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Ethics Lessons from Lawyer Faceplants

August 25, 2026

MO Bar CLE #792379 KS Activity #237442

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The Name Change

- Mr. Jones and Ms. Smith had two children together
- Mr. Jones and Ms. Smith married
- Mr. Jones and now Ms. Jones wanted to change the children's last names to "Jones"

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LEGAL ETHICS

Reminder: Billing More Than 24 Hours In A Day Is A Pretty Obvious Red Flag

There actually is a maximum number of hours you can bill.

By Kathryn Rubino on November 09, 2022 11:17 am

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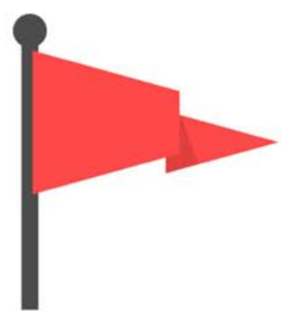
West Virginia lawyer David R. Tyson has a real problem with time. And it's not the normal grousing about Daylight Saving Time you typically hear around this time of year, but it's about counting to 24… as in there are only 24 hours in a day. The resulting, seemingly obvious, maxim is that if you bill more than



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Lawyer indefinitely suspended for stealing from mentally ill client, charging legal rate for lawn mowing

BY DEBRA CASSENS WEISS

APRIL 29, 2020, 9:31 AM CDT

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Image from Shutterstock.com.

The Ohio Supreme Court has indefinitely suspended a lawyer accused of transferring more than $147,000 from the accounts of a mentally ill client, although he and his law firm were only owed about $19,000.

The rest of the money—about $128,000—was the amount that lawyer Austin Roan Buttars of Dublin, Ohio, stole from or overcharged the client, the Ohio Supreme Court said in an April 21 opinion.

Court News Ohio had a summary noted by the Legal Profession Blog, while Bloomberg Law has coverage.

Among the overcharges: Buttars charged legal rates to perform personal services for the client that included helping her with household tasks, mowing her lawn, organizing her finances and doing her shopping. He charged his $250 hourly rate for some of the services and his law firm's $125 paralegal rate for others, the Ohio Supreme Court said. On some days, he billed the client twice, at both the lawyer and paralegal rate, for what appeared to be the same services.

Buttars was convicted of fourth-degree felony theft in May 2019, and his license was suspended the next month on an interim basis. He repaid the client $62,500 before he was sentenced to two years of community control and 100 hours of community service.

MONEY > PERSONAL FINANCE

Trust Attorney Who Let Client Hide Money From The IRS In Attorney's IOLTA Trust Account Convicted In Green Case

By Jay Adkisson, Contributor. ⓘ I cover Wealth Preservation in its legal permutations

Follow Author

Published Jan 18, 2020, 06:56pm EST, Updated Jan 18, 2020, 06:56pm EST

The evidence showed that Selgas and his wife owed the IRS approximately $1.1 million in outstanding taxes, which Selgas simply refused to pay. Instead, Selgas persuaded Green to let him use Green's attorney trust account (commonly known as an IOLTA account) as, basically, Selgas' personal piggy bank for receiving income and paying personal expenses and credit card bills.

Probably every attorney will run across the situation at least once where a client cannot open an account for himself (almost always because of very bad reasons) and thus attempts to persuades the attorney to allow him to misuse the attorney's trust account. As difficult as it may be to resist at the time, the attorney's answer must be a firm "No. *Hell no*".

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"To notarize any signature not affixed in the notary's presence is, alone, a serious violation of ethics."

Iowa Supreme Ct. Bd. of Prof'l Ethics & Conduct v. Clauss, 530 N.W.2d 453, 454 (Iowa 1995)

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In re Beck (Kan. 2014)

- At request of son (only child), lawyer prepared new estate planning documents for mother
- Lawyer went to nursing home to have mother execute documents, but she was sleeping so lawyer had son execute documents
- Lawyer signed as a witness and signed his assistant’s name as notary – used assistant’s seal
- Court rejected absence of harm because documents largely paralleled earlier drafts
- Lawyer was disbarred

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Office of Disciplinary Counsel v. Shaffer (Ohio 2003)

