

Ethics Trainings To Satisfy Out-of-State Mandatory CLE Requirements

Most jurisdictions that require attorneys to participate in continuing legal education currently allow some or all mandatory CLE credits to be earned online. In compliance with the mandatory CLE requirements of many jurisdictions, MCLE's live webcast programs include periodic attendance prompts and the opportunity to forward written questions to the faculty during the program. At the conclusion of a program, viewers are given the opportunity to fill out an evaluation form and download or print a certificate of attendance, a copy of which will also be saved for future reference in your "My MCLE" account on our website. If you intend to take an MCLE webcast program for mandatory credit, please contact your state mandatory CLE authority prior to registering to confirm that the webcast program will satisfy your state's requirements.

New Rule 1.14 on Representing the Impaired Client

2 p.m. – 5 p.m.,
Monday, September 28, 2009
3 Ethics Credits, 3 Substantive Credits
Live Webcast: Program No. 2100280WBC
Register @ www.mcle.org
MCLE Boston: Program No. 2100280P01
10 Winter Place, via Winter Street
Tuition: \$75

Last year, the Supreme Judicial Court approved changes to Massachusetts Rule of Professional Conduct 1.14, addressing issues arising in the course of representing clients with diminished capacity. The three areas of substantive law in which lawyers are most likely to confront questions about how to ethically handle the wishes, goals, and needs of an impaired client are guardianship, juvenile, and criminal matters. This program offers an overview of the unique problems faced by practitioners whose clients, either by infirmity or age, cannot make, understand, or articulate decisions which must be made in the course of the attorney-client relationship. Experienced practitioners in all three areas, as well as Bar Counsel, provide practical information and guidance for lawyers representing clients whose mental states present unique challenges.

You will learn...

- ▶ How a lawyer determines if a client has "diminished capacity"
- ▶ How an attorney fulfills his or her ethical and substantive responsibilities to the child client whose desires may conflict with the child's best interests
- ▶ How Article V of the Uniform Probate Code (effective in July) impacts ethical considerations in guardianship
- ▶ What the standards are for competency and insanity in criminal cases
- ▶ What information is confidential or privileged and what can or must be disclosed

Faculty: Constance L. Rudnick, Esq., Chair, *Massachusetts School of Law, Andover*; Robert D. Fleischner, Esq., *Center for Public Representation, Northampton*; Michael D. James, Esq., *Children's Law Center of Massachusetts, Inc., Lynn*; Denise M. Regan, Esq., *Committee for Public Counsel Services, Salem*; Constance V. Vecchione, Esq., *Bar Counsel, Massachusetts Board of Bar Overseers, Boston*;

The New Privacy Regulations: Their Impact on Court Filings & Office Risk Management Strategy

12 p.m. – 2 p.m.,
Monday, October 5, 2009
2 Ethics Credits
Live Webcast: Program No. 2100150WBC
Register @ www.mcle.org
MCLE Boston: Program No. 2100150P01
10 Winter Place, via Winter Street
Tuition: \$75

As a result of the enactment of the New Data Security Regulations, which will go into effect in January 2010, attorneys must review and revise office management policies as well as litigation practices. Violation of the Regulations by practitioners and firms may subject them to penalties, civil actions by clients, and possible disciplinary proceedings before the Board of Bar Overseers. Discovery documents, trial exhibits, and appellate materials are all subject to the Regulations. The Supreme Judicial Court is currently reviewing proposed interim guidelines for the protection of personal identification data in publicly accessible court documents which place the burden on compliance with the filer of the information. MCLE's panel of experts provide a practical overview of the Regulations, and offer suggestions on creating a written security program for law firms, including security for computer communications. The panel discusses how to provide discovery, respond to motions, and present evidence at trial in such a way that does not violate the Regulations.

The program is designed to provide the criminal and civil practitioner from medium and small firms, as well as solo practice, with practical tips for all areas of practice, as well as recommend safeguards for preserving the record while protecting private client data if the matter is taken up on appeal.

Faculty: Christa Arcos, Esq., Cochair, *Appeals Court, Commonwealth of Massachusetts*; Scott Douglas Burke, Esq., Cochair, *Morrison Mahoney LLP, Boston*; Edward C. Cooley, Esq., *Giarrusso, Norton, Cooley & McGlone, PC, Quincy*; Hon. Peter M. Lauriat, *Superior Court, Commonwealth of Massachusetts*

Key Ethics Dilemmas in Bankruptcy & Insolvency

4 p.m. – 5 p.m.,
Thursday, November 5, 2009
1 Ethics Credit
Live Webcast: Program No. 2100047WBC
Register @ www.mcle.org
MCLE Boston: Program No. 2100047P01
10 Winter Place, via Winter Street
Providence Groupcast: Program No. 2100047P02
RIBA Conference Center, 115 Cedar Street
Tuition: \$45

Three very experienced lawyers discuss the application of ethical rules in the unique context of insolvency. Whether or not an attorney is an expert in insolvency or bankruptcy, the risks of committing an ethical violation, even inadvertently, loom large. Questions which appear simple—whether and how a client can change the ownership of assets, whether an attorney can simultaneously represent the owner of a business and the business, and from whom can a professional attorney accept fees—are fraught with danger, or at a minimum, embarrassment, for counsel.

The goal of the program is to help you identify how ethical standards—which were not drafted with a focus on insolvencies—can affect your practice, and how decisions which might be appropriate in the normal practice of law could create peril for an attorney in a context where any of the parties may be insolvent. Recognize and learn to skillfully navigate the ethical landmines potentially lurking in matters involving insolvent or bankrupt parties.

Faculty: Richard L. Levine, Esq., Chair, *Nelson, Kinder, Mosseau & Saturley, PC, Boston*; John Boyajian, Esq., *Boyajian, Harrington & Richardson, Providence, RI*; Thomas J. Gallitano, Esq., *Conn, Kavanaugh, Rosenthal, Peisch & Ford LLP, Boston*

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Monday,
September 28, 2009

THE NEW PRIVACY
REGULATIONS
Monday,
October 5, 2009

KEY ETHICS
DILEMMAS
Thursday,
November 5, 2009

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