ETHICS
The Girardi Effect

Doug Ridley – Ridley Defense, APC

RIDLEY DEFENSE

TOM GIRARDI

RIDLEY DEFENSE

State Bar Ethics MCLE

- MCLE activities for legal ethics credit must focus on attorneys' professional responsibility and obligations, including education on, and citation to:
  - California Rules of Professional Conduct
  - State Bar Act
  - and related authorities such as applicable case law, ethics opinions, the ABA Model Rules, or the professional conduct rules of a tribunal.

RIDLEY DEFENSE

State Bar Ethics MCLE

- Activities that focus on the ethics of business, corporate or government affairs, or society in general do not qualify for MCLE credit.

RIDLEY DEFENSE

TOM GIRARDI

The State Bar of California

BOARD OF TRUSTEES

180 Howard Street, San Francisco, CA 94105

November 3, 2022

OPEN LETTER REGARDING THE STATE BAR'S THOMAS V. GIRARDI DISCLOSURE

Today, the State Bar of California is releasing information about disciplinary matters that were opened and closed over the past 40 years involving now-disbarred attorney Thomas V. Girardi. The handling of the Girardi matters brought to light serious failures in the State Bar's attorney discipline system, failures that have contributed to a lack of confidence in the State Bar's ability to carry out our core responsibility of protecting the public. There is no excuse being offered here; Girardi caused irreparable harm to hundreds of his clients, and the State Bar could have done more to protect the public. We can never allow something like this to happen again.

I speak on behalf of the entire Board of Trustees when I say that we want the public to know

