

Appellate Law

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Recent Ethical Disasters: Appellate Courts' Responses to Bad Lawyering

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Appellate courts often confront various forms of deficient lawyering, particularly involving questions of dishonesty and frivolity. These ethical issues are addressed by the Appellate Group's co-chair in an article originally published in the latest issue of California Litigation, the journal of the Litigation Section of the State Bar of California.

What's new in ethical train-wrecks? Perhaps not much "new," but plenty of reminders about what's important.

Scout's Honor

Starting with the basics of honesty and integrity, counsel should not mislead the court. This truism is especially crucial when representing an organization priding itself on "truth" and "helpfulness," like the Girl Scouts. Thus, in *Girl Scout Manitou Council v. Girl Scouts of America* (7th Cir. 2011 WL 2119752), Judge Posner came down hard on counsel for misleadingly describing case law. Similarly, the Massachusetts Bar censured a lawyer for "as brazen a piece of misrepresentation as we have ever seen," by no using an ellipses to indicate omission of key facts and findings. (*In re Vincent N. Cragin*, www.mass.gov/obcbbo/pr11-01.htm.)

Read the full article [here](#).

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