



Ethics Beyond Attorneys:

The ABA Rules Across the Modern Law Firm

What every legal administrator needs to know to keep the firm compliant (and out of trouble).



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Why This Matters to You

One Misstep Can Sink a Firm

From mishandled trust accounts to missed deadlines and communication breakdowns, the most common violations stem from everyday operations—and that's where administrators play a critical role.

The Core Insight

"None of these necessarily start as ethical problems—they start as **workflow problems**."

Ethics isn't just a legal issue, it's an operational one. The right administrative systems are your best first line of defense against grievances, malpractice actions, and disbarment.



Learning Objectives

01

Spot Red Flags Early

Identify issues in billing, calendaring, and communication *before* they become ethical violations.

02

Build Firm-Wide Systems

Create compliant structures that support trust accounting and confidentiality rules across the entire firm.

03

Leverage Technology

Use tech to streamline processes, reduce errors, and keep the firm audit-ready at all times.



The ABA Model Rules: A Voluntary Foundation

Voluntary, Not Mandatory

The ABA is a professional organization — not a regulator. Membership and adherence to its rules are voluntary at the national level.

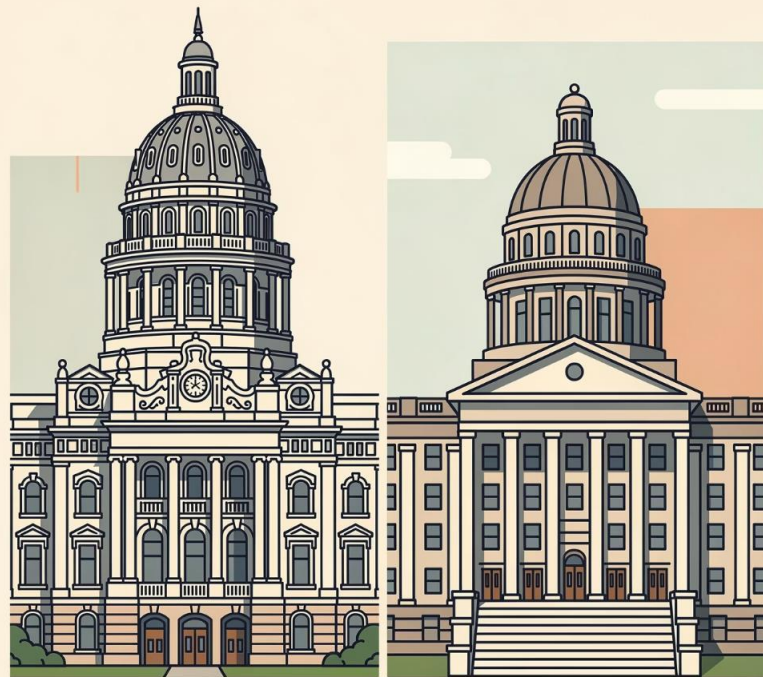
A Starting Point for States

The Model Rules serve as recommended guidelines for state supreme courts, bar associations, and legislatures — a template, not a mandate.

No State Has Adopted Them Wholesale

Every state adapts the Model Rules to reflect local policy, culture, and legal priorities. Knowing the ABA rules is the beginning, not the end.

From ABA to State Law: The Illinois & Missouri Reality



Two States, Two Sets of Rules

Illinois and Missouri each maintain their own **mandatory** ethical codes — adapted from the ABA Model Rules. These rules govern everything from disciplinary authority to unauthorized practice standards.

- i Compliance means knowing **both** the applicable state rules **and** what red flags look like.

Why Administrators Should Know the Rules

Firm Liability

Ethical breaches can trigger malpractice claims and civil liability, affecting the entire firm, not just the attorney involved.

Policy Architects

Administrators play a critical role in building internal firm policies that create the guardrails for lawyer compliance.

Indirect Regulation

Paralegals, staff, and administrators directly impact the firm's ethical standing — even without holding a law license.



Core Duties: Competence and Diligence

1

Rule 1.1 — Competence

Lawyers must maintain the legal knowledge and skill their matters require — including understanding the **benefits and risks of relevant technology**. This extends to cybersecurity, AI tools, and electronic communication.

2

Rule 1.3 — Diligence

Reasonable diligence means pursuing every matter with **commitment and follow-through**. Missed deadlines and administrative errors are not just operational failures, they are ethical violations.



Administrators who manage calendaring, docketing, and technology systems are on the front line of Rules 1.1 and 1.3 compliance.

Protecting the Client: Communication & Confidentiality

Rule 1.4 – Communication

Keeping clients informed is an **affirmative ethical duty**, not a professional courtesy. Firms must have systems ensuring timely, accurate client updates, and administrators help build those systems.

Rule 1.6 – Confidentiality

Confidentiality is the bedrock of the client-lawyer relationship. Disclosure of client information is prohibited without **informed consent** or a specific legal exception — no matter who in the firm holds that information.





The Cost of Non-Compliance



Formal Sanctions

Attorneys face a spectrum of formal discipline: private reprimand, public censure, suspension, or permanent disbarment, all of which affect the firm. It can also result in death penalty sanctions or worse.



Civil Liability

A rule violation does not automatically create a cause of action — but it can be introduced as evidence in malpractice or civil litigation, raising the stakes significantly.



