosecuted the individual who was placed on probation. Would it be a conflict of interest for Attorney to represent this individual?

ANSWER: Under Rules 4-1.11(a) and 4-1.9(a) Attorney may not represent defendants on probation violation matters which arise in connection with cases which Attorney or Attorney´s assistants prosecuted, while Attorney was the prosecuting attorney. Under Rule 4-1.11(a), the conflict may be waived.

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Case Loads (competency)

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Right to Competent Counsel

"The trial court erred insofar as it believed that the Sixth Amendment requires appointment of counsel without regard to whether counsel would be able to offer competent representation. State ex rel. Missouri Pub. Defender Comm'n v. Pratte, 298 S.W.3d 870, 875 (Mo. banc 2009), held, and the Court here reaffirms, that **the Sixth Amendment right to counsel is a right to effective and competent counsel**, not just a pro forma appointment whereby the defendant has counsel in name only."

State ex rel. Mo. Pub. Def. Comm'n v. Waters, 370 S.W.3d 592, 597 (Mo. 2012)

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Duty of Competency – Rule 4-1.1

"A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."

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Type of Case	ABA Recommendation	MSPD Average 2014 report
Non-capital murder/homicide	106.6 hours	84.5 hours
A/B Felony	47.6 hours	8.7 hours
C/D Felony	25.0 hours	4.4 hours
Sex felony	63.8 hours	25.6 hours
Misdemeanor	11.7 hours	2.3 hours
Probation violation	9.8 hours	1.4 hours
Juvenile case	19.5 hours	4.6 hours

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Confidentiality (and Privilege)

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Example

- "Who are your clients, Michael Cohen?"
- "Donald Trump, Elliott Broidy, and another client who wishes not to be disclosed."

- "I order you to tell me who the third client is."
- "Sean Hannity"

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Confidentiality – Rule 4-1.6(a)

A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by Rule 4-1.6(b).

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Protection for Confidences

- Clients
- Former clients – Rule 4-1.9(c)(2)
- Prospective but declined clients – Rule 4-1.18(b)

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Attorney-Client Privilege

Privilege protects "confidential communications between an attorney and client concerning representation of the client."

In re Marriage of Hershewe, 931 S.W.2d 198, 202 (Mo. Ct. App. 1996)(internal citations omitted)

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Confidential but not Privileged

- Client identity (usually)
- Information about payments
- Communications with third parties
- Publicly filed/stored documents (like pleadings)

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Privileged but not Confidential

[Nothing]

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Exceptions to Confidentiality – Rule 4-1.6(b)

A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:

(1) to prevent death or substantial bodily harm that is reasonably certain to occur;

(2) to secure legal advice about the lawyer's compliance with these Rules;

(3) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;

(4) to comply with other law or a court order; or

(5) to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.

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Missouri Informal Opinion 940167

QUESTION: Attorney is a criminal defense attorney. May Attorney or Attorney´s investigator question witnesses who have been endorsed by the prosecutor without involving the prosecutor? If yes, what warnings should be given to the witness?

ANSWER: Yes, Attorney or Attorney´s investigator may question the witnesses without involving the prosecutor. Attorney should make sure the witnesses who are not Attorney´s clients understand that Attorney does not represent the witness and that the witness should seek the advice of independent counsel for any legal questions.

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Missouri Informal Opinion 2020-08

May Attorney representing Client charged with a crime in federal court enter into an agreement by which the prosecutor will provide discovery to Attorney under circumstances advantageous to Client in return for Attorney's agreement not to turn over discovery to Client?

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Informal Opinion 2020-08 Answer

Attorney must consult with Client about the means by which Client's objectives for the representation are to be pursued, including whether to enter into a discovery agreement that would prevent Client from obtaining the entire client file. See Rule 4-1.2(a). Attorney should explain the proposed agreement to the extent reasonably necessary to allow Client to make an informed decision. See Rule 4-1.4(b).

Comment [1] to Rule 4-1.2 provides guidance that a lawyer is not required to employ particular means in pursuing Client's objectives simply because a client so directs, and the lawyer should assume responsibility for technical and legal tactical issues while deferring to the client regarding questions such as expense and concern for third persons. The file belongs to the client, with limited exception. Formal Opinion 115, as amended. Rule 4-1.15(d) requires Attorney to deliver promptly to the client any property that the client is entitled to receive, "except as … otherwise permitted by law or by agreement with the client." Upon termination of the representation, Attorney is obligated to surrender papers and property "to which the client is entitled," but may "retain papers and property to the extent permitted by other law."

