

**The Craig S. Barnard Chapter of the American Inns of Court LIV,
Lincoln Inn Pupilage Group Present**

Dealing With Difficult Clients and Compensation Issues

Course Classification – Basic Level

Palm Beach County Main Courthouse, West Palm Beach, FL, October 27, 2015

Overview

A one hour seminar prepared by the Lincoln Inn Pupilage Group of the Craig S. Barnard Chapter of the American Inns of Court, for members of the Chapter, presenting ethical issues and case law concerning: 1) dealing with difficult clients; and 2) attorney compensation issues. The seminar is presented through the eyes of two law students who are studying for the Multistate Professional Responsibility Exam (MPRE). The students are waiting for a third student to join them, and decide to watch an episode of their favorite television show, *Better Call Saul*. In this episode, James McGill is interviewed for a position with the Sante Fe, New Mexico law firm that has been referred the Sandpiper Crossing RICO case which James McGill initially investigated. During three distinct scenes, members of Lincoln Inn portray characters from *Better Call Saul* as they recreate circumstances of select Florida cases dealing with the topics of difficult clients and attorney compensation.

Rules and case law addressed include: Rule 4-3.7 of the Rules Regulating the Florida Bar; *Lieberman v. Lieberman*, 160 So. 3d 73 (Fla. 4th DCA 2014); *KMS Rest. Corp. v. Searcy, Denney, Scarola, Barnhart & Shipley P.A.*, 107 So. 3d 552 (Fla. 4th DCA 2013); *Caruso v. Knight*, 124 So. 3d 962 (Fla. 4th DCA 2013); FL ST BAR Rule. 4-1.1 (Duty of Competence); Rule 4-2.1, FL ST BAR Rule 4-2.1 (Duty as adviser to exercise independent professional judgment and render candid advice); FL ST BAR Rule 4-1.6 (Confidentiality of Information); *Tumelaire v. Naples Estates Homeowners Assoc., Inc.*, 137 So. 3d 596 (Fla. 2d DCA 2014); Section 90.502(2), Fla. Stat. (2013); *Corry v. Meggs*, 498 So. 2d 508 (Fla. 1st DCA 1986); FL ST BAR Rule 4-1.8 (Conflict of Interest; Prohibited and Other Transactions); *Bowin v. Molyneaux, et al.*, 100 So. 3d 1197 (Fla. 5th DCA 2012); *Robertson v. State*, 143 So. 3d 907 (Fla. 2014); FL ST BAR Rule 4-1.2 (Objectives and Scope of Representation); FL ST BAR Rule 4-1.5 (Fees and Costs for Legal Services)

Description

6:05 p.m. – 6:15 p.m.

Opening Remarks/Introduction

6:15 p.m. – 6:30 p.m.

Scene 1 – *Better Call Saul* lead character, James McGill, is asked by an interviewer whether he has ever been disqualified from representation. In a flashback scene, James recalls the time he was representing his brother Chuck McGill in a case Chuck filed against the New Mexico

electric company, PNM. Chuck suffers from Electromagnetic Hypersensitivity which he alleges is caused by PNM's generation of electricity. Kim Wexler, representing PNM, moved to disqualify James McGill because he was going to be called as a material witness in a competency hearing scheduled in the litigation. The scene consists of the hearing on Kim's Motion to Disqualify, as well as a discussion between Kim and James concerning HHM's payment of attorney's fees on behalf of Chuck.

Discussion between the students and the Inns' members will focus on the right to counsel, disqualification of counsel, competence, the duty to exercise independent professional judgment, and receiving compensation from third parties.

6:30 p.m. – 6:45 p.m.

Scene 2 – *Better Call Saul* character Betsy Kettleman has been listed as a reference by James McGill, and the interviewer reaches out to her. In a flashback scene, Betsy and Craig Kettleman, along with their children Warren and Jo Jo, are camping in their back yard. The Kettleman's Home Owner's Association has filed suit against them, and the Kettlemans hire James McGill to defend them. Irreconcilable differences arise between the Kettlemans and James McGill, and he drafts a Motion to Withdraw after returning the Kettlemans' attorney fee which was paid from funds Craig Kettleman embezzled from the county treasury office.

Discussion between the students and the Inns' members will focus on withdrawal of counsel and attorney compensation.

6:45 p.m. – 6:55 p.m.

Scene 3 – *Better Call Saul* character Nacho is on death row for murder, which resulted from a drug deal gone bad. James McGill is appointed to represent Nacho on appeal. Nacho wants James not to interfere with his death sentence because Nacho turned on Tuco Salamanca, and Tuco's punishment for Nacho will be more harsh than the government's lethal injection.

Discussion between the students and the Inns' members will focus on counsel's duty to abide by a client's requests, ethical issues involved in a death sentence appeal, and compensation in criminal cases.

6:55 p.m. - 7:00 p.m.

Conclusion/Adjournment and Thank you!