Reputational Damage

Beyond legal consequences, ethical lapses erode client trust, damage attorney relationships, and threaten the firm's long-term standing in the legal community.



The Administrator as Ethical Architect

You are not just managing the firm, you are protecting its integrity.

→ Be the First Line of Defense

Your systems, policies, and vigilance are what stand between the firm and ethical exposure.

→ Build for Compliance

Monitor changes in Illinois and Missouri rules, update firm policies proactively, and foster a culture where ethics is everyone's responsibility.

→ Ethical Excellence = Competitive Advantage

A firm known for integrity attracts better clients, better talent, and endures.

#1 ETHICAL MISTAKE

Commingling Client Funds

Attorneys often aren't involved in day-to-day cash flow—and get into trouble when earned funds aren't timely moved from trust to operating accounts.

Credit Card Processing Fees

These fees should only come out of your operating account—never the trust account if you can help it. Many attorneys don't understand this rule.

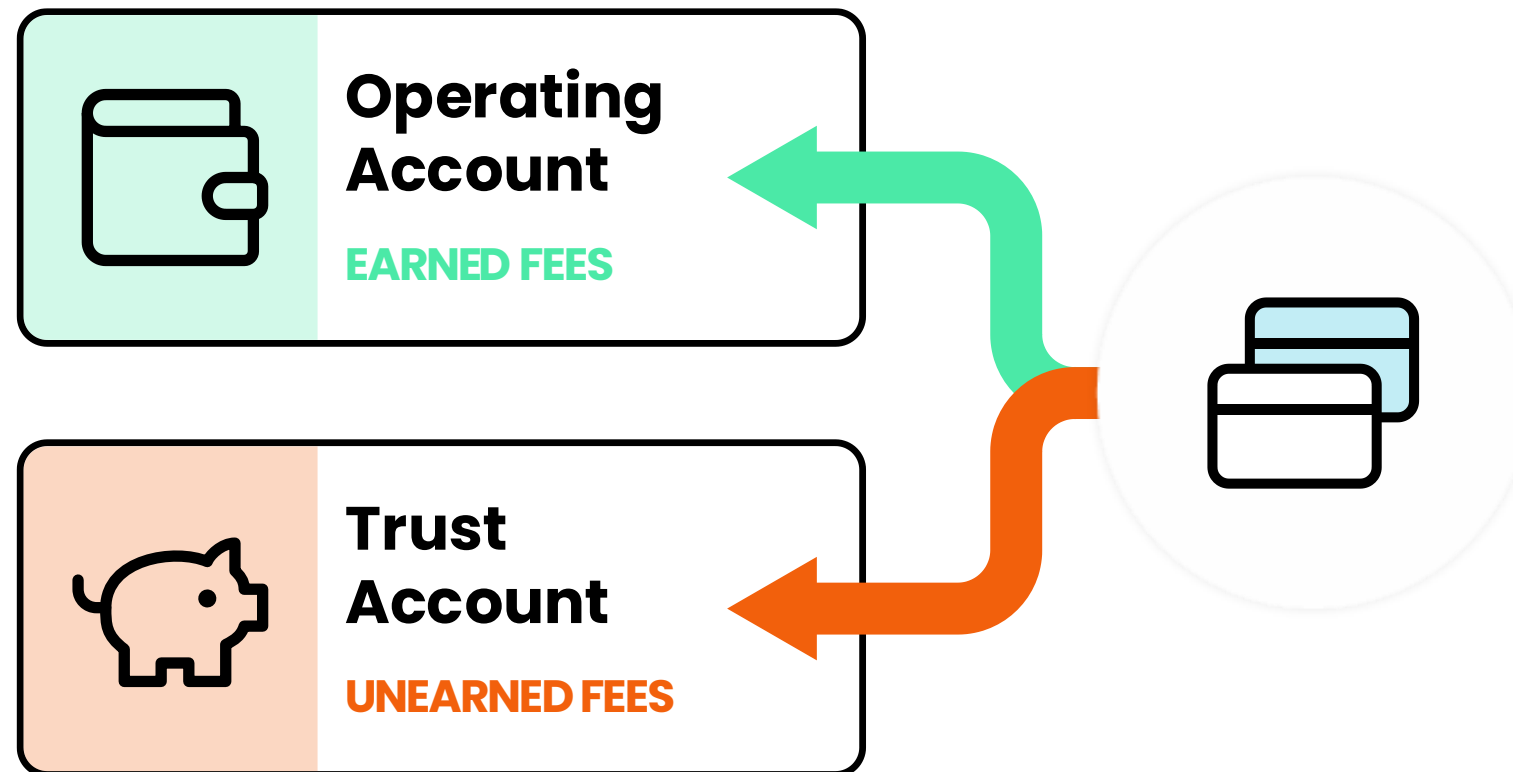
No "Cushion" Funds in IOLTA

Keeping extra firm funds in the IOLTA looks like backdoor overdraft protection—prohibited by nearly every state bar. Bars are notified if trust dips below a specific number or \$0.



Credit Card Issues

PROPER SEPARATION OF EARNED AND UNEARNED FEES IS KEY



Example From CA re Overdrawing the Trust Account

California Business and Professions Code, Section 6091.1

“A **financial institution**, including any branch, which is a depository for attorney trust accounts under subdivision (a) or (b) of Section 6211, **shall** report to the State Bar in the event any properly payable instrument is presented against an attorney trust account containing **insufficient funds**, irrespective of whether or not the instrument is honored.”