- Client wants to sell grandmother's house
- Lawyer learns existing power of attorney does not authorize sale of property
- Lawyer tells client to sign new POA for grandmother
- Lawyer represents client in selling grandmother's house
- Lawyer suspended

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Maryland Attorney Grievance Comm'n v. Geesing (Md. 2014)

Attorney authorized his nonlawyer staff to sign his name to mortgage foreclosure affidavits and then notarize them with their own notary credentials

Found to violate Maryland Rules of Professional Conduct 3.3(a)(1), 5.3(a), and 8.4 (a) and (d)

Lawyer suspended 90 days

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Thomas v. Corbyn Restaurant Dev. Corp. (Cal. App. 2025)

Which party bears the risk of loss when an imposter causes one party to a settlement to wire settlement proceeds to the imposter instead of the other settling party?

After plaintiff and defendants settled a personal injury lawsuit for $475,000, an unknown third party purporting to be plaintiff's counsel sent “spoofed” e-mails to defendants' counsel providing fraudulent wire instructions for the settlement proceeds.

Defendants' counsel wired the settlement proceeds to the fraudulent account and the third party absconded with the funds.

Once the fraud was discovered, plaintiff asked for the settlement money, but defendants refused to pay.

Plaintiff then applied ex parte to enforce the settlement agreement.

- For example, “jcmattson@cnlegalgroup.com” became “jmattson@cnlegalrgroup.com.”

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Either way, this case demonstrates that parties to modern, high-tech financial transactions must remain vigilant in ensuring they are dealing with their authentic peer. Failing to do so may be at their own financial peril.

DHS Lawyer Faces Ethics Complaint Over 'Worst' Judges Posts (1)

Aug. 19, 2026, 12:06 PM CDT; Updated: Aug. 19, 2026, 12:29 PM CDT

Suzanne Monyak
Reporter

James Percival testifies at his Senate confirmation hearing to be general counsel for the Department of Homeland Security.
Photo courtesy of the Homeland Security and Governmental Affairs Committee

Dozens of former judges accused the Department of Homeland Security's top lawyer of violating professional conduct rules by posting on social media about the so-called "worst of the worst" judges who've ruled against the Trump administration.

Related Stories

A DHS spokesperson on Wednesday referred back to a July statement that defended the posts as "nothing more than a factual review of judicial decisions and their real-world consequences."

Percival has doubled down on his posts, saying in a video posted July 30 by DHS' official X account that judges are "engaging in naked politics" and "shrouding it in the thin veneer of legalese."

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Judge in social media addiction trial removes lead plaintiffs attorney following interview

BY SHIRLEY HENDERSON (HTTPS://WWW.ABAJOURNAL.COM/AUTHORS/36935/)

FEBRUARY 23, 2026, 10:42 AM CST

The media frenzy around the first social media addiction trial in Los Angeles resulted in the judge removing one of the lead attorneys from the plaintiffs' steering committee for granting an on-camera interview with the BBC and taking selfies inside the courthouse.

Los Angeles Superior Court Judge Carolyn Kuhl held a special meeting Friday for Matthew Bergman, founding partner of the Social Media Victims Law Center in Seattle. The trial, a consolidated proceeding against Meta Platforms Inc. and YouTube, attempts to show the correlation between teen mental health issues and social media, and the plaintiff alleging she developed depression and body dysmorphia after becoming addicted to YouTube and Instagram.

Bergman, who admits to doing a Zoom interview from inside the courthouse, explained to reporters that "Wednesday was a very intense day," referring to the appearance and testimony of Meta CEO Mark Zuckerberg in court, according to coverage on Law.com (https://www.law.com/therecorder/2026/02/20/judge-tosses-lead-plaintiffs-attorney-from-social-media-trial-after-he-did-bbc-interview/?slreturn=20260223093543). "Clearly, in a case about tech accountability, the fact that I was not accountable on tech issues in this court is resonant, is humbling, and I am deeply sorry." Judge Kuhl scheduled a contempt hearing for March 23.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

ZACHARY SOQUI, Plaintiff, v. ENGLAND LOGISTICS, INC., Defendant.	**MEMORANDUM DECISION AND ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO COMPEL (DOC. NO. 34) AND DENYING DEFENDANT'S MOTION FOR SANCTIONS (DOC. NO. 39)** Case No. 2:24-cv-00261

