

## The Analytical Model

1. What do the Model Rules say about your proposed action?
    - a. Is the rule an “imperative” or “permissive” in nature?
    - b. What do the comments to the rules say?
    - c. How have the courts interpreted the Rules?
    - d. What do secondary sources say about the Rules?<sup>1</sup>
  
  2. What does your “belief system” or moral code say about your proposed action?
    - a. Would your action be a major or minor violation of your beliefs and morals?
    - b. Does your belief system or moral code allow for extenuating or mitigating circumstances in applying those beliefs?
  
  3. What are the consequences of your action?
    - a. To the client
      - i. How will the client be harmed by your action?
    - b. To you
      - i. Civil litigation
      - ii. Disciplinary
        1. reprimand to disbarment
      - iii. Pecuniary
        1. loss of business/income
      - iv. Reputation
        1. within the legal community
        2. within the community at large
        3. among your family and friends
    - c. To the legal system
      - i. Will “justice” be served?
      - ii. To the perception of the legal profession
  
  4. What are your alternatives?
    - a. Do nothing
    - b. Restructure the situation/theory to avoid conflicts
    - c. Withdraw as the attorney
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