So You Mean I Can't Commingle Funds?

IN RE CLARISSA THOMAS EDWARDS (DC BAR)

Facts of the case

- An attorney was disciplined for commingling funds and failing to keep complete records of the same
- The attorney was publicly censured and ordered to take 5 hours CLE and meet with manager of Practice Management Advisory Service of the DC Bar
- One year later, the attorney commingled funds again, even while knowing that she was being investigated for several years
- The attorney failed to provide records of check registers, subsidiary client ledgers, and monthly reconciliations.

So You Mean I Can't Commingle Funds?

IN RE CLARISSA THOMAS EDWARDS (DC BAR)

Findings

- “Respondent’s lack of record keeping was so egregious that it ‘stymied Disciplinary Counsel’s efforts to reconcile or reconstruct the funds’ in Respondent’s accounts”
- **No clear and convincing evidence of intentional dishonesty, but reckless**
- “Respondent has not, for example, shown that she has developed any mechanisms to avoid making the same very serious mistakes that result from her habit of rushing.”
Thus, **clear and convincing evidence that there is serious doubt as to her fitness to practice**

So You Mean I Can't Commingle Funds?

IN RE CLARISSA THOMAS EDWARDS (DC BAR)

Discipline?

Two-year suspension! Also, a requirement to demonstrate fitness before reinstatement.



#2 ETHICAL MISTAKE

Failure to Reconcile Trust Accounts

Rule 1.15 violations are among the most common attorney disciplinary actions. Most bars require monthly, three-way trust account reconciliations, yet many attorneys fail to do this or lack proper procedures. Attempting quarterly reconciliation usually ends in disaster.

- ❏ **Administrator Action:** Establish a monthly reconciliation calendar, assign ownership, and document the process. Don't leave this to chance—or to the attorney.

Safekeeping Property

From ABA Model Rule 1.15 – Client-Lawyer Relationship

(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation **separate from** the lawyer's own property. Funds shall be kept in a separate account maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of [five years] after termination of the representation.

Tom Girardi Sentenced to Over Seven Years in Federal Prison (1)

June 3, 2025, 12:54 PM CDT



Maia Spoto
Correspondent



Tom Girardi speaks to reporters in Los Angeles on June 3, 2025, after he was sentenced to 87 months in federal prison. Photographer: Maia Spoto/Bloomberg Law

- Girardi denies responsibility for theft again in hearing
- Term may be life sentence for Girardi, who turned 86 today

Tom Girardi, the infamous ex-lawyer convicted for stealing millions of dollars from his clients, was sentenced Tuesday to 87 months in federal prison.

Girardi, famous for his portrayal in the film "Erin Brockovich" and his appearances on "Real Housewives of Beverly Hills," ran what prosecutors called a "textbook Ponzi scheme," stealing from clients who'd already lost family members in plane crashes and endured gas explosions. He spent their

Documents

[Docket](#)

Related Stories

[Tom Girardi Healthy Enough for Sentence, Judge Says \(1\)](#)

June 2, 2025, 1:29 PM CDT



Tom Girardi Son-In-Law Hit With Federal Prison Sentence

David Lira, 65, said his life has been "a raging sea" in the five years since he was indicted for his role as an attorney at Girardi's when his father-in-law was stealing clients' money

LA MICHELE MCPHEE · OCT 7, 2025



Tom Girardi before his indictment on a slew of federal charges related to his scheme to defraud his clients of owed settlement cash Photo by Justice: Ringo Chiu/Zumapress

The son-in-law of disgraced former lawyer and Real Housewives of Beverly Hills star Tom Girardi was sentenced to four months in prison Monday for covering up the fact that Girardi withheld settlement funds from clients whose relatives had died in a 2018 Indonesian plane crash.



By —
Jeffrey Collins,
Associated
Press

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Convicted murderer Alex Murdaugh gets 40 years in federal prison for stealing from clients and his law firm

Nation Apr 1, 2024 12:34 PM EST

Former bank CEO pleads guilty to aiding Alex Murdaugh's fraud

Russell Laffitte admitted guilt to all eight charges against him, which include criminal conspiracy, wire fraud, bank fraud, and breaches of trust.



Updated: 10:53 AM EDT Sep 26, 2025 | [Editorial Standards](#)



The Busted Bookkeeper

IN RE PRB FILE NO. 2016-042 (VERMONT)

Facts of the case:

- An attorney hired an independent bookkeeper to oversee the IOLTA using Quicken
- After 5 years, the bookkeeper quit the firm and the attorney discovered the IOLTA had not been reconciled in 6 months
- The attorney hired a CPA to audit the IOLTA for the 5-year period it was overseen by the bookkeeper and transform the firm's IOLTA management practices

What was discovered?