On a Friday afternoon, minutes after emailing discovery requests to counsel for England Logistics, Inc., Katie Panzer (Zachary Soqui's counsel) posted a video on her public Instagram account stating as follows:

> So if you know me in real life, you probably know that I am a petty-ass bitch. And one of my favorite things to do is drop a bunch of bullshit on opposing counsel's desk at like 4:45 on a Friday afternoon, and then be like, thanks so much. Have a great weekend![1]

After seeing the video, England's counsel asked Mr. Soqui's counsel to withdraw the discovery requests, citing the video as evidence the requests were propounded for an improper purpose in violation of Rule 26(g) of the Federal Rules of Civil Procedure.[2] When Mr. Soqui's counsel declined, England served responses and objections—

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England is correct on all counts. Mr. Soqui's requests for sanctions and attorney's fees are denied. Although England's Rule 26(g) objection is overruled, England was substantially justified in asserting the objection. It was objectively reasonable for England to take Ms. Panzer's words at face value when she described her own discovery requests as "a bunch of bullshit." England's argument that this violated Rule 26(g) was legitimate.

Further, England did not simply refuse to respond to otherwise valid discovery requests on this basis. After Mr. Soqui's counsel declined to withdraw the requests, England served responses and substantive objections, without simply resting on an improper-purpose objection. England's other objections address the substance of the requests and are legitimate. Its objections and overall approach to responding to these requests were substantially justified.

England's motion is denied. England's improper-purpose objection is overruled because the discovery requests do not reveal an improper purpose. Because neither the content nor timing of the requests is improper—even when considered together with Ms. Panzer's Instagram statements—the requests do not demonstrate an improper purpose. But contrary to Mr. Soqui's claim, England was substantially justified in asserting the improper-purpose objection based on Ms. Panzer's public statements. Accordingly, both parties' requests for sanctions under Rule 26(g) are denied.[10] And, as outlined below, Mr. Soqui's request to compel supplemental responses is granted in part and denied in part.

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of: AARON TRENT KORSON, Attorney-Respondent, No. 6331873.	Commission No. 2024PR00056

FIRST AMENDED COMPLAINT

5. Beginning in August 2019 and continuing to May 2024, Respondent submitted at least twenty-eight false five-star reviews to the Avvo profile for himself, Aaron Korson, a sampling of which are set forth in the table below:

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39. On October 20, 2023, at 10:30 p.m., Respondent submitted a one-star review to Almanza's Avvo profile which said: "Mark has shown an inability in professionalism in my dealings with him. He is rude, makes blanket inaccurate statements, and shows an inability to work with others from my personal communication with him." The review was submitted by detroitvintageworks@gmail.com and was associated with the IP address 172.222.113.186.

40. The review submitted to Almanza's Avvo profile on October 20, 2023, at 10:30 p.m., as set forth in paragraph 39, above, was false because Respondent submitted the review, not a current, former, or prospective client of Almanza.

68. On January 6, 2024, at 1:36 a.m., Respondent submitted a one-star review to Almanza's Avvo profile which said: "This attorney has a short fuse and he doesn't earn the money he is paid. If I could leave him a zero star review. I would. He is a bad attorney." The review was submitted by pikeplaceinvestments@gmail.com and was associated with IP address 38.124.108.87.

69. The review submitted to Almanza's Avvo profile, as set forth in paragraph 68, above, was false because Respondent submitted the review, not a current, former, or prospective client of Almanza.

Politics

Rhode Island judge refers DOJ lawyers for possible discipline over handling of transgender care investigation

By Sarah N. Lynch, Melissa Quinn

June 5, 2026 / 3:09 PM EDT / CBS News

Add CBS News on Google

Washington — A federal judge in Rhode Island referred Justice Department lawyers for possible discipline on Friday over their handling of an investigation into transgender youth care at a hospital in the state, after previously finding that the lawyers misled the court and withheld information.

The referral came after U.S. District Judge Mary McElroy quashed an administrative subpoena that the Justice Department issued to the hospital seeking years of sensitive medical information for every minor transgender patient who received medical care at Rhode Island Hospital, as part of a sprawling investigation into gender-transition treatments.

