

Law Library Research Guide

*California Legal Ethics*¹

While most other states have adopted either the ABA Model Code or ABA Model Rules to govern attorney conduct, the California Supreme Court has adopted an entirely different set of rules, the *California Rules of Professional Conduct* (reproduced in a variety of sources, see bibliography that follows). The conduct of California attorneys is also governed by the *California Constitution* (art. VI, § 9); the *State Bar Act*, codified at *Cal. Bus. & Prof. Code* § 6000-6228; the *California Code of Judicial Conduct; California Rules of Court* 901-22 (pertaining to the conduct of judges); state and local ethics opinions; and local rules of court.

The California State Bar has been delegated the responsibility for regulating the practice of law in California, including admission to the bar and disciplining of attorneys. Attorneys who wish to practice law in California must be a member of the California State Bar (memberships in local associations such as the Los Angeles County Bar Association are voluntary). The State Bar is also responsible for enforcing state laws regulating the unauthorized practice of law and illegal solicitation of clients (see *Cal. Bus. & Prof. Code* § 6030, § 6125-31, § 6150-54).

The disciplinary process in California consists of a series of investigations by the State Bar. If not resolved, the case is eventually forwarded to the State Bar Court, which decides all attorney discipline cases in California. Created in 1988, the State Bar Court is an arm of the California Supreme Court. Its decisions are subject to discretionary (non-mandatory) review by the California Supreme Court.

Ethics opinions are issued by California state and local bar associations to provide guidance on how the ethical rules might apply to particular theoretical fact situations but are not meant to be binding nor dispositive of particular situations. The *State Bar Committee on Professional Responsibility and Ethics*, for example, is barred from issuing such advisory opinions where a disciplinary action is pending, 1 *Cal. Compend. on Prof. Respon. IIA.1-Formal Opinion 1965-1*.

For further reading on the relationships among the national, state, and local ethics rules, see Richard Wydick & Rex Perschbacher, *California Legal Ethics*, 4th ed. (2003).

¹ Much of the information contained in this Research Guide was found in the UCLA Law Library's Research Guide Series, California Law Series, Guide C-5. We would like to thank the UCLA Law Library for their permission to use this resource.

LOCATION:

Library: KFC 76.5 A2 W85 2003 (Stacks--Level 6).

I. STATE STATUTES AND RULES

Much of the information in this section is now available on the Internet at the State Bar of California Home Page (<http://www.calbar.ca.gov>).² While specific Internet sites will be noted as appropriate, this Web page is a valuable link to additional resources. For example, The State Bar Home Page provides an “Ethics” link, which includes the full text of **Publication 250** produced by the California State Bar. As well as many of the sources listed in this guide, **Publication 250** contains additional legal provisions related to the practice of law, such as Minimum Continuing Legal Education (MCLE) Rules and Regulations. **See also:** LegalEthics.Com’s California page (<http://www.legalethics.com/ethics.law?state=California>) for additional links to statutes and rules.

- A. ***The California State Bar Act.*** For this Act and other laws regulating the legal profession, and for cases construing these laws, see ***West’s or Deering’s Annotated Business and Professions Code***, §6000-6228. Check pocket parts for the latest amendments and cases.

LOCATION:

Library: West sets at Reference and in Main Reading Room--KFC 30.5 B8 1964 W4 vol. 3B pt. 3; Deering’s sets in Main Reading Room—KFC 30.5 D4 B84 1999
LexisNexis: CAL; CODE (Deering’s)³
Westlaw: CA-ST-ANN database (West’s)
Internet: <http://www.calbar.ca.gov>; Ethics; State Bar Act

- B. ***The California Rules of Professional Conduct.*** Adopted by the Board of Governors of the State Bar of California on August 27, 1988; approved by the Supreme Court of California on November 28, 1988; operative on May 27, 1989. For the most current version

² The State Bar website may not have the most recent updates to the codes and rules referenced in this guide. You may also check the State Legislature’s website www.leginfo.ca.gov/calaw.html, which is updated daily.

³ When using LexisNexis, you can search for the appropriate database by using the database menus in that system or by using the “shortcut” database names provided below. To use these shortcuts, click on the “Command Searching” tab in LexisNexis, type the source names into the search box exactly as listed and then click the “Go” button. You can then search as you normally would.

of the Rules and any cases construing them, see the Rules volumes and pocket parts of *West's* or *Deering's Annotated California Codes*. West's: *Court Rules* Volumes. Deering's: *Rules of Court* volumes.

