PROMOTING AN ETHICAL CULTURE
&
THE ROLE OF THE ETHICS OFFICER

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Ethical Culture

Day one  Entire office  Not aspirational

Mission Statement

Core values  Trickle down
Role of the Ethics Officer

Go-to Person

Officer/Advisor  Committee
Role

Respond to question, issues, anxiety

Prognosticate

Trainer

Trust
GOOD WILL

AVAILABILITY

RESEARCH

UTILITY PLAYER
ETHICS ADVISOR / COMMITTEE

BEST PRACTICES

✓ No confidentiality
✓ No gossip
✓ Know when to take it to your supervisor
✓ Keep up on case law / rules / discipline actions
✓ Log
RESPONDING TO ACCUSATIONS OF MISCONDUCT

- Basis
- Timing
- Off your game

REQUEST A HEARING

SHOULD NOT HAVE TO DEFEND YOURSELF
Request a Hearing

Time out

Clean up the record

Do not leave the record silent

Defend yourself

Seek judicial finding of no misconduct

Request a Hearing

Order of hearing

If no hearing, make a record
Consequences of Prosecutorial Misconduct

Admonishment by Court
Bad Prosecutor Instruction to Jury
Exclusion of Evidence

Consequences of Prosecutorial Misconduct

Mistrial
Reversed on Appeal
Professional Discipline
Civil/Criminal Liability
Sources

Federal and State Constitutions  Case Law  State Statutes
STATE STATUTES

Penal Code
Rules of Professional Conduct
Regulatory Code
Rules of Court State and County

LIFELINES

Standards / Opinions
ABA, NDAA State Bar
STANDARDS / OPINIONS

DISCLOSURE  CASE MANAGEMENT

PERSONNEL POLICY

STATE BAR COMPLAINT

RESPONSIBILITIES OF THE DDA WHEN YOU RECEIVE A STATE BAR INQUIRY / INVESTIGATION

MUST IMMEDIATELY INFORM THEIR DIRECT SUPERVISOR IN WRITING

PERSONNEL POLICIES MANUAL, SECTION 12-06
SELF-REPORT

Duty to self-report within 30 days of knowledge of:

Conviction reversed in whole or in part for prosecutorial misconduct

SELF-REPORT

Duty to self-report within 30 days of knowledge of:

Imposition of any judicial sanction “except for sanctions for failure to make discovery or monetary sanction of less than one thousand dollars.”

California Business and Professions Code, sections 6068(o)(3) and 6068(o)(7)
WE SET THE TONE

CASELOAD

PROFESSIONAL LIFE

PERSONAL LIFE

GOT CREDIBILITY?

CAREER

REPUTATION

SELF-WORTH