- \$75,000 in stale checks related to real estate transactions, payable to the firm for insurance commissions
- \$32,000 balance in attorney fees (unearned)



The Busted Bookkeeper

IN RE PRB FILE NO. 2016-042 (VERMONT)

The attorney:

- Commingled business/client funds
- Failed to safeguard funds - did not maintain accurate records or reconcile in a timely fashion
- Claimed he was unaware of requirements to maintain a record of each client's IOLTA funds, including deposits, disbursements, and balances

They were found negligent for:

- Failing to track transactions by client or matter in Quicken
- Failing to timely reconcile the IOLTA
- Failing to correct errors leading to a running balance



The Busted Bookkeeper

IN RE PRB FILE NO. 2016-042 (VERMONT)

Discipline?
Private admonition

**Remember, although the attorney assigned tasks to the bookkeeper and employee, the attorney is ultimately responsible for ensuring the IOLTA is administered according to the rules*



#3 ETHICAL MISTAKE

Inadequate Calendaring & Blown Deadlines

A blown deadline can irreparably harm a client's case and expose the firm to malpractice and grievance actions.



Redundant Calendars

Every event added to more than one person's calendar as a failsafe.



Close-Out Workflows

Many malpractice actions could be prevented with proper file close-out procedures.



Weekly Firm Meetings

Pull reports and discuss deadlines and trust amounts with the entire firm every week.

Tech Tip: Practice management software has deadline tracking built in, with dates that automatically adjust when things get reset. Also consider tech **Infotrack** to make life easier for paralegals when saving down file-stamped copies.

Full transparency is essential: everyone needs to know who is assigned to what task, for which case, and when it's due.

Story Time

- Censure case out of Tennessee
- In 2010, attorney Jack Morris represented a client in a post-conviction proceeding
- The post-conviction petition was denied
- Morris was supposed to pursue a direct appeal
- Morris did not file a notice of appeal
- When the client inquired about the status of the appeal, Morris said the appeals court hadn't yet issued its opinion
- In 2015, Morris told the client he had inadvertently neglected to file the notice of appeal
- Result? Public censure



#4 ETHICAL MISTAKE

Poor Client Communication

One of the most popular grievances bars receive: *"My attorney won't call me back."* Attorneys are duty-bound to reply promptly and without unnecessary delay.

→ Set a Response Policy

Establish a firm-wide standard—e.g., respond to all client communications within one or two business days.

→ Out-of-Office Protocols

When attorneys are in trial or mediation, require OOO messages stating who to contact in the interim about their case.



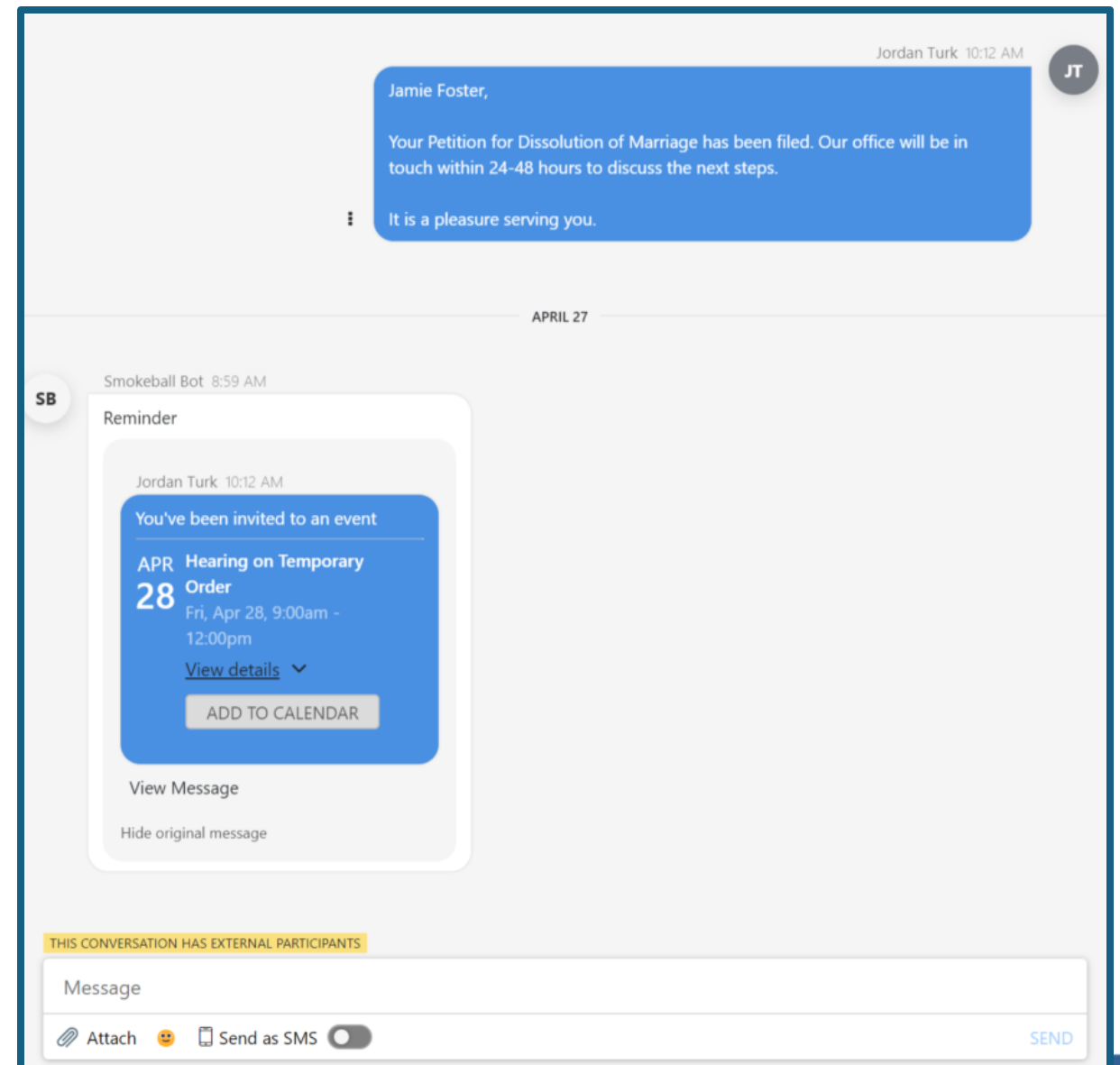
Communication with the Client

Remember, the goal is to keep the client in constant contact/apprised of their case so that they aren't calling you every fifteen minutes

