



## The Playing Field

In California:

- Bus. & Prof. Code § 6106
- Bus. & Prof. Code § 6068(d) and Rule 5-200
- Rule 5-220
- Bus. & Prof. Code § 6068(d) and Rule 3-100

Model Rules:

- Model Rule 4.1: No “false statement of material fact or law to a third person” or concealment of material fact from third person if “disclosure is necessary to avoid assisting a criminal or fraudulent act by a client”

### Round 1

An attorney providing competent representation must sometimes lie in negotiations.

### Competence



Round 2

Deception



It is ethically appropriate to deceive the opposing side in negotiations as long as the deception does not constitute a fraudulent misrepresentation of material fact.

Round 3

Concealment

The ethical duty of honesty implicates only affirmative statements, not concealments of material facts.



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<b>Round 4</b>	<b>Financial Status</b>
<p>Misrepresentation of a client's financial ability to pay a judgment is an ethical violation.</p>	 A wooden balance scale is shown against a black background. The left pan is significantly lower than the right pan, indicating it is much heavier. The left pan is filled with stacks of US dollar bills and gold coins. The right pan is much higher and contains a small, red and white elf figurine, a few pink beads, and a small black object. This visual metaphor suggests that the value of the money on the left is being weighed against the value of the elf on the right, likely representing the disparity between a client's actual financial status and a lawyer's misrepresentation.

<b>Round 5</b>	<b>Rule 4.1</b>
<p>California should adopt Model Rule 4.1.</p>	 A circular sign with a black background and a red border. A red diagonal slash crosses the circle from the top-left to the bottom-right. The word "FRAUD" is written in large, white, bold, sans-serif capital letters across the center of the circle. This is a standard prohibition sign, indicating that fraud is forbidden.

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**Thank you.**