

## What's New in this 2025 Edition of Criminal Defense Ethics

- A significant new ABA Formal Ethics opinion – and similar new state ethics opinions – on the ethical propriety of using artificial intelligence tools in legal practice (§§ 3:3, 3:6, 5:9, 10:1 & 12:8).
- Another new ABA Formal Ethics opinion on ethical issues relating to lawyers posting questions or comments relating to a representation on a listserv (§ 5:8).
- And yet another ABA Formal Ethics opinion on the level of inquiry and assessment a lawyer is ethically required to undertake before representing a client (§§ 4:1, 5:19, 5:20 & 5:21).
- A number of new decisions disciplining counsel for lying in various legal proceedings, including new decisions in California, Georgia, Indiana, Iowa, Kentucky, Louisiana, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Washington, and West Virginia (§ 5:26).
- References to useful new state bar ethics opinions on various subjects from: Alaska (§ 10:1); California (§ 3:6); Colorado (§ 5:8); Florida (§ 3:6); Illinois (§ 1:9); Maine (§ 10:1); Maryland (§ 11:11); Missouri (§ 3:6); Nebraska (§ 6:11); New York (§ 11:2); North Carolina (§ 3:6); Virginia (§ 5:26); Washington (§ 4:2); and West Virginia (§ 3:6).
- New legal malpractice decisions from: the Sixth Circuit Court of Appeals; the federal district courts of Nevada, New Jersey, and the Eastern and Western Districts of Pennsylvania; Connecticut; Hawaii; Iowa; Nebraska; New York; Ohio; Tennessee; and Texas (§§ 2:1 to 2:10).
- A number of new decisions from Connecticut, Florida, Kansas, Kentucky, New Jersey, New Mexico, and Tennessee disciplining lawyers for unethical written and/or oral “broadsides” against judges (§ 9:6).
- An Oklahoma Supreme Court opinion suspending a lawyer, inter alia, for failing to inform his client and failing to obtain a written agreement from his client with respect to a \$10,000 referral fee the lawyer paid to a referring lawyer (§ 10:3).
- New decisions from California, Kentucky, Louisiana, Nevada, New Jersey, North Dakota, South Carolina, and West Virginia disciplining lawyers for failing to refund to clients unearned fees after the lawyers’ withdrawal (§ 4:2).
- An Iowa Supreme Court decision reprimanding an attorney for multiple episodes of sexual harassment in the workplace (§ 11:16).
- A Georgia Supreme Court decision disbarring a lawyer, inter alia, for identifying her firm as “McDonald Law Group,