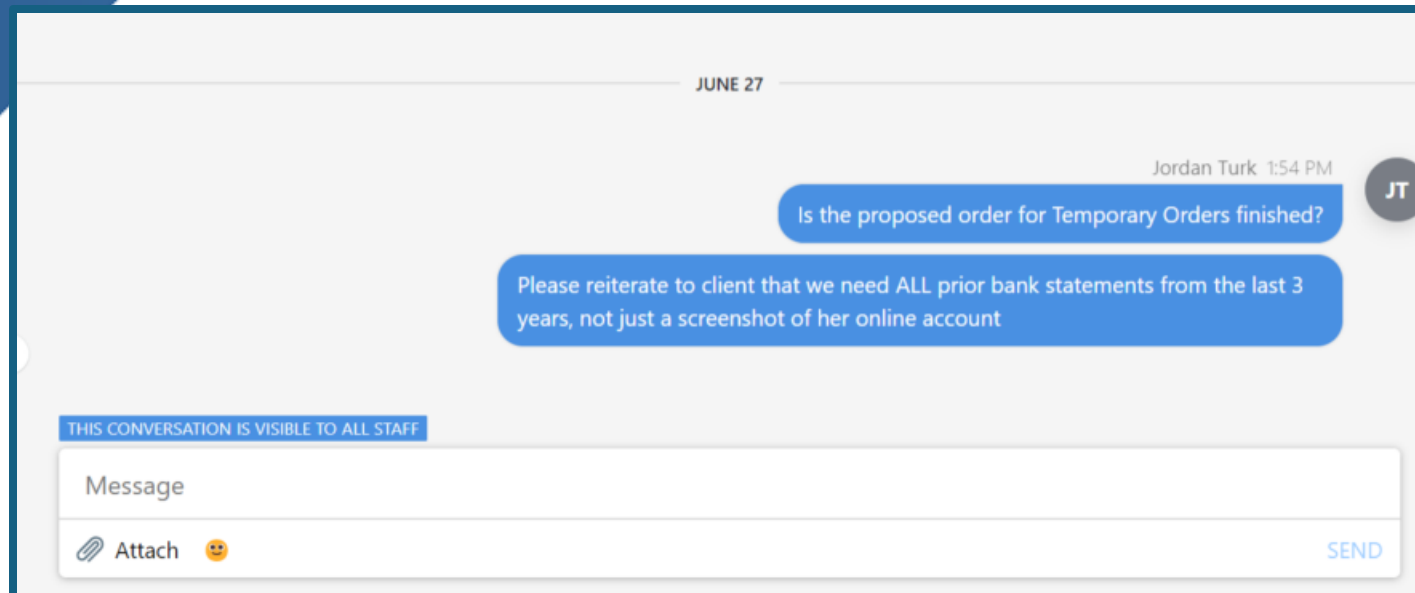
Use technology to your advantage

Everything should be in one place where all staff can see the last communication to the client

A single source of truth is convenient and less stressful for the client (can also export entire conversation when case is concluded for CYA purposes)



Communication within the Firm



Internal communication can be just as important as external messages to the client

Again, a single source of truth is useful so that you can easily manage staff without playing an email game

Easier than hunting around in your emails

Makes things cleaner, so when client contacts your office there's not a lot of paper shuffling and "um, let me see if I can find out what's going on in your case."

Story Time



IN THE MATTER OF SHANNON BRILEY-HOLMES. PER CURIAM

- 2018 sanctions case
- Among other super egregious conduct, attorney Briley-Holmes failed to respond to the client's communications for two months in a child custody case
- In a separate matter, the attorney drafted a QDRO and failed to forward it to the client or OC, and then she did not respond to her client's emails for TWO YEARS
- Result: DISBARRED

Vague or Inaccurate Billing

The Problem

No consistency. No "billing bible." Typos and inconsistencies erode client trust and make the firm look unprofessional to judges and opposing counsel.

"I just paid you \$20k and you misspelled 'correspondence' in my invoices?"

The Risk

When clients contest fees, the matter goes to an ethics committee or arbitration panel. Sloppy billing gives them every excuse to cut down your invoices.

The Fix

Create a firm-wide **billing bible**: standardized language, formatting rules, and a review process before invoices go out the door.

Always Show Your Discounts/Credits!

- If you EVER provide a discount, credit, and/or no charge for legal work, HAVE THAT BE REFLECTED ON YOUR INVOICES!
- This gives you an added layer of protection should a grievance be filed, etc.