In its effort to obtain the order from the Texas court, a Justice Department lawyer named Lisa Hsiao said in a declaration that Rhode Island Hospital failed to comply with the subpoena and stopped communicating with the department in February. But McElroy, the Rhode Island judge, said that claim was "clearly misleading, if not utterly false," because representatives from Rhode Island Hospital had responded to an email from Justice Department lawyers about search terms for compliance with the subpoena.

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The New York Times

Redacted Material in Some Epstein Files Is Easily Recovered

The ease of recovering information that was not properly redacted digitally suggests that at least some of the documents released by the Justice Department were hastily censored.

Listen · 2:17 min

Share full article

The executors of Jeffrey Epstein's estate faced a civil suit filed in the Virgin Islands in 2021. Documents from the suit released late Monday included some that were not properly redacted digitally. Above, the court in 2020. Dennis M. Rivera Pichardo for The New York Times

By Santul Nerkar

Dec. 23, 2025

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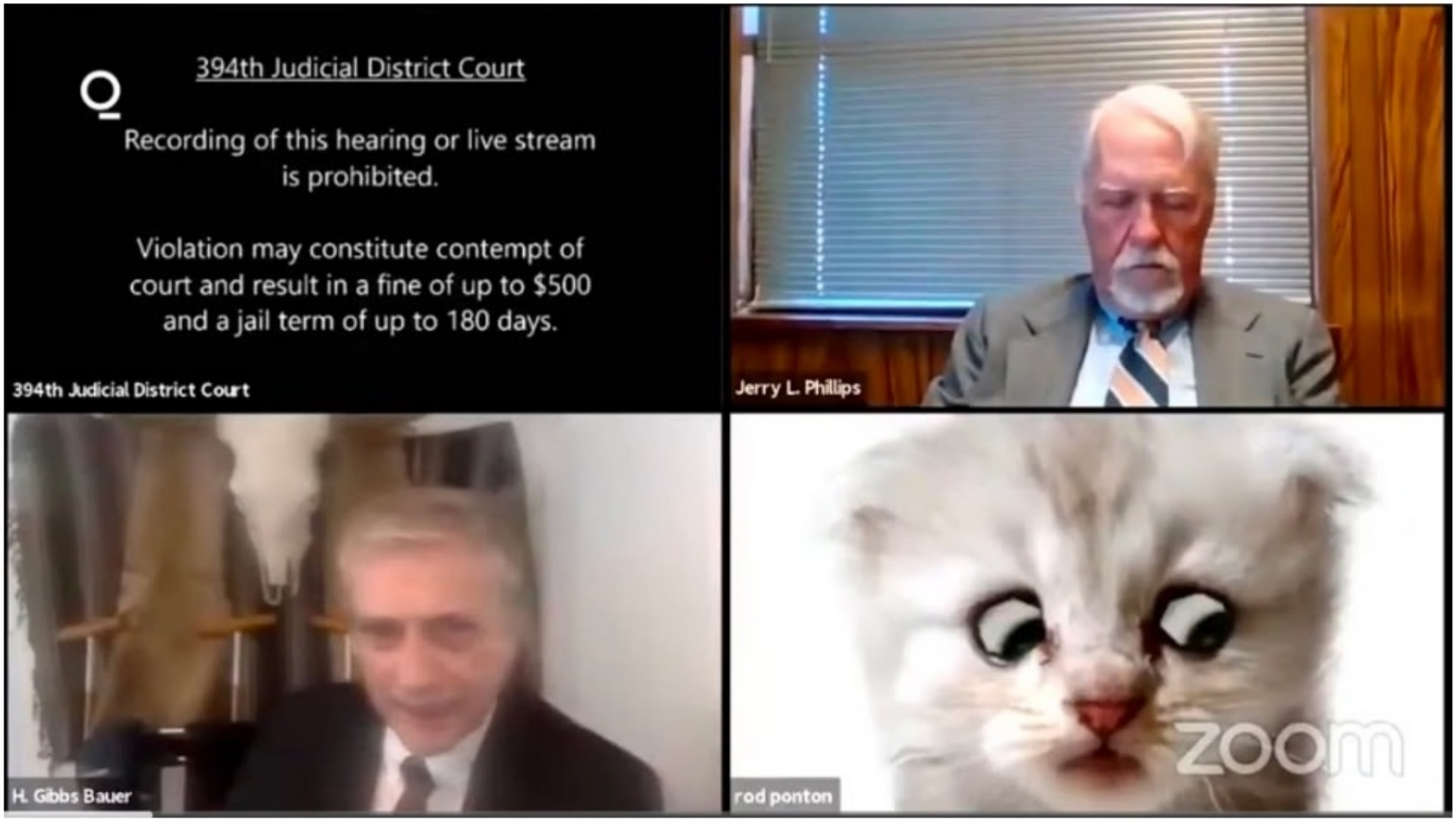
Elite M&A Lawyers Fed Massive Insider-Trading Ring, US Says (1)