LOCATION:

Library: West sets at Reference, KFC 30.5 R8 1996 W4; Deering's in Main Reading Room—KFC 30.5 D4 B84.

LexisNexis: CAL; CODE (Deering's)

Westlaw: CA-ST-ANN database (West's)

Internet: <http://www.calbar.ca.gov>; Ethics; California Rules of Professional Conduct

C. ***California Rules of Court.*** In addition to the ***California Rules of Professional Conduct***, a variety of rules have been adopted that apply to particular situations, such as rules regulating attorney admission and disciplinary proceedings. California Court Rules are available in the sources listed below as well as in the “*Rules*” volumes of the Codes listed above.

1. ***California Rules of Court: State***, St. Paul, MN: West Publishing Co. (Annual).

In addition to court rules, this volume Includes Rules regulating admission to practice law in California, Rules of Procedure of the State Bar of California and specialized rules such as client security funds matters rules, and Law Corporation rules.

LOCATION:

Library: KFC 30.5 W472 (Loan Desk)

2. Daily Journal. ***Court Rules: Northern California & Court Rules: Southern California***. Los Angeles: Daily Journal. Multiple volumes (loose-leaf). Each volume set contains complete state rules.

LOCATION:

Library: KFC 992 A192 (Loan Desk)

3. **Online Sources:**

LOCATION:

LexisNexis: CAL; CARULE

Westlaw: CA-RULES database

Internet: <http://www.calbar.ca.gov>
<http://www.courtinfo.ca.gov/rules>;
Ethics; California Rules of Court

- D. ***Model Code of Professional Responsibility, Model Rules of Professional Conduct, and other Selected Standards including California Rules on Professional Responsibility.*** Compiled by Thomas D. Morgan, Ronald D. Rotunda. Minneola, NY: Foundation Press. (Title on spine: ***Selected Standards on Professional Responsibility***)

Contains the ***ABA Model Rules and Model Code***, tables relating Model Rules sections to Model Code sections, ***California Rules of Professional Conduct, California Code of Judicial Conduct***, selected federal and California statutes, ***U.S. Supreme Court Rules, Aspirational Goals on Lawyer Advertising***, and many other rules and standards.

LOCATION:

Library: KF 305 A29 M63 (2004 ed. at Loan Desk, earlier volumes in Stacks)

II. **OPINIONS**

A. **Ethics Opinions**

1. ***California Compendium on Professional Responsibility.*** Committee on Professional Responsibility and Conduct, State Bar of California; Paul W. Vapnek, editor in chief. San Francisco: The State Bar of California (loose-leaf).

“Contains the full text of the *California Rules of Professional Conduct*; the *State Bar Act* and related California statutes; the . . . *ABA Model Code of Professional Responsibility*; the *California Code of Judicial Conduct*; the opinions of the State Bar Standing Committee on Professional Responsibility and Conduct [from no. 1 (1965); and [opinions] of the Legal Ethics Committee of the Bar Association of San Francisco and of the San Diego County Bar Association’s Ethics Committee.” Introd. Los Angeles County Bar Association ethics opinions added in 1988.

LOCATION:

Library: KFC 76.5 A2 A82 (Loan Desk)

2. **Ethics Opinions Online**

LOCATION:

Westlaw: CAETH-EO database for California

ethics opinions (1977 forward)

LexisNexis: **CAL; CAETOP** (contains the Formal and Informal Opinions as reported in the *National Reporter on Legal Ethics and Professional Responsibility*; selected Opinions from 1991 forward)

Internet: <http://www.calbar.ca.gov>; Ethics; Ethics Opinions (1965 forward)

B. **California State Bar Court Reporter.** Office of the State Bar Court.

Contains cases decided by the California State Bar Court from 1990 to the present. Includes topical digests, table of cases (including case numbers and subsequent history notations), and a chart which cross-references California disciplinary rules with the ABA Model Code and Model Rules provisions. Loose-leaf publication.

LOCATION:

Library: KFC 76.5 A2 A51992 (Loan Desk)

Westlaw: **CAETH-CS** includes California State Bar decisions from 1990

LexisNexis: **ETHICS; CABAR**

Internet: <http://www.calbar.ca.gov>; Attorney Resources; State Bar Court; Published Opinions (Full text of slip opinions posted until published in final form in the *California State Bar Reporter*).

C. **California Supreme Court Cases and California Case Digests.**

For ethics cases decided by the California Supreme Court prior to the creation of the State Bar Court in 1990, or appealed to the Supreme Court after 1990, see the California case reporters and digests.

