



WHEN LAWYERS MESS UP, MUST THEY 'FESS UP?

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Robert E. Rains

An ancient saw that's known to all
Informs us "Errare humanum est."
But when we lawyers drop the ball,
Must every error be confessed?

Lawyers are human (or so they say).
The best of us are prone to err.
And when one finds to his dismay
He's caused a boo-boo to occur,

He might not wish to say, "I was wrong."
Much less to say, "Now you should sue me."
Such truth our pain must long prolong
And harm our reputation truly.

Doctors, we're told, bury their mistakes
Which certainly is most convenient.

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But when a lawyer an erratum makes,
She doesn't have such a neat expedient.

Ethical norms and a sense of propriety
Mandate that the client must always come first.
So, like it or not, in the legal society,
We must tell the truth even though we'll be cursed.

But does this duty last forever,
Are we never off the hook?
The ABA has now endeavored
To give this question a good hard look.

The ABA says we must alarm
A *current* client we have harmed,
But if the client is now "former,"
There's no duty to inform her.



So, when a case comes to an end,
Whate'er you do, do not review
The file before you've sat and penned
The final letter saying adieu.

You might find something that you blew.
So close that file; do not look back.
If trouble you don't wish to brew,
Ignorance is the safest tack.

Afterwards, if you should look
And realize you may have erred,
No problem: you'll be off the hook.
The ABA says, "Mum's the word."