May 6, 2026, 5:25 PM CDT

Lawyers from top mergers and acquisitions firms provided tips on some of the biggest deals of the last decade to an insider trading ring that made tens of millions of dollars in illegal profits, federal prosecutors said.

Two indictments charging 30 people were unsealed Wednesday in federal court in Boston. None of the firms from whom information was allegedly stolen were identified by prosecutors, but detailed descriptions of the relevant deals indicate they included Wachtell Lipton Rosen & Katz, Latham & Watkins and Goodwin Procter.

According to the indictments, as well as a parallel suit filed by the Securities and Exchange Commission on Wednesday, Nicolo Nourafchan, a 2011 Yale Law School graduate who worked at three large firms, including Goodwin and Latham, from 2013 to 2023, misappropriated confidential deal information from those employers. He allegedly conspired with a college classmate, Robert Yadgarov, to recruit other corporate lawyers to provide tips.



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DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

CAPITAL STANDARD, LLC; VLADIMIR O. TCHENTSOV, as trustee of the TF15529 Land Trust; and ANNA TCHENTSOV, as guardian for Oleg V. Tchentsov, as beneficiary under the TF15529 Land Trust,

Appellants,

v.

U.S. BANK NATIONAL ASSOCIATION, as trustee for BEAR STEARNS ASSET BACKED SECURITIES I TRUST 2005-AC9, ASSET-BACKED CERTIFICATES, SERIES 2005-AC9,

Appellee.

No. 2D2024-1392

August 21, 2026

It's been three years since the release of the widely publicized decision in *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023), in which a federal district court sanctioned several attorneys and a law firm under rule 11 of the Federal Rules of Civil Procedure for, among other things, citing fake cases created by generative artificial intelligence (AI) in legal memoranda and then responding evasively when confronted with the issue. Since then, and as we have previously noted, *see Clerk of Ct.*

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Upon the ostensible completion of briefing, we began our review of the record and the operative briefs and very quickly determined that there was almost nothing trustworthy about Capital Standard's legal representations on appeal. On January 8, 2026, we issued a detailed show-cause order to Attorney Keefe, meticulously documenting the forty-six hallucinations we sample above (thirty-one in the amended initial brief and fifteen in the reply). We gave Attorney Keefe until 5:00 p.m. on January 12 to file with the court copies of every case that he had cited and required that "for every case, [A]ttorney Keefe, with highlighting and annotation, shall clearly identify the exact place in that case that corresponds to the indicated proposition(s) for which he has cited it in either the amended initial brief or the reply brief." We also instructed, "If the cited case does not exist, or if [A]ttorney Keefe cited an existing case for a proposition for which it does not stand, [A]ttorney Keefe shall explain how he permitted that to happen in a separate and complete written submission." And we warned him that failure to comply could result in "dismissal of this appeal, an award of attorney fees, referral to The Florida Bar, and any other sanctions permitted by Florida Rule of Appellate Procedure 9.410(a) or law."

Despite our warning, Attorney Keefe ignored us. Indeed, more than a month passed with no response. By that point, we were concerned not only that Attorney Keefe had disregarded an unequivocal court order but that his clients might be wholly unaware of what was transpiring. We

In conclusion, we impose on Attorney Keefe a $1,500 fine payable to the clerk of this court within fourteen days; we remand this matter to the trial court to determine the reasonable amount of appellate attorney's fees incurred by U.S. Bank for researching and answering Capital Standard's amended initial brief; and we refer Attorney Keefe to The Florida Bar for further proceedings. Attorney Keefe is solely responsible for paying the fee award and fine and may not charge his clients for

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In re Eisenstein (Mo. 2016)

Lawyer obtained work product of opposing counsel through improper means

Upon hearing opposing counsel was discussing situation, lawyer sent her email stating:

> Rumor has it that you are quite the gossip regarding our little spat in court. Be careful what you say. I'm not someone you really want to make a lifelong enemy of, even though you are off to a pretty good start.