When a discovery agreement is in place, whether other law would permit Attorney to deny a request from Client to obtain the entire file, including discovery, is a question of fact and law outside the scope of the Rules of Professional Conduct.

Missouri Informal Opinion 2020-28

Attorney received in the mail a check for payment of fees and expenses related to defending Client against pending drug-related criminal charges. Included in the envelope in a small plastic bag was what appears to be an illegal substance with a note reading “thank you.” What are Attorney’s ethics obligations?

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Informal Opinion 2020-28 Answer

Attorney should exercise caution in transferring, disposing, or retaining what Attorney may reasonably believe is an illegal substance. Rule 4-3.4(a) prohibits unlawfully obstructing another party's access to evidence or unlawfully altering, destroying, or concealing material with potential evidentiary value. If concealing or destroying the substance would be unlawful, Attorney may not do so. See Rule 4-3.4, Comment [2].

If applicable law permits Attorney to have temporary possession of evidence of a crime for the purpose of conducting a limited examination that will not alter or destroy the substance, Attorney may do so. Rule 4-3.4, Comment [2]. Attorney must comply with applicable law regarding the knowing possession or transfer of an illegal substance. See Rule 4-8.4(b).

Whether applicable law permits Attorney to return the substance to Client is a question of law outside the scope of the Rules of Professional Conduct. Attorney may not counsel Client to engage in, or assist Client, in conduct Attorney knows is criminal, nor may Attorney suggest to Client how the conduct might be concealed. Rule 4-1.2(f) and Comment [9]. Applicable law may require Attorney to turn the evidence over to police or other prosecuting authority. See Rule 4-3.4, Comment [2].

Whether the law so requires is a question of law outside the scope of the Rules of Professional Conduct. If so, Attorney must do so in a way that limits the disclosure of Client's identity and other information related to the representation to what Attorney reasonably believes necessary to comply with other law. Rule 4-1.6(b)(4). Attorney must keep Client reasonably informed about the representation, including Attorney's professional and legal obligations regarding the substance, and consult with Client about the potential impact on the interests of Client. Rules 4-1.2(g) and 4-1.4.

Duties of Candor

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General Rule

- Lawyers are not permitted to knowingly lie

- Rules
  - Rule 4-3.3 – in court – no false or misleading statement
  - Rule 4-4.1 – to third persons – no "material" false or misleading statements
  - Rule 4-8.4 – no conduct involving "dishonesty, fraud, deceit or misrepresentation"
  - *Rule 4-7.1 – about the lawyer or the lawyer's services*

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Some Special Concerns

- Client wants to testify falsely
  - Rule 4-3.3 issue – with Constitutional influences
  - Rule 4-3.3(a)(3): "A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false."

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- Client seeks to engage in illegal conduct
  - Missouri only allows disclosure of confidences when conduct likely to result in "death or substantial bodily harm"
  - Rule 4-4.1: "In the course of representing a client a lawyer shall not knowingly: . . . (b) fail to disclose a material fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 4-1.6."

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Missouri Informal Opinion 970077

QUESTION: Attorney represented a criminal defendant who gave the name X. Attorney negotiated a plea and fine. Attorney has now learned that the client is really Y, not X. The prosecutor's office has also learned this information from other sources. May Attorney file a motion to vacate?

ANSWER: Attorney should contact Y as soon as possible and advise Y of the situation. Attorney should advise Y that Attorney will file a motion to vacate, if Y authorizes it. If Y will not authorize it, Attorney may not file a motion to vacate. However, if the court has not already been made aware of the situation by someone else, Attorney has an obligation under Rules 4-3.3(a)(4) and 4-3.3(b) to do so before the proceeding becomes final. If that is the situation, Attorney must advise Y that Attorney will take this action at the time Attorney is consulting with Y about filing a motion to vacate. If Y does not authorize Attorney to file the motion to vacate, Attorney should not undertake to represent either X or Y in any further proceedings related to this matter.