#6 ETHICAL MISTAKE

Improper Handling of Unearned Fees

Improper Handling of Unearned Fees

"Non-refundable retainer" language in fee agreements is often **not accurate** under bar rules. Also, when a refund is owed but the client can't be located, most bars direct firms to follow the state's **Unclaimed Property Act** after a reasonable search period.

“Non-Refundable” Retainers: California Example

There is a distinction between a “true” retainers and other advance payments.

“True” Retainers: paid SOLELY to secure the availability of the attorney over a given period of time (because it takes the attorney out of the marketplace and precludes them from undertaking other legal work); earned upon receipt.

These are very rare nowadays!

Many times, what attorneys call a retainer is effectively a security deposit or advance payment of fees. These are of course, refundable.

See Baranowski v. State Bar, 24 Cal. 3d 153 (1979) and Rule 1.5 for more info



Be Careful With Flat Fees, Too

Cal. Rules of Professional Conduct, rule 1.15

“(b) Notwithstanding paragraph (a), a flat fee paid in advance for legal services may be deposited in a lawyer’s or law firm’s operating account, provided:

(1) the lawyer or law firm* discloses to the client in writing* (i) that the client has a right under paragraph (a) to require that the flat fee be deposited in an identified trust account until the fee is earned, and (ii) that the client is entitled to a refund of any amount of the fee that has not been earned in the event the representation is terminated or the services for which the fee has been paid are not completed; and

(2) if the flat fee exceeds \$1,000.00, the client’s agreement to deposit the flat fee in the lawyer’s operating account and the disclosures required by paragraph (b)(1) are set forth in a writing* signed by the client.”

Failure to Properly Disburse Funds: California Example

- **Question:** What if I have trust funds that I need to refund back to the client, but I cannot locate the client?
- **Unclaimed Property:** See Formal Opinion 1975-36, where the Committee suggests unclaimed monies may be subject to distribution pursuant to the Unclaimed Property Law (Code Civ. Proc., Sec. 1518 et seq.)

#7 ETHICAL MISTAKE

Confidentiality Lapses

Three growing threat areas every firm must address:

Unsecured Wi-Fi

Mobile hotspots are a must for attorneys and staff working remotely.

Cybersecurity

Firm-wide protocols and training are non-negotiable.

AI Tools

Attorneys must understand what data they're sharing with AI platforms.



Confidentiality of Information

From ABA Model Rule 1.6 – Client-Lawyer Relationship

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).

Attackers are getting **much more sophisticated**, and targeting law firms in particular

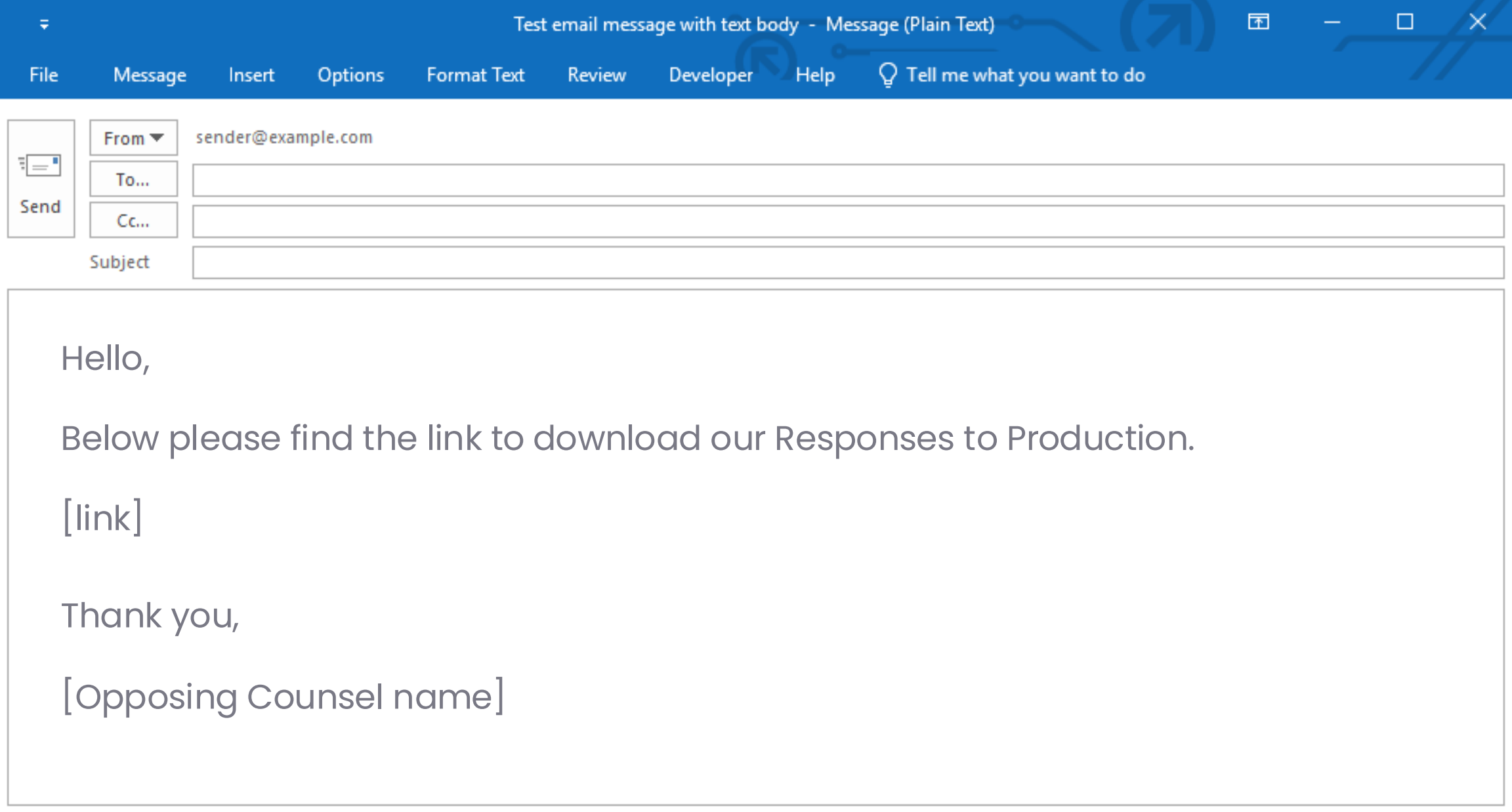
See Seyfarth, McCarter & English, and Stevens & Lee security breaches