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BIGLAW

The Biglaw Partner/Federal Judge Romance Scandal Has A $15 Million Ending

Jackson Walker will pay $15 million to end the U.S. Trustee's suit, while conceding approximately nothing.

By Kathryn Rubino on August 04, 2026 10:45 am Share

The long-running legal saga born of a bankruptcy judge's secret romance with a Biglaw partner may finally be winding down… for the price of $15 million.

For those just tuning in: David R. Jones, the (now former) federal bankruptcy judge for the Southern District of Texas, was romantically involved with Elizabeth Freeman, the (now former) bankruptcy partner at Jackson Walker, and continued to hear cases involving Freeman and her firm without recusing or disclosing the relationship. That ethical lapse cost Jones his seat on the bench and kicked off years of litigation that has been equal parts legal ethics seminar and daytime soap opera. (The texts alone — "We are keeping this down looooooowww" — could carry a season.)

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‘Humiliating and embarrassing’: Adams County assistant state’s attorney fired after just four months on job

AUGUST 12, 2022 I BY DAVID ADAM, MRN EDITOR

QUINCY — An assistant state’s attorney for Adams County was let go last week after working for just four months, and the verdicts in three parental rights cases he tried in juvenile court this summer were vacated because he was not licensed to practice law in Illinois.

Holcombe said Farha contacted him shortly afterward and said he was told by someone with the State Board of Admissions that he could practice in Illinois under a temporary license until a final decision was made on his bar.

Holcombe then said Farha called the Board of Admissions to learn of the status of Holcombe’s bar.

“They said, ‘Oh, no, We were wrong. Whoever told you (Holcombe could practice under a temporary license) was wrong. He can’t be practicing law in Illinois,’” Holcombe said.

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Lawyer reprimanded for claiming he had dementia to get excused from case

BY KEVIN DAVIS

JUNE 1, 2026, 9:13 AM CDT

Perkins was appointed by the court in December 2024 to represent a man charged with harassment and domestic abuse. In September 2025, after the court denied Perkins' request to withdraw from the case, he allegedly renewed his request by filing paperwork claiming that he was not competent to conduct legal research and was experiencing symptoms of early-onset dementia. Perkins was 55 years old at the time.

A letter from the board in February said Perkins "conceded that the statements in your filing regarding cognitive decline were completely without merit and unsupported by any medical diagnosis. A subsequent medical evaluation confirmed that you do not suffer from any cognitive impairment that would affect your ability to practice law."

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A Lawyer Sent $550 to the Wrong Person. It Led to a Two- Year Suspension.

POSTED ON JULY 16, 2026 BY MEGHAN BITOUN

The mistake

In September 2023, Baker tried to Zelle $550 from her law firm's account to a joint account she shared with her husband, Zachary Reynolds. Baker's money landed instead in the Charles Schwab account of a completely different Zachary Reynolds. This is a relatively common mistake. It happens to ordinary people all the time, and the fix is boring: contact your bank, open a dispute, wait a few days. Reynolds actually did exactly that and called his bank the moment he saw the deposit.

The response

Baker did not wait a few days. She spent about eight hours tracking down which Zachary Reynolds had her money and finding his contact information. Then, she sent Reynolds an email from her law-firm address, signed "Christine Baker, Esq." with her Ohio bar number attached — informing Reynolds that his retention of the money was unlawful and that if he didn't return it within 24 hours she'd pursue every recovery method available, including telling his employer. She followed up by text, then a voicemail.

Reynolds, understandably, presumed the email was part of a scam. Zelle itself warns users about exactly this kind of unsolicited, urgent money-recovery message. He wrote back that he found her threats offensive and that she should go through Charles Schwab.

