

ETHICS IN THE CEQA CONTEXT

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Daniel W. Hager
Roeca Haas Hager LLP
351 California Street, Suite 900
San Francisco, CA 94104
415.352.0980

Program Overview

- Speaker's Background
- The Consequences Of Ethical Breaches
- Which Ethical Standards Apply?
- To Whom Do Your Ethical Duties Run?
- Conflicts Of Interest
- Duties Of Confidentiality
- Recent Developments In Legal Ethics

The Consequences Of Ethical Breaches

- Malpractice and other civil claims
- Disciplinary claims
- Criminal liability
- Disqualification
- Disgorgement of fees
- Adverse impact on projects and client relationships

Which Ethical Standards Apply?

- Lawyers:
 - State Bar Act (Govt. Code § 6000 et seq.)
 - California Rules of Professional Conduct
 - Case law
- Public officials, employees, consultants for public agencies
 - Government Code § 1090
 - Government Code § 87100

- Planners
 - AICP Code of Ethics and Professional Conduct
- Archaeologists
 - RPA Code of Conduct
- Wildlife Biologists
 - Code of Ethics and Standards for Professional Conduct

To Whom Do Ethical Duties Run?

- Agencies
- Consultants
- Planners, biologists, archaeologists
- Lawyers
 - Who is the client?

Conflicts Of Interest

- Lawyers
 - Rule 3-300: attorney financial conflicts with clients
 - Rule 3-300: conflicts between clients
 - Rule 3-320: relationships with opposing counsel
- Public officials, employees and consultants
 - Government Code § 1090,
 - Government Code § 87100
- Planners, archaeologists, and wildlife biologists

Government Code § 1090

- Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.

Government Code § 87100

- Political Reform Act
- “No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.”

Duties Of Confidentiality

- Lawyers: Rules 3-300, 3-310, 3-320
- Planners, wildlife biologists, archaeologists: respective ethics codes
- Public officials and agencies: Brown Act