A 2024 survey by Arctic Wolf and **Above the Law** found that **39%** of respondents reported that their firm had a security breach that they were aware of **in the last year.**

See <https://arcticwolf.com/resource/aw/law-firm-cybersecurity-in-the-new-reality?lb-mode=overlay>

Email Cyber Threat Example for Firms



The screenshot shows an email client window titled "Test email message with text body - Message (Plain Text)". The interface includes a menu bar with options: File, Message, Insert, Options, Format Text, Review, Developer, Help, and a search icon with the text "Tell me what you want to do". Below the menu is a "Send" button and a list of fields: From (sender@example.com), To..., Cc..., and Subject. The main body of the email contains the following text:

Hello,

Below please find the link to download our Responses to Production.

[link]

Thank you,

[Opposing Counsel name]

Wireless Router Attacks

- Wireless Routers provide a foothold when the router is attacked from the wide-area network (WAN) side, or the side attached to the Internet.
- Threat Actors infiltrate the home network and then entertainment and internet of things (IoT) devices serve as mechanisms to enable persistence, or the ability for the threat actor to re-obtain entry over time.
 - Smart devices like home security cameras, digital assistants, gaming systems, thermostats, appliances and TVs pose the highest risks
- Threat Actors often stay in networks for months before deploying ransomware or exfiltrating valuable data.



TIP: Set up two separate internet connections to a single router and keep smart devices separated from devices containing sensitive information (smart phones, laptops, tablets, etc.)

Public WiFi

- Starbucks, hotels, etc.
- Generally unencrypted and unsecure
- Man-in-the-Middle Attack: attacker makes his/her own WiFi hotspot, that people then join
- Programs you can download to hack public WiFi
- Spoofing, prevalent in hotel WiFi, where guests log into a “free hotel WiFi” page, but they do not realize it’s been compromised



TIP: Start utilizing mobile hotspots for yourself and your staff



Proactive Cybersecurity Tips

- Regular and robust phishing training for all employees
- Multi-factor authentication for access into any system
- Ensure systems have off-line/cloud backups
- Install network monitoring and response tool: Endpoint Detection and Response (“EDR”)
- Implement and practice your Incident Response Plan
- Have trusted partners chosen and on stand-by; legal, forensics, insurance broker



TIP: If hit with ransomware: disconnect all machines from the network but not power off



AI Hallucinations

Understand the Dangers of an Open System & keep your attorneys out of the disciplinary process

- For software like ChatGPT, everything that you put into it becomes freely available (meaning the software takes that data and learns from it), so be very careful with what you put into it
- When vetting vendors/providers, ask if they share information with a third party
- Legal tech companies care more about your license to practice than a random third-party company, so they have more of an emphasis on security and a vested interest in protecting you
- Ask what type of guardrails the company has in place (1) for security purposes; and (2) to be able to verify the accuracy of the generative AI output



On January 2, 2026, this Court issued a lengthy Decision and Entry detailing more than a dozen fraudulent citations made by Defendant/Counter-Plaintiff Mary T. Scott, Esq., both *pro se* and as former counsel for co-Defendant/Counter-Plaintiff Sandra Lee Collier, and/or by H. Leon Hewitt, Esq., current counsel for Collier. (Doc. #113, PAGEID 2020-26). These fraudulent citations were made by Scott in Collier and Scott’s Motion to Dismiss (Doc. #13) and Reply in support of same (Doc. #69), signed by Scott alone, and Collier and Scott’s memorandum

Kettering Adventist Healthcare v. Sandra Collier, et al.	S.D. Ohio (USA)	25 February 2026	Lawyer	Implied	Fabricated	Case Law (4)	False Quotes	Case Law (1)	Misrepresented	Case Law (4)	Contempt Finding; Brief Struck; Monetary Sanction	7500 USD		Defendant's Motion to Dismiss
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review of the citations, the Court concluded that Scott and Hewitt had violated Rule 11’s requirement that an attorney signing a filing “certif[y] that to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances[,] the claims, defenses, and other legal

Disciplinary judge approves lawyer's suspension for using ChatGPT to generate fake cases

Colorado's top attorney regulator said it was the state's first discipline decision to her knowledge involving AI

Michael Karlik michael.karlik@coloradopolitics.com Dec 2, 2023 0

10:02 Respondent: I think all of my case cites from ChatGPT are garbage...I can't even find the cases in Lexis.