RIDLEY DEFENSE

TOM GIRARDI

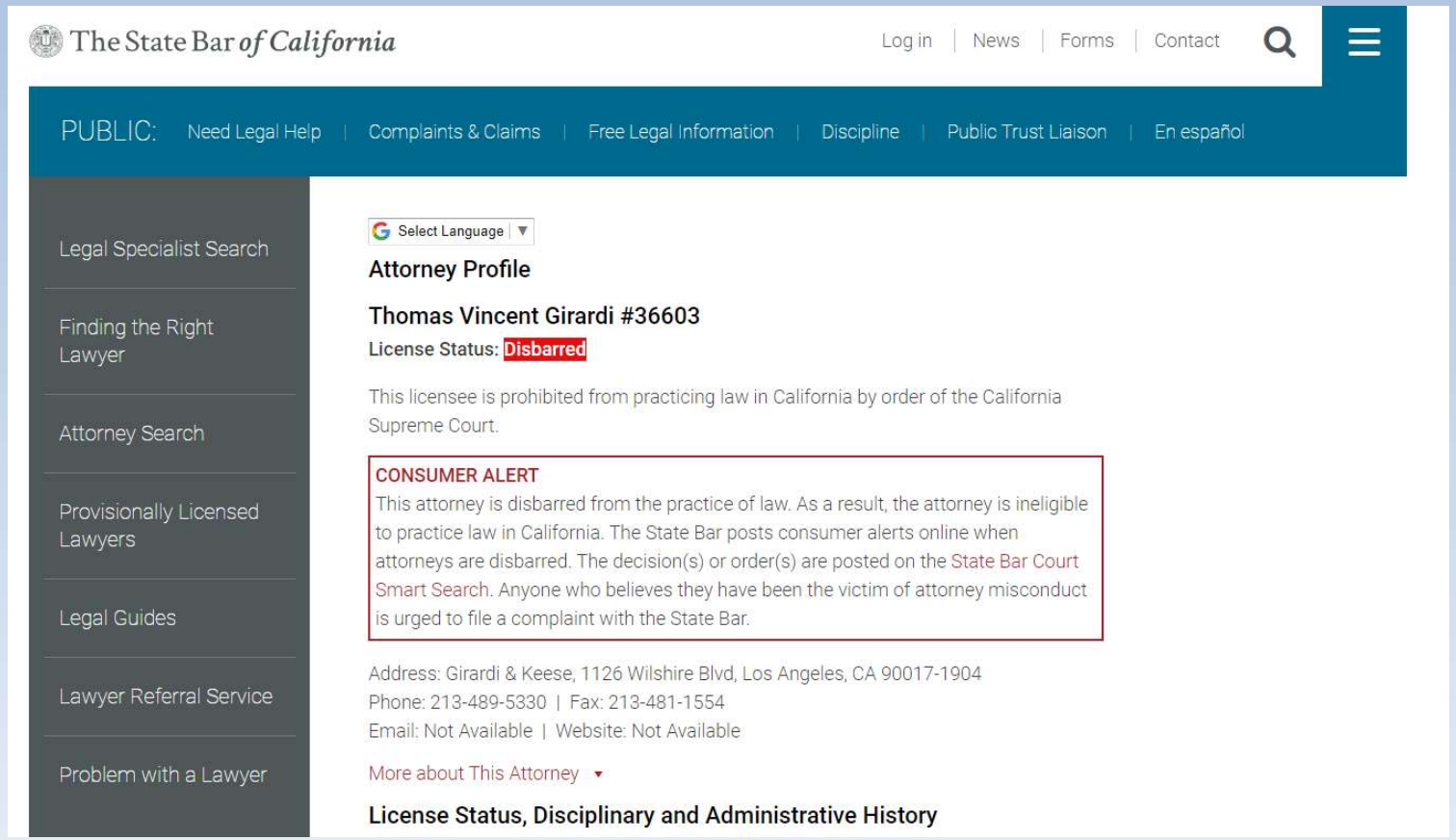
THE GIRARDI DISCLOSURE – THE NUMBERS

Over the past 40 years, the State Bar opened 205 disciplinary matters about Girardi. Of the 205 matters, approximately 120 involved allegations relating to client trust account violations. The remaining disciplinary matters involved various allegations ranging from failure to communicate with clients to failure to perform, as well as misrepresentations to courts and clients, among others. Of these 205 disciplinary matters, the State Bar received 69 complaints on or after December 18, 2020, when a petition was filed to force Girardi's law firm into bankruptcy. Nearly 60 of those recent complaints alleged client trust account violations.

Three of the 205 disciplinary matters resulted in Girardi's disbarment earlier this year. An additional 64 matters were thereafter closed due to his disbarment—after a disbarment, there is no further disciplinary action the State Bar can take. Before his disbarment, Girardi was never

RIDLEY DEFENSE

TOM GIRARDI



The State Bar *of California*

Log in | News | Forms | Contact

PUBLIC: Need Legal Help | Complaints & Claims | Free Legal Information | Discipline | Public Trust Liaison | En español

- Legal Specialist Search
- Finding the Right Lawyer
- Attorney Search
- Provisionally Licensed Lawyers
- Legal Guides
- Lawyer Referral Service
- Problem with a Lawyer

Select Language

Attorney Profile

Thomas Vincent Girardi #36603

License Status: Disbarred

This licensee is prohibited from practicing law in California by order of the California Supreme Court.

CONSUMER ALERT

This attorney is disbarred from the practice of law. As a result, the attorney is ineligible to practice law in California. The State Bar posts consumer alerts online when attorneys are disbarred. The decision(s) or order(s) are posted on the State Bar Court Smart Search. Anyone who believes they have been the victim of attorney misconduct is urged to file a complaint with the State Bar.

Address: Girardi & Keese, 1126 Wilshire Blvd, Los Angeles, CA 90017-1904
Phone: 213-489-5330 | Fax: 213-481-1554
Email: Not Available | Website: Not Available

More about This Attorney

License Status, Disciplinary and Administrative History

RIDLEY DEFENSE

TOM GIRARDI

ETHICS

State bar finds 'shocking past culture of unethical and unacceptable behavior' in its handling of Girardi complaints

BY DEBRA CASSENS WEISS

MARCH 13, 2023, 9:33 AM CDT

Share Like 4 Share Post Email Print

Disbarred trial lawyer Tom Girardi's efforts to buy relationships and exercise influence at the State Bar of California likely caused some ethics complaints against him to be improperly closed, according to an outside review released Friday.

An outside law firm hired by the California bar reached that conclusion after interviews with 74 witnesses and a review of more than 950,000 documents, the bar said in a March 10 press release and an FAQ page.

"Girardi maintained an extensive network of connections at all levels of the state bar," said the February 2023 report by lawyer Aaron May and firm Halpern May Ybarra Gelberg. "As one witness told us, 'It's almost like Girardi became part of the fabric at the state bar.'"

A second 2021 review of 115 complaints lodged with the bar against Girardi found that some

RIDLEY DEFENSE

TOM GIRARDI

Los Angeles Times

CALIFORNIA

California bar suspends 1,600 attorneys for violating rules set up after Tom Girardi allegedly stole millions

Former Los Angeles attorney Thomas Girardi in court in 2014. (Irfan Khan / Los Angeles Times)

By Summer Lin
Staff Writer

July 28, 2023 1:56 PM PT

More than 1,600 attorneys have been suspended by the California State Bar for violating rules about client trust accounts that were set up after disgraced L.A. attorney Thomas Girardi allegedly stole millions of dollars from his clients.