Vindictive and Selective Prosecutions

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Vindictive Prosecution

"[V]indictive prosecution has no place in our system of justice." *United States v. Ball*, 18 F.4th 445, 454 (4th Cir. 2021). It is thus "well established that a prosecutor violates the Due Process Clause of the Fifth Amendment by exacting a price for a defendant's exercise of a clearly established right or by punishing the defendant for doing what the law plainly entitles him to do." *United States v. Wilson*, 262 F.3d 305, 314 (4th Cir. 2001). Indeed, "for an agent of the State to pursue a course of action whose objective is to penalize a person's reliance on his legal rights is 'patently unconstitutional'" and "a due process violation of the most basic sort." *Bordenkircher v. Hayes*, 434 U.S. 357, 363 (1978) (citations omitted).

"To establish prosecutorial vindictiveness, a defendant must show, through objective evidence, that (1) the prosecutor acted with genuine animus toward the defendant and (2) the defendant would not have been prosecuted but for that animus." *Wilson*, 262 F.3d at 314. A defendant may satisfy the first prong by showing either that "the prosecutor harbored genuine animus toward the defendant," or that the prosecutor "was prevailed upon to bring the charges by another with animus such that the prosecutor could be considered a 'stalking horse.'" *United States v. Sanders*, 211 F.3d 711, 717 (2d Cir. 2000) (quoting *United States v. Koh*, 199 F.3d 632, 640 (2d Cir. 1999)). And a defendant may satisfy the second prong by showing that "he would not have been prosecuted . . . but for the vindictive motive" of the prosecutor or her superiors. *Wilson*, 262 F.3d at 317 (emphasis omitted).

Though a defendant can establish an "improper motive with direct evidence," such a motive can also be "presumed" if the defendant "shows that the circumstances 'pose a realistic likelihood of vindictiveness.'" *Id.* at 314 (quoting *Blackledge v. Perry*, 417 U.S. 21, 27 (1974)). "[A] presumption of vindictive prosecution . . . must be supported by a showing sufficiently strong to overcome the presumption of prosecutorial regularity" that normally attaches to prosecutorial "charging decisions." *Id.* at 315. Where a defendant makes that showing, "the burden shifts to the government to present objective evidence justifying its conduct." *Id.*

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Selective Prosecution

The "equal protection component of the Due Process Clause" prohibits the government from selectively deciding "whether to prosecute . . . based on 'an unjustifiable standard such as race, religion, or other arbitrary classification.'" United States v. Armstrong, 517 U.S. 456, 464 (1996) (internal quotations omitted). Defendants most often invoke a selective-prosecution defense when the government has targeted them for membership in a protected class. Id. at 470. But a defendant may also raise a "class of one" claim by showing that he "has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment." Vill. of Willowbrook v. Olech, 528 U.S. 562, 564 (2000); see United States v. Torquato, 602 F.2d 564, 569 n.9 (3d Cir. 1979) ("It is clear that [the defendant] could raise his claim of selective prosecution based on individual discrimination.").

"To establish a selective-prosecution claim, a defendant must demonstrate that the prosecution 'had a discriminatory effect and that it was motivated by a discriminatory purpose.'" United States v. Olvis, 97 F.3d 739, 743 (4th Cir. 1996) (citation omitted). The government has recognized that a defendant may be able to satisfy both selective-prosecution prongs by identifying "direct admissions by" government officials "of discriminatory purpose." Armstrong, 517 U.S. at 469 n.3 (citing Brief for United States). Absent such evidence, a defendant must establish "both (1) that 'similarly situated individuals . . . were not prosecuted'" and "(2) that the decision to prosecute was 'invidious or in bad faith.'" Olvis, 97 F.3d at 743 (citations omitted).

. . .

The government's decision to prosecute an individual has an impermissible "discriminatory purpose" if it is based on the individual's exercise of constitutional rights or other "arbitrary" factors. Wayte v. United States, 470 U.S. 598, 608 (1985). Most relevant here, the government cannot selectively prosecute an individual "because of his exercise of First Amendment rights." Id. at 606-07. Nor can the government selectively prosecute an individual based on "personal or political bias" against that individual. Torquato, 602 F.2d at 568; see Goodfellas, Inc. v. Dunkel, No. 3:15-CV-1633, 2016 WL 6599977, at *9 (M.D. Pa. Nov. 8, 2016) (explaining that a "prosecuting body's personal bias unrelated to suspect classifications may serve as a cognizable 'arbitrary factor' for purposes of a selective enforcement claim").

Communicating with the Media

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General Rule on Media Communications – Rule 4-3.6(a)

A lawyer who is participating or has participated in the investigation or litigation of a matter

shall not make an extrajudicial statement that

the lawyer knows or reasonably should know will be disseminated by means of public communication and

will have a substantial likelihood of materially prejudicing

an adjudicative proceeding in the matter.