Over the next few hours Baker threatened to sue him in small claims court and publicize his conduct as widely as possible, sent him a photo of a stranger pushing a dog in a stroller, calling him “the brain injured man you stole from” — without mentioning that the man in the photo was actually her own husband, and that the money was hers, not his. Baker threatened to report him to the Special Olympics of Illinois, where he served on the board, messaged him on LinkedIn under the pseudonym “Callie Boom Boom,” whose listed occupation was “dog walker”, messaged his wife, a schoolteacher, on Facebook under a fake name, threatening to sue her too. Finally, Baker emailed four of his coworkers, including his boss and the company’s CEO, asking whether his conduct was consistent with the firm’s values.

Reynolds called his bank again, was told this looked like harassment, and went to the police during his lunch break. An officer reviewing the messages told him this had all the hallmarks of a scam, because no real lawyer would risk her license over something this small. He was told to ignore Baker and let the bank handle it. He did. His bank reversed the transfer within days, and the money was back in Baker’s account two weeks after this all started.

It gets worse

Baker’s own testimony was that she’d actually abandoned the idea of suing Reynolds once she got her $550 back. But then Reynolds filed a bar grievance over her conduct. Baker met with the bar association’s investigator and filed a civil lawsuit against Reynolds the very next day, seeking $80,000 in damages over a $550 mistake that was entirely her own fault. The complaint contained claims the Ohio Supreme Court later found to be flatly false, including that Reynolds had promised in writing never to return the money (he hadn’t; he’d told her to go through the bank, which is exactly what happened).

When Reynolds hired an Illinois lawyer, Baker tried to get that lawyer enjoined from practicing law in Ohio, despite the fact that he wasn’t even a party to the case. When the case got removed to federal court, she added his law firm and his lawyer’s firm as co-defendants. She eventually dropped that lawsuit because she felt the judge (a former Dayton Bar Association president) had negative demeanor toward her matter.

Then, a year after Reynolds filed his grievance, the bar association notified Baker it intended to file formal disciplinary charges. Her response was to refile the lawsuit against Reynolds. Throughout the disciplinary proceedings themselves, Baker continued calling Reynolds a liar and a thief in official filings.

Judge Who Accepted $100 'Handshake' Bribe Kicked Off Bench for Slew of Ethical Violations

John C. Reeves admitted to five additional ethics violations months after the Louisiana Supreme Court suspended him for accepting $100 from a litigant after signing inheritance paperwork

By **Christina Coulter** | Published on June 26, 2026 04:24PM EDT

The new discipline comes less than two months after the Louisiana Supreme Court suspended Reeves without pay for 20 days after he accepted a folded $100 bill from a man shortly after signing a judgment in the man's case, per an earlier Louisiana Supreme Court release reviewed by PEOPLE. The court said the judgment awarded the man the majority of his mother's estate.

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Pittsburgh Lawyer Charged in Penn State Cocaine Ring With Son

Aug. 19, 2026, 11:32 AM CDT

Tatyana Monnay
Reporter

Students walk past the Old Main building at Penn State University on October 7, 2024 in State College, Pa.
Photo by Ricky Carioti/The Washington Post via Getty Images

Pittsburgh attorney Paul Robinson was charged in connection with an alleged cocaine trafficking ring at Penn State University.

Robinson, an equity member at Meyer Darragh Buckler Bebenek & Eck PLLC, is accused of trying to hide drugs and cash in a safe, according to state prosecutors in Pennsylvania. He's the only non-student facing charges stemming from a trafficking operation that prosecutors say also involved his son, 23-year old Thomas Robinson.

Related Stories

Four People Sentenced for Roles in $72 Million Ohio Ponzi Scheme

July 1, 2026, 4:21 PM CDT

Girardi Ally's Character Assailed and Hailed at State Bar Trial

June 24, 2026, 3:29 PM CDT

Barrister disbarred for secretly recording family proceedings

Matilda Battersby

August 20, 2026 No Comments Latest News

Bar Standards Board (BSB), Bar Tribunals and Adjudication Service, Family Court

A barrister has been disbarred for making audio recordings of court hearings in family proceedings and harassing an employee with confidential mental health issues over WhatsApp.

The Bar Tribunals and Adjudication Service heard three misconduct cases related to Mariam El-Sobky, who was called to the bar in 2001.

The tribunal heard that Ms El-Sobky had made audio recordings of court hearings, without the consent of the parties or judge, on at least three separate occasions and had sent the recordings by WhatsApp messages to individuals employed by her, asking for them to be transcribed.

