

What's New in this 2026 Edition of Criminal Defense Ethics

- New federal court decisions (in Alabama, South Carolina, and California) and state court decisions (Illinois and Utah) disciplining or sanctioning lawyers for filing AI-generated motions containing false citations (§ 5:26).
- Following the issuance of a 2024 ABA Formal Ethics opinion on the ethical propriety of lawyers using AI-tools in legal practice, Alaska and Oregon have subsequently issued their own ethics opinions on point (§ 5:9).
- A new ABA Formal Ethics opinion opining that a lawyer who knows or reasonably should know that the use of peremptory challenges constitutes unlawful discrimination in the jury selection process violates Model Rule 8.4(g) (§ § 8:5 & 11:16).
- And yet another new ABA Formal Ethics opinion concluding that a lawyer has the discretion to report when a client commits a crime against the lawyer or against someone associated with or related to the lawyer without violating confidentiality obligations (§ § 5:9 & 5:19).
- A Colorado ethics opinion addressed the ethical issues arising when crowdfunding is used to pay for legal representation (§ 6:18).
- A New Jersey Supreme Court decision ruling that an attorney's purchase of the name of a competitor attorney or law firm for purposes of competitive keyword advertising in internet searches does not violate the ethics rules (§ § 11:1 & 11:4).
- A number of new decisions disciplining counsel for lying in various legal proceedings, including new decisions in Arizona, California, Delaware, DC, Kansas, Kentucky, Massachusetts, Minnesota, Ohio, South Carolina, Wisconsin, and federal district courts in Alabama and Tennessee (§ 5:26).
- New decisions from Kentucky, South Carolina, and West Virginia disciplining lawyers for failing to provide their clients with written fee agreements (§ 10:1).
- A Kentucky decision suspending a lawyer, inter alia, for threatening to bring criminal or disciplinary charges solely to obtain an advantage in a civil or criminal matter, and an Oklahoma decision disbarring a lawyer, inter alia, for threatening counsel with litigation because she filed a grievance against him (§ 5:29).
- New decisions from Kentucky, Louisiana, Minnesota, and South Carolina disciplining lawyers for failing to refund to clients unearned fees after the lawyers' withdrawal (§ 4:2).
- A Connecticut opinion suspending a lawyer for sending sexually harassing texts to his client, and similar decisions

from Alaska and Colorado (§ 6:16).

- Numerous new decisions from Arizona, Connecticut, DC, Georgia, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Nevada, New Jersey, New York, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin disciplining attorneys for violating ethical provisions relating to client trust accounts (§ 10:7).

- A New Jersey Supreme Court decision holding that attorneys may pay referral fees to lawyers in other states even if they are not licensed in New Jersey (§ 10:3).

- A Connecticut Superior Court decision finding that a prison inmate waived the attorney-client privilege when he used a prison e-messaging system which warned the sender before sending each message to his attorney that the communications would be monitored (§ 5:11).

- And inclusion of more than 400 new and significant state and federal court decisions relating to legal ethics matters.