

The background of the slide is a dark blue gradient. In the center, there is a large, intricate, and colorful scribble made of many thin, overlapping lines in various colors including purple, pink, red, orange, yellow, green, and blue. The lines are tangled and chaotic, creating a complex, abstract shape that resembles a stylized figure or a dense cluster of threads. The text 'ETHICS AND UPDATES' is overlaid on this central graphic in a bold, white, sans-serif font.

**ETHICS  
AND  
UPDATES**

# Ground Rules

---

- **Minimize side conversations**
- **Treat everyone's ideas with respect. It's ok to disagree but don't personalize it.**
- **Be fully present and listen**

**Jennifer  
Morgan**

---

**Family Defense  
Program  
Manager**

**Certified Child  
Welfare Law  
Specialist**

# **National Association of Counsel for Children**

**<https://naccchildlaw.org/>**

**Child Welfare Law  
Specialist**

# Child Welfare Law Specialist

- **3 or more years practicing law**
- **30% or more of the last three years involved in the field of child welfare law**
- **A resume/CV detailing your involvement in the field**
- **36 hours of continuing legal education within the last three years in courses relevant to child welfare law (45 hours in CA; 36 hours of state-approved CLE in IN, OH, and SC)**
- **A writing sample drafted within the last three years that demonstrates legal analysis in the field**
- **Your public and private disciplinary history**
- **Peer review responses**



# **Who we are**

# **Family Defenders**

**You are defending FAMILIES  
against unjust or prolonged  
intrusion by the State**






# **CLIENT DRIVEN REPRESENTATION**

**!!!!!**



# Preamble Rules of Professional Conduct



As advocate, a lawyer **ZEALOUSLY**  
asserts the client's position under  
the rules of the adversary system



# Rule 1.3 Diligence

A Lawyer shall act with reasonable diligence and promptness in representing clients.

Comment: A lawyer should act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf

# Client Communications

---

## Rule 1.4

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

# Topics You MUST Talk About With Your Client

## Petition

Service of Process?  
What are the Allegations?  
What does that mean?  
Cooperation?  
Confidentiality

## Case Plan

What needs to be on their case plan?  
Understand they have input?  
Not just a checklist

## Adjudication

Admit, Deny or Remain Silent?  
Burden of Proof  
Witnesses  
Criminal Implications?

## Time Frames

How long before the plan changes?  
What would the plan change to?

# **Loyalty to a Client**

**It doesn't matter who pays you,  
your loyalty is to your Client!  
Rule 1.7 & 6.2**

# CONFIDENTIALITY

## Rule 1.6

- (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).
- (2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interest or property of another and in furtherance of which the client has used or is using the lawyer's services;

# Lawyer Client Privilege

MS Rules Of Evidence Rule 502 (a)(5) A communication is “confidential” if not intended to be disclosed to third persons other than those:

- (A) To whom disclosure is made to further rendition of professional legal services to the client; or
- (B) Reasonably necessary to transmit the communication.



Committee note: A communication which takes place in the presence of a third party IS NOT CONFIDENTIAL unless it complies with the statement in Rule 502(a)(5)

# Confidentiality Challenges in Family Defense

- 1 Family Involvement
- 2 Candor Towards the Tribunal
- 3 CPS wants reciprocal information

# **Candor to the Tribunal**

## **Rule 3.3**

- (1) Not knowingly make a false statement**
- (2) Fail to disclose to avoid assisting a criminal or fraudulent act**
- (3) Fail to disclose legal authority**
- (4) Offer evidence that lawyer knows to be false**



# Conflicts of Interest

## Rule 1.7

(a) A lawyer shall not represent a client if the representation of that client will be directly adverse to another client, unless the lawyer reasonably believes: (1) the representation will not adversely affect the relationship with the other client; and (2) each client has given knowing and informed consent after consultation. The consultation shall include explanation of the implications of the adverse representation and the advantages and risks involved. (b) A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, unless the lawyer reasonably believes: (1) the representation will not be adversely affected; and (2) the client has given knowing and informed consent after consultation. The consultation shall include explanation of the implications of the representation and the advantages and risks involved.

## Rule 1.8

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, or administrative proceedings, except that: 1. A lawyer may advance court costs and expenses of litigation, including but not limited to reasonable medical expenses necessary to the preparation of the litigation for hearing or trial, the repayment of which may be contingent on the outcome of the matter; 2. A lawyer may advance necessary living expenses incurred.

## Rule 1.9

**A lawyer who has formerly represented a client in a matter shall not thereafter: (a) represent another in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client consents after consultation; or (b) use information relating to the representation to the disadvantage of the former client except as Rule 1.6 would permit with respect to a client or when the information has become generally known.**

The background of the slide is a dark blue gradient. It features abstract, colorful line art in shades of pink, purple, blue, and green. These lines are concentrated in the corners and center, creating a sense of movement and complexity. The lines are thin and overlapping, forming intricate patterns that resemble tangled threads or digital data streams.