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Prior Ruling on What Constitutes a Litigation "Emergency" May Not Be a Unicorn After All

By Marcus Mintz, Jeremy Cohen & Erik Weibust on April 10, 2020

POSTED IN COVID-19, TRADE SECRETS

As we previously reported, as a result of the COVID-19 crisis, courts across the country are adjourning most appearances, including trials, and hearing only "emergency matters," often by teleconference or other remote methods. This presents a new quandary for trade secret and restrictive covenant lawyers, who regularly must seek emergency injunctive relief to protect their clients' trade secrets and customer goodwill. But it does not follow that these lawyers should be careless about when to seek emergency relief; in fact, quite the opposite, they must be *more diligent* in that regard during the current pandemic.

As we discussed previously, in *Art Ask Agency v. The Individuals, Corporations, Limited Liability Companies, Partnerships, and Unincorporated Associations Identified on Schedule A hereto*, C.A. No. 20-cv-1666 (March 9, 2020), a recent trademark and copyright case involving unicorns, Judge Steven Seeger of the US District Court for the Northern District of Illinois issued a scathing order denying the plaintiff's "emergency" motion to reconsider a previous scheduling order, holding: "The world is facing a real emergency. Plaintiff is not."

Well, another court confronted the issue of what constitutes a true "emergency" during the COVID-19 pandemic, and once again decided against the moving party, finding that a routine discovery dispute is not an emergency. In *C.W. v. NCL (Bahamas) Ltd.*, No. 1:19-cv-24441-CMA (S.D. Fla. March 21, 2020), the defendant filed "an emergency motion for a protective order . . . concerning a routine snafu over the date of a corporate representative deposition." (emphasis in

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It is painfully obvious that counsel for both sides failed to keep their comparatively unimportant dispute in perspective. Would the world end if the corporate deposition did not occur next week? Obviously not. Is it reasonable to require defense counsel to prepare the 30(b)(6) witness for a deposition while complying with the social distancing standard of ten feet? Absolutely not. Is it rational to expect defense counsel to enlist assistance from cruise ship attorneys and other employees (e.g., to track down documents and information) to adequately prepare the corporate representative when the entire cruise ship industry is on lockdown and thousands of employees have been let go? Of course not.

So the deposition will not be taken next week. Life will go on. But the Undersigned will be requiring counsel for both sides to appear for a hearing at some point, even if they work out the rescheduled date for the corporate deposition. That hearing will require the attorneys to explain their behavior in context of the far-more-important issues this Court (and the entire world) is facing.

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:

https://www.surveymonkey.com/r/face0826

Certificate of Completion – Available through the Post-Program Survey

Kansas Credit – If you are seeking Kansas credit, you need to enter the two Attendance Verification Words and your Kansas information into the Post-Program Survey. *Please complete this information in the survey this week (if possible), so we can ensure you receive proper credit*

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Future Programs

September 2 – Wednesday at 12:00 Noon CT – **Missouri Judicial Ethics - The Election and Selection of Judges and the Missouri Court Plan** *(Missouri approved only)*

September 10 – Thursday at 12:00 Noon CT – **Lawyer Marketing Ethics for an AI World**

September 23 – Wednesday at 12:00 Noon CT – **Legal Ethics for Trust and Estate Lawyers**

October 5, 2026 – Tuesday at 3:00 PM CT - **Litigation Ethics and Sanction Law**

October 21, 2026 – Wednesday at 12:00 Noon CT - **Encouraging Inclusivity Through Firm Management and Mentoring**

November 4, 2026 – Wednesday at 12:00 Noon CT - **Ending Client Relationships — Risks and Rules**

November 17, 2026 – Tuesday at 12:00 Noon CT - **Legal Ethics and New Firm Business Models (including MSOs)**

December 2, 2026 – Wednesday at 12:00 Noon CT - **Managing Your Lawyer Trust Account**

December 17, 2026 – Thursday at 12:00 Noon CT - **Legal Ethics and Dealing with Non-Clients - the "Chapter 4" Rules**

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Timed Agenda

3:00-05 Introduction

3:05-55 Teach legal ethics lessons from lawyer mistakes

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Thank you

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