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Application – Whole Firm or Office Rule 4-3.6(d)

No lawyer associated in a firm or government agency with a lawyer subject to Rule 4-3.6(a) shall make a statement prohibited by Rule 4-3.6(a).

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Low-Risk Exception – Rule 4-3.6(b)

Notwithstanding Rule 4-3.6(a), a lawyer may state:

(1) the claim, offense, or defense involved, and, except when prohibited by law, the identity of the persons involved;

(2) information contained in a public record;

(3) that an investigation of a matter is in progress;

(4) the scheduling or result of any step in litigation;

(5) a request for assistance in obtaining evidence and information necessary thereto;

(6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and

(7) in a criminal case, in addition to Rule 4-3.6(b)(1) to (b)(6):

- (i) the identity, residence, occupation, and family status of the accused;
- (ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;
- (iii) the fact, time, and place of arrest; and
- (iv) the identity of investigating and arresting officers or agencies and the length of the investigation.

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Response Exception – Rule 4-3.6(c)

Notwithstanding Rule 4-3.6(a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this Rule 4-3.6(c) shall be limited to such information as is necessary to mitigate the recent adverse publicity.

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Special Obligations of Prosecutors

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Prosecutor = Minister of Justice

"A prosecutor has the responsibility of a minister of justice and not simply that of an advocate."

"This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence."

Rule 4-3.6 comment [1]

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Limits on "Ministers of Justice"

The prosecutor in a criminal case shall:

(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;

(b) make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;

(c) not seek to obtain from an unrepresented accused a waiver of important pretrial rights, such as the right to a preliminary hearing;

(d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;

(e) not subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless the prosecutor reasonably believes:

(1) the information sought is not protected from disclosure by any applicable privilege;

(2) the evidence sought is essential to the successful completion of an ongoing investigation or prosecution; and

(3) there is no other feasible alternative to obtain the information;

"Extrajudicial Statements" – Rule 4-3.8(f)

The prosecutor in a criminal case shall:

- except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose,
- refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused, and
- exercise reasonable care to prevent investigators, law enforcement personnel, employees, or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 4-3.6 or this Rule 4-3.8."

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Release, Dismissal, and Related Issues

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Missouri Informal Opinion 960010

QUESTION: Attorney represents Client A who is charged with defrauding X.

(1) May Attorney request that X consider signing an affidavit of non-prosecution in which X would formally state that X does not desire that the criminal action proceed further?

(2) May Attorney negotiate for Client A to make restitution to X in an amount that does not exceed X´s actual loss?

ANSWER: (1) Yes. (2) Yes.

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Missouri Informal Opinion 2025-06

Question: Lawyer represents a client in a dissolution action. Client has been charged with domestic assault concerning his spouse. Lawyer would like to condition dissolution settlement upon the client's spouse requesting the dismissal of the domestic abuse charge and/or declining to cooperate in the criminal prosecution. Lawyer asks if it is permissible to request such conditions?

Answer: Lawyer's proposal would violate Rule 4-8.4(d) as conduct prejudicial to the administration of justice. See also Missouri Formal Opinion 122 and Informal Opinion 2019-02. This is because a civil settlement that requires the dismissal of criminal charges is contrary to public policy concerns of holding criminal perpetrators accountable and deterring repeated criminal offenses.

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Conclusory Matters

Questions – If you have questions after the program, please email them to Paige Tungate at ptungate@DowneyLawGroup.com

Post-Program Survey – A survey will be emailed to you about 30 minutes after this program. Also, here is the survey link:

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Timed Agenda

12:00-05 Introduction

12:05-55 Discussion of legal ethics issues in a criminal law practice

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Future Programs

January 7 – Wednesday at 12:00 Noon CT - **Legal Ethics Update 2026 - Part I**

January 22 – Thursday at 12:00 Noon CT - **Neurodiversity in the Legal Profession**

February 5 – Thursday at 12:00 Noon CT - **Missouri's Lawyer Discipline System -- and How to Avoid It**

February 17 – Tuesday at 3:00 PM CT - **Conflicts of Interest Update 2026**

March 4 – Wednesday at 12:00 Noon CT - **Lawyer Professionalism and Ethics**

March 19 – Thursday at 12:00 Noon CT - **Exceptions to the Duty of Confidentiality**

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Thank you

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