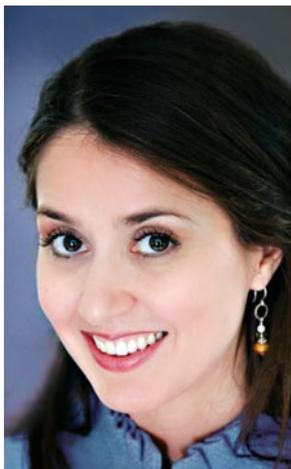# DON'T CALL SAUL, CALL THE ETHICS HELPLINE INSTEAD

As Saul Goodman says, "There is no honor among thieves … except for us, of course."

I ADMIT IT. I WAS LATE TO THE GAME, BUT I AM FINALLY WATCHING *BREAKING BAD.* Better late than never, right? I delayed starting the wildly popular AMC series because the theme and basic premise did not appeal to me. I just could not relate. Chemistry and the periodic table still confuse me, and as Nancy Reagan taught me, I "just say no" to drugs! However, I have to admit that while the show's leading characters—methamphetamine kingpins Walter White and Jesse Pinkman—are well developed and entertaining, the character that constantly shocks me the most is their attorney, Saul Goodman.

For those who are even later to the show than I, Saul is a morally and ethically challenged lawyer with cheesy late-night television commercials and a catchy slogan— "Better Call Saul!" Located in a strip mall in a bad part of town, Saul's law office has an inflatable Statue of Liberty on its roof and wallpaper throughout displaying the handwritten text of the U.S. Constitution. When Walter and Jesse initially retain Saul, he tells them, "You don't want a criminal lawyer, you want a *criminal* lawyer." Saul is an unabashedly amoral caricature of the underbelly of our profession. He has yet to meet an ethical line that he could not cross.

Is ethical a word that describes you and your practice? I remember taking the Multistate Professional Responsibility Examination prior to graduating from law school and thinking that surely some of the outrageous scenarios on the test do not actually happen in the real world. But now I think that I might have been a little naive. Maybe not everyone has clients like Walter White and Jesse Pinkman, but has a client ever asked you to stretch the truth? How did you respond?

I recently had a (former) client ask me to lie to opposing counsel, and then—in an effort to flatter me—this client said, "I know you are one of those attorneys who can make anything happen." I was stunned. I am no Saul Goodman. I immediately informed my client that she might need to find another attorney, but the situation got me thinking. *How many attorneys would have agreed to this client's request? If the client was a "big" client, would you play by the ethical rules or would you start to deviate?* As Saul Goodman says, "There is no honor among thieves … except for us, of course."

As Texas lawyers, we are duty-bound to abide by the Texas Disciplinary Rules of Professional Conduct, which are rules of reason, and the Texas Rules of Disciplinary Procedure, which define proper conduct for purposes of professional discipline. I would encourage you to take a few minutes and review both as a reminder of what it means to be a Texas lawyer or for guidance if you are facing an ethical dilemma caused by a less-than-scrupulous client.

TYLA also has prepared the *Thumbnail Guide to Texas Ethics*, which provides an overview of the attorney discipline process and some of the most frequently violated rules of professional conduct. For more information, go to tyla.org. Another available resource is the State Bar of Texas Attorney Ethics Helpline—a free service that provides non-binding advice on how to access the rules and find relevant ethics opinions and case law to help you make informed, ethical decisions. You can reach the Attorney Ethics Helpline at (800) 532-3947. Finally, if you find yourself in a Saul Goodman situation, TYLA created the *TYLA Pocket Guide: Grievance and Malpractice 101*, which is a great resource to help you navigate the grievance process. You can download it at tyla.org.

In fairness to Saul, I just started watching the final season of *Breaking Bad*, so I have no idea if his character has an ethical change of heart before the series ends. From what I have viewed thus far, Saul is a great example of what *not* to do. However, I hear the finale is shocking … so anything is possible.

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