RIDLEY DEFENSE

TOM GIRARDI

Los Angeles Times LOG IN

CALIFORNIA

Tom Girardi on the witness stand: 'I wasn't going to "go steal money"'

Former attorney Tom Girardi outside the U.S. Courthouse in downtown Los Angeles this month. Girardi testified Thursday in his defense. (Myung J. Chun/Los Angeles Times)

RIDLEY DEFENSE

TOM GIRARDI

RIDLEY DEFENSE

TOM GIRARDI

- https://www.justice.gov/usao-cdca/pr/disbarred-personal-injury-lawyer-tom-girardi-found-guilty-defrauding-clients-out-tens

- https://www.justice.gov/usao-cdca/pr/former-accounting-chief-now-shuttered-girardi-keese-law-firm-pleads-guilty-embezzling

RIDLEY DEFENSE

Rule 8.3 – reporting on others

- Must report if credible evidence of:
  - Criminal act
  - Dishonesty
  - Fraud
  - Deceit or reckless or intentional misrepresentation
  - Misappropriation of funds or property
- Raises a substantial question of honesty, trustworthiness, or “fitness as a lawyer in other respects.”

RIDLEY DEFENSE

Ethics of LISTSERVS

AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

Formal Opinion 511 **May 8, 2024**

Confidentiality Obligations of Lawyers Posting to Listservs

Rule 1.6 prohibits a lawyer from posting questions or comments relating to a representation to a listserv, even in hypothetical or abstract form, without the client's informed consent if there is a reasonable likelihood that the lawyer's questions or comments will disclose information relating to the representation that would allow a reader then or later to infer the identity of the lawyer's client or the situation involved. A lawyer may, however, participate in listserv discussions such as those related to legal news, recent decisions, or changes in the law, without a client's informed consent if the lawyer's contributions will not disclose, or be reasonably likely to lead to the disclosure of, information relating to a client representation.

Introduction

This opinion considers whether, to obtain assistance in a representation from other lawyers on a listserv discussion group, or post a comment, a lawyer is impliedly authorized to disclose information relating to the representation of a client or information that could lead to the discovery of such information.[1] Without the client's informed consent, Rule 1.6 forbids a lawyer from posting questions or comments relating to a representation—even in hypothetical or abstract form—if there is a reasonable likelihood that the lawyer's posts would allow a reader then or later to infer the identity of the lawyer's client or the particular situation involved, thereby disclosing information relating to the representation. A lawyer may, however, participate in listserv discussions such as those related to legal news, recent decisions, or changes in the law, if the lawyer's contributions do not disclose information relating to any client representation. The principles set forth in this opinion regarding lawyers' confidentiality obligations when they communicate on listservs apply equally when lawyers communicate about their law practices with

RIDLEY DEFENSE

ETHICS OF AI

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

Formal Opinion 512 **July 29, 2024**

Generative Artificial Intelligence Tools

To ensure clients are protected, lawyers using generative artificial intelligence tools must fully consider their applicable ethical obligations, including their duties to provide competent legal representation, to protect client information, to communicate with clients, to supervise their employees and agents, to advance only meritorious claims and contentions, to ensure candor toward the tribunal, and to charge reasonable fees.

I. Introduction

Many lawyers use artificial intelligence (AI) based technologies in their practices to improve the efficiency and quality of legal services to clients.[1] A well-known use is electronic discovery in litigation, in which lawyers use technology-assisted review to categorize vast quantities of documents as responsive or non-responsive and to segregate privileged documents. Another common use is contract analytics, which lawyers use to conduct due diligence in connection with mergers and acquisitions and large corporate transactions. In the realm of analytics, AI also can help lawyers predict how judges might rule on a legal question based on data about the judge's rulings; discover the summary judgment grant rate for every federal district judge; or evaluate how parties and lawyers may behave in current litigation based on their past conduct in similar litigation. And for basic legal research, AI may enhance lawyers' search results.

This opinion discusses a subset of AI technology that has more recently drawn the attention of the legal profession and the world at large – generative AI (GAI), which can create various types of new content, including text, images, audio, video, and software code in response to a user's prompts and questions.[2] GAI tools that produce new text are prediction tools that generate a statistically probable output when prompted. To accomplish this, these tools analyze large amounts of digital text culled from the internet or proprietary data sources. Some GAI tools are described as "self-learning," meaning they will learn from themselves as they cull more data. GAI tools may assist lawyers in tasks such as legal research, contract review, due diligence, document review, regulatory compliance, and drafting letters, contracts, briefs, and other legal documents.

RIDLEY DEFENSE

RIDLEY
DEFENSE

RIDLEY
DEFENSE