Navigating Law and Ethics for the Regulatory Attorney

Course Description:

This interactive session is entitled “Navigating Law and Ethics for the Regulatory Lawyer” and is designed as a primer on legal ethics for regulatory attorneys. This course will include an analysis of Rules of Professional Conduct as they relate to the government attorney or the attorney who represents a government agency. Likewise, the session will focus on cases involving the Rules of Professional Conduct as they relate to legal ethics for the government attorney and the duties of those attorneys to the judicial system, the public, clients, and other attorneys.

This continuing legal education seminar will explore the common risks that face attorneys in this area of administrative practice and regulatory law. The seminar will give practical tips about how to avoid legal liability and threat to the government attorney in a growing and complicated field that is today’s practice of law.

Learning Objectives:

This continuing legal education course will provide attendees with:

- A primer on legal ethics for the regulatory lawyer;
- An analysis of the Rules of Professional Conduct as they relate to the government attorney – or the attorney who represents a government agency in regulatory law, and;
- A focus on cases involving the Rules of Professional Conduct as they relate to legal ethics for the government lawyer and the duties of those lawyers to the judicial system, the public, clients and other attorneys.

Who will benefit:

This continuing legal education course is designed for attorneys who are employed in a variety of contexts as:

- In-house attorney with a regulatory agency;
- Staff attorney with an agency that provides legal services to many regulatory agencies;
- An attorney employed by an independent agency such as the Office of the Attorney General, and;
- An attorney in private practice who holds a contract to represent a regulatory agency.

Presented by: Mark Brengelman, Attorney at Law PLLC
Course Outline: Agenda

1:00 p.m. – 1:15 p.m.
- Opening remarks and introductions - for speaker and all attendees.

1:15 p.m. – 3:45 p.m.
- The intersection of state employee ethics statutes and the Rules of Professional Conduct;
- Who is the regulatory attorney?
- Who is the client?
- Open meetings/records and attorney-client privilege;
- Attorney-client privilege with government agencies with a focus on the ethics of advisory opinions;
- Responsibilities of supervisors, of subordinates, and responsibilities over nonlawyers
- Commingling of functions within the legal services of the agency;
- Understanding potential ethical conflicts for regulatory attorneys when interacting with state or local officials -- how to resolve the conflict, and;
- Bonus – The use of social media.

3:45 p.m. – 4:00 p.m.
Tips for avoiding liability and risk; Review a checklist of top take-aways for further use in one’s own practice and work - Concluding remarks – summarize content covered.

Total continuing legal education time: 3.0 hrs.