1. For California Supreme Court opinions see *California Reports* or *West's California Reporter*.

LOCATION:

Library: **California Reports:** KFC 45 (Main Reading Room)

California Reporter: KFC 47 W4 (Main Reading Room)

LexisNexis: **ETHICS; CAETH** and **ETHICS;**

CACTS (also includes CA Court of Appeals)

Westlaw: CA-CS database

2. Case digests provide access to court opinions by subject. See ***West's California Digest*** (for use with the California Reporter), or ***California Digest of Official Reports*** (for use with California Reports).
 - a. ***McKinney's New California Digest***, Bancroft-Whitney, 1930 - 1973
Library: KFC 47.1 N4 (Simon Storage)
California Digest of Official Reports, 3d & 4th Series, West Group, 1974--present.
Library: KFC 47.1 C3 (Main Reading Room)
 - b. ***West's California Digest***, 1851-1981 and ***West's California Digest*** 2d, 1982--present
Library: KFC 57 W47 (Main Reading Room & BSR)

III. TREATISES AND JOURNALS — LEGAL ETHICS AND LEGAL MALPRACTICE

- A. ***Restatement (Third) of the Law Governing Lawyers***. American Law Institute, 2000. As its title implies, this project seeks to restate the laws governing lawyers and the practice of law, not only as it is expressed in ethical rules but also in procedural and substantive law (e.g. evidentiary privileges, legal malpractice).

LOCATION:

Library: KF 300 R469 2000 (Loan Desk)

Westlaw: REST-LGOVL database

LexisNexis: LITGAT; LAWGV3 (case citations)
LITGAT; LAWGV2 (rules section)

- B. ***Modern Legal Ethics***. Charles W. Wolfram. St. Paul, MN: West Publishing Co, 1986.
A comprehensive hornbook that treats many issues of legal ethics. Student edition is 1114 pages; Practitioner's edition is 1363 pages. Both include indexes.

LOCATION:

Library: KF 306 W591 1986 (Loan Desk—specify Student or Practitioner's edition)

- C. ***Nutshells***

Legal Ethics in a Nutshell. Ronald D. Rotunda & Michael I. Krauss. St. Paul., MN: West Publishing Co., 2003. Organized around the ABA *Model Rules of Professional Conduct*. Includes table of cases and index.

LOCATION:

Library: KF 306 Z9 R66 2003 (Loan Desk)

Professional Responsibility in a Nutshell. 2nd. ed. Robert H. Aronson & Donald T. Weckstein. St. Paul., MN: West Publishing Co., 1991. Includes table of cases, statutes, rules, and citations to secondary authorities.

LOCATION:

Library: KF 306 Z9 A76 1991 (Loan Desk)

- D. ***Legal Malpractice.*** 5th ed. Ronald E. Mallen and Jeffrey M. Smith. St. Paul, MN: West Group, 2000. This hornbook includes a bibliography, tables, and index and is supplemented by annual pocket parts. Tables include statutes and rules, decisions and law review articles by jurisdiction, and cases. Includes sample agreements and letters.

LOCATION:

Library: KF 313 M29 2000 (Loan Desk)

- E. ***The Georgetown Journal of Legal Ethics.*** A law review devoted solely to issues of professional ethics. First published in summer 1987; volume 5 (1991-92) contains a cumulative index to articles by title and author.

LOCATION:

Library: KF 305 A15 G46 (Stacks)

Internet:

<http://www.law.georgetown.edu/journals/ethics/index.html> (Index only)

Westlaw: **GEOJLE** database (selected coverage from 1987; full coverage begins in 1994)

Lexis: **LRALR; GJNLE** (Vol. IX, No. 2, Winter 1988—present)

IV. **OTHER SOURCES OF INFORMATION ON LEGAL ETHICS**

- A. For other materials on legal ethics and the legal profession, check under these call number ranges:

California: KFC 75-77 (Stacks—Level 6)

ABA, National, and General works: KF 300-338
(Stacks—Level 1)

Law Student Ethics: KF 287.5 (Stacks—Level 1)

Judicial Ethics: KF 8779 (Stacks—Level 1) See also KFC
76.5 and KFC 980 (Stacks—Level 6)

- B. The California State Bar provides a toll free ethics hotline for California Attorneys only (have your Bar ID# ready) at 1-800-2ETHICS (See also State Bar of California Ethics page at <http://www.calbar.ca.gov>).