Ethics Crossroads:
Where Politics, Professionalism and the Rules of a Professional Responsibility Meet

Table of Contents

ETHICS IN THE PUBLIC ARENA: BALANCING DUTIES TO THE PROFESSION WITH DUTIES TO THE PUBLIC PANEL

Moderator:
Melvin F. Wright Jr. – Raleigh

Panelists:
J. Christopher Heagarty – Raleigh
Norma Houston – Chapel Hill
Susan R. Lundberg – Raleigh
Christopher B. McLaughlin – Chapel Hill
Thomas O. Murry – Morrisville
Michael J. Tadych – Raleigh

STATE GOVERNMENT ETHICS ACT
AFFIRMATIVE DUTIES OF THE ETHICS ACT  1
PROHIBITIONS IMPOSED BY THE ETHICS ACT ........................................... 3
CONFLICTS OF INTEREST – FINANCIAL BENEFIT AND RELATIONSHIP WITH PARTICIPANT IN THE PROCEEDING .......................................................... 3
“PERSON WITH WHICH ASSOCIATED” INCLUDES: ................................... 4
DETERMINING IF YOU HAVE A FINANCIAL INTEREST CONFLICT
CONFLICT OF INTEREST ........................................................................ 5
SAFE HARBORS ...................................................................................... 6
ACTIONS NECESSARY WHEN CONFLICT EXISTS AND NO SAFE HARBOR ..................................................................................................................... 6
USE OF TITLE .............................................................................................. 7
USE OF STATE FUNDS ............................................................................. 7
USE OF NON-PUBLIC INFORMATION ....................................................... 7
QUID PRO QUO ......................................................................................... 8
GIFT BAN ................................................................................................... 8
GIFT BAN EXCEPTIONS ........................................................................... 9
FOOD AND BEVERAGES FOR IMMEDIATE CONSUMPTION ................. 10
INFORMATION MATERIALS, PLAQUES AND GIFTS AVAILABLE TO THE GENERAL PUBLIC ........................................................................................................ 10
PUBLIC SERVANT’S REIMBURSABLE EXPENSES .................................... 11
RELATIONSHIP GIFTS ........................................................................... 11
MEETING EXPENSES ............................................................................. 11
GIFTS TO NON-PARTISAN ORGANIZATIONS ......................................... 12
DECISION TREE FOR GIFTS .................................................................. 12
HONORARIUMS ..................................................................................... 13
ATHLETIC TICKETS ................................................................................ 13
COOLING-OFF PERIOD .......................................................................... 13
OTHER LOBBYING LAW PROHIBITIONS ................................................................. 14
RELATED LAWS AND POLICIES ........................................................................ 14
SELECTED PROVISIONS OF STATE GOVERNMENT ETHICS ACT,
G.S.CHAPTER 138A ......................................................................................... 14
POWERPOINT ................................................................................................. 25

LAWYERS SERVING AS LOCAL ELECTED OFFICIALS
TAR HEEL TOWN CONSIDERS RETAINING ANN’S FIRM TO
REPRESENT THE TOWN .................................................................................. 52
ANN’S LAW FIRM REPRESENTS CLIENTS APPEARING BEFORE THE
TOWN COUNCIL .............................................................................................. 52
ANN’S LAW FIRM REPRESENTS A CLIENT SUING TAR HEEL TOWN .......... 52
ANN REPRESENTS ANOTHER LOCAL GOVERNMENT WHILE
SERVING ON THE TAR HEEL TOWN COUNCIL ........................................ 53
AFTER ANN LEAVES OFFICE, SHE REPRESENTS A CLIENT
ADVERSE TO TAR HEEL TOWN .................................................................... 53
SELECTED STATUTES AND NC RULES OF PROFESSIONAL CONDUCT .... 54
DISCUSSION HYPOTHETICAL ...................................................................... 60
LAWYERS AS BOARD MEMBERS POWERPOINT ....................................... 61

ETHICAL CROSSROADS
AVOID EVEN THE APPEARANCE OF IMPROPIETY ..................................... 65
HYPOTHETICALS ........................................................................................... 65
LAWYER’S PROFESSIONALISM CREED .................................................... 72
NORTH CAROLINA BAR ASSOCIATION
LAWYER’S CREED ......................................................................................... 73
THE PRINCIPLES OF PROFESSIONAL COURTESY .................................... 73
THE PREAMBLE ............................................................................................. 74
COURTESY TOWARD THE COURT ................................................................. 74
COURTESY TOWARD CLIENTS ...................................................................... 74
COURTESY TOWARD OTHER COUNSEL .................................................. 75
COURTESY TOWARD OTHER PERSONNEL ................................................ 75
COURTESY BY THE COURT TOWARDS LAWYERS ..................................... 75
CREED OF PROFESSIONALISM ................................................................. 76
27 NCAC 01D.1517 EXEMPTIONS ................................................................ 78

NC LAWYER ASSISTANCE PROGRAM

Thomas R. Holt – Chapel Hill

LAP MISSION AND PURPOSE POWERPOINT ............................................. 81
AN IMPORTANT FREE RESOURCE FOR LAWYERS ................................... 85
KNOW THE SIGNS ....................................................................................... 86
HOW I ALMOST BECAME ANOTHER LAWYER WHO KILLED
HIMSELF ....................................................................................................... 87
IDENTIFYING ILLNESS BASED IMPAIRMENT IN COLLEAGUES .......... 89