10:03 Paralegal: Did you not check them after it gave them to you?

10:03 Respondent: no. like an idiot.

10:12 Paralegal: Are you going to withdraw it?

10:12 Respondent: I have no idea what to do. I am trying to find actual case law in our favor now to present to the judge. I don't have time for this...

Crabill "had never drafted a MSA. He went through past motions from the firm and sought to find templates for making an argument to set aside the judgment," the filing stated.

After filling in the template with case-specific details, Crabill wanted to bolster his legal citations. He used the AI program ChatGPT to search for cases that appeared to support his client's position. In the belief that he was using his client's money efficiently and reducing his own stress close to the deadline, he added the AI case citations to his brief without verifying their accuracy.

#8 ETHICAL MISTAKE

Poor Conflict Check Processes

Run a conflict check in your system *and* email the entire firm. Intake bottlenecks are where conflicts slip through. Build a structured intake workflow so nothing falls through the cracks.





#9 ETHICAL MISTAKE

UPL & Poor Supervision

Many managing partners don't realize it's their bar card on the line when staff engages in unauthorized practice of law. Proper supervision processes are mandatory—not optional. (See: Florida disciplinary cases as a cautionary extreme)



Responsibilities of Partners, Managers, and Supervisory Lawyers

From ABA Model Rule 5.1 – Law Firms and Associations

(c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:

(1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Maybe Don't Hire the Walking Red Flag

FL DISCIPLINARY BOARD V. GILBERT (FL BAR)

Facts of the case

- An attorney knowingly hired an employee who was previously convicted of 11 counts of wire fraud and sentenced to 41 months imprisonment, with 5 years probation and restitution of \$7.9 million
- This employee was hired despite a federal probation officer's warning that it was inappropriate to hire a man previously convicted of fraud and embezzlement
- Five months into his employment, the employee steals and forges the owner's signature on an account check to pay for his girlfriend's \$20,950 cosmetic surgery
- The employee is terminated but is brought back a few years later and given full reign over real estate closings
- The employee takes IOLTA funds intended to pay off client mortgages and transfers them to a shell company, keeping the mortgages alive by making monthly payments, and paying staff from IOLTA
- **THE EMPLOYEE ULTIMATELY STOLE \$4,750,708.70.**

Maybe Don't Hire the Walking Red Flag

FL DISCIPLINARY BOARD V. GILBERT (FL BAR)

Findings:

- The attorney failed to supervise staff due to lack of meaningful post-closing supervision and follow-up of employee actions

Maybe Don't Hire the Walking Red Flag

FL DISCIPLINARY BOARD V. GILBERT (FL BAR)

Discipline?

Disbarred!



In New York, a Court sanctioned a **supervising attorney** for lack of familiarity with AI tools that were used by the associate

Cassata v Michael Macrina Architect, P.C.

Annotate this Case

[*1]

Cassata v Michael Macrina Architect, P.C.

2026 NY Slip Op 26014

Decided on January 27, 2026

Supreme Court, Suffolk County

Kevin, J.

Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This opinion is uncorrected and subject to revision before publication in the printed Official Reports.

Decided on January 27, 2026

Supreme Court, Suffolk County

Michele Cassata, Ross Cassata, Plaintiffs,

against

Michael Macrina Architect, P.C., Defendant.

#10 ETHICAL MISTAKE

Lack of Proper File Management

Critical Rule

You **cannot** withhold a client's file pending payment. When a client demands their file, you must provide it—period.

From CA Formal Opinion 1994-134: "The attorney may not, however, hold the file hostage in order to obtain payment or other consideration from the client in exchange for the delivery of the file to the client."

Common Problems

- Client demands their file and the firm can't locate it
- Attempting to hold files hostage over unpaid bills
- Sharing files via non-HIPAA-compliant platforms

The Fix

Technology solves this. Use **HIPAA-compliant file-sharing platforms** and maintain organized, accessible digital records from day one of every matter.

☆ BONUS

Bonus Tips From Jordan



Getting Hours In on Time

When attorneys won't submit their hours, technology helps. Automate reminders and use practice management tools that make time entry frictionless.



Document Automation

Implement doc automation to prevent embarrassing errors. Standardized templates reduce risk and save time across the entire firm.



Always CYA

As a legal admin, always cover yourself. Email out summaries of conversations and key decisions. AI tools can help draft these quickly and consistently.





☆ BONUS

Always, always check on the license status of OC and co-counsel!

- Add this to your workflows
- You'd be shocked at the amount of people who try to practice with a revoked or suspended license
- If you find this to be OC, file a Motion to Show Authority and set it for hearing ASAP

Key Takeaways

Workflow = Ethics

Most ethical violations start as operational failures. Fix the workflow, protect the firm.

Systems Save Bar Cards

Trust reconciliation, conflict checks, calendaring—build the systems so attorneys don't have to rely on memory.

Tech Is Your Ally

Practice management software, doc automation, and HIPAA-compliant tools reduce risk and keep the firm audit-ready.

Admins Are the First Line

You are not just support staff—you are the firm's compliance backbone. Own that role.





Thanks for joining!



Jordan Turk

Attorney & Director of Education &
Attorney Development at Smokeball

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