# What about a GAL's Conflict of Interest???

# Reporting Suspected Child Abuse

**43-21-353**

(1) Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, public or private school employee or any other person having reasonable cause to suspect that a child is a neglected child, an abused child, or a victim of commercial sexual exploitation or human trafficking shall cause an oral report to be made immediately by telephone or otherwise

**Hotline**

1-800-222-8000

**Website**

<https://reportabuse.mdcps.ms.gov/>

# 43-21-261

(3) Upon request, the parent, guardian or custodian of the child who is the subject of a youth court cause or any attorney for such parent, guardian or custodian, shall have the right to inspect any record, report or investigation relevant to a matter to be heard by a youth court, except that the identity of the reporter shall not be released, nor the name of any other person where the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of such person. The attorney for the parent, guardian or custodian of the child, upon request, shall be provided a copy of any record, report or investigation relevant to a matter to be heard by a youth court, but the identity of the reporter must be redacted and the name of any other person must also be redacted if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life, safety or well-being of the person. A record provided to the attorney under this section must remain in the attorney's control and the attorney may not provide copies or access to another person or entity without prior consent of a court with appropriate jurisdiction.

# Long Game VS Short Game



# Short Game

- 1 **Zealous advocacy for  
THIS client**
- 2 **Winning this hearing**
- 3 **Achieving reunification or  
alternative placement  
ASAP**

# Long Game

- 1 **Be diligent, reliable,  
trustworthy**
- 2 **Do your homework!!!!**
- 3 **Be an asset to the case**

# Helping Client with Paperwork

You can help them with  
appeals forms pro se  
Ethics Opinion #261





# **Best Practices**

**Engagement letter - Make sure you and your client understand the scope of your representation**


**Document Document Document!!!!**



# Proposed Legislation

## **SB2792** **Foster Care and** **Adoption** **Recommendations**

## **HB1624** **CASA Bill**



# IV-E Funding

- 1 **What is it?**
- 2 **How it can help all of us**
- 3 **How you can help us get more of it**

# REPORTING!!!!!!

1.	Client Name: <u>Allen</u>	MYCIDS #: <u>156151</u>	CPS CUST. Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
2.	Client Name: <u>Allen</u>	MYCIDS #: <u>156512</u>	CPS CUST. Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
3.	Client Name: <u>Allen</u>	MYCIDS #: <u>156513.</u>	CPS CUST. Y <input checked="" type="checkbox"/> N <input type="checkbox"/>

**Proof of Payments Made**  
**Invoices, County Pay Records**



**WHAT WOULD SHAD SAY???**

# Discussion

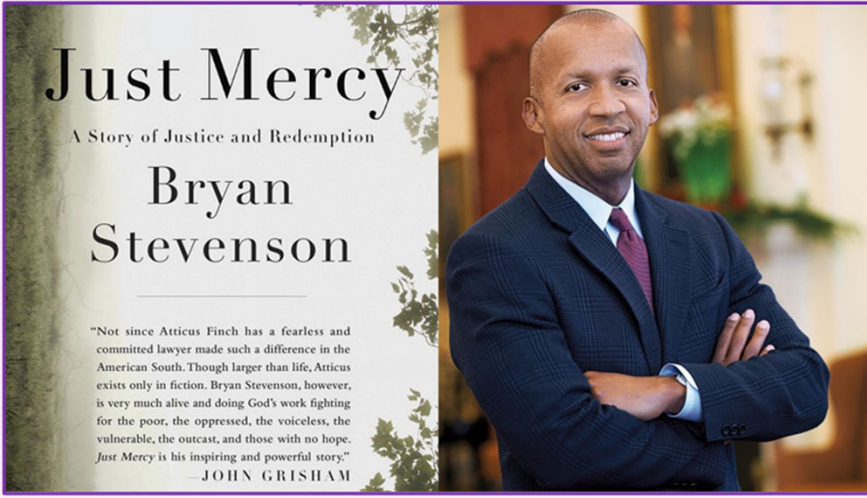
**Contact with CPS Rule 4.2???**

**Child's Attorney?**

**Questions you ran into?**

**I have come to understand and believe that each of us is more than the worst thing we've ever done. I believe that for every person on the planet. I think that if somebody tells a lie, they're not just a liar. I think that if somebody takes something that doesn't belong to them, they're not just a thief. I think that if you kill someone, you're not just a killer. And because of that, there's this basic human dignity that must be respected by the law.**

**- Bryan Stevenson**



The image features a central dark blue rectangular area containing white text. This central area is set against a light pink background. In the bottom-left and top-right corners of the overall image, there are intricate, colorful line-art designs. These designs consist of numerous thin, overlapping lines in shades of pink, purple, blue, and green, creating a sense of movement and depth. The text is centered within the dark blue area and is presented in a clean, sans-serif font.

**Jennifer Morgan**  
**[jmorgan@ospd.ms.gov](mailto:jmorgan@ospd.ms.gov)**  
**Office: 601-576-4209**  
**Cell: 662-415-3811**



**Thursday, March 21,  
2024**

**2:30pm – 3:30pm**

***Ethics & OSPD Updates***

**Jennifer Morgan**

