

The Practice of Professionalism in the World of Entertainment Law

Introduction

The professional conduct rules do not provide rules for every situation in which we may have to interact with opposing counsel. Where opposing counsel can be difficult to work with or may bend the professional rules, how are we to respond?

Professionalism and Civility in Litigation – Examples and Ideas on How to Properly React

Scheduling, Continuances, and Extensions of Time

- You have granted opposing counsel a third request for continuance and an extended period of time has passed;
- Granting opposing counsel's request for continuance may risk making a particular witness or a particular piece of evidence unavailable in the future;
- Granting opposing counsel's request for continuance may violate the court's scheduling order;
- Your client demands that you reject all requests for continuances.

Discovery (Depositions, Documents, and Interrogatories)

- The guidelines provide rules for an honorable way to practice but what do you do if opposing counsel decides to practice in a dishonorable way;
- The appropriate response is: (1) request for sanctions? (2) reciprocate the behavior? (3) find other ways to achieve discovery goals?

Talking to the Press

- The professional rules provide rules of engagement, but the guidelines of civility do not; does an attorney have a professional duty not to engage the press?
- Does that higher duty arise from an attorney's duties to his client? What if the client asks the attorney to "try" the case in the media? What if opposing counsel "tries" the case in the media and your client does not want you to respond? Do you have a duty to defend your client's chance at a fair trial? How do the rules change when your client is a public figure?

Conclusion

Creating and sharing with opposing counsel your own code of conduct may provide a solution.

ABA Forum on the Entertainment and Sports Industries
International Legal Symposium on the World of Music, Film, Television and Sports
Friday, April 29, 2011, 8:00 AM – 9:00 AM

Biography

Jonathan Tanoos is an attorney licensed in California. He graduated from college at University of California, Berkeley in 2004, and graduated from law school at University of Miami in 2009. During law school, he interned with judges, prosecutors, and public defenders in South Florida and Southern California to focus on his interest in criminal law. He worked with a public defender in San Diego County's Sexually Violent Predator Unit and with prosecutors at the narcotics section at the U.S. Attorney's Office in the Southern District of Florida. After law school, he assisted an attorney represent clients under the Criminal Justice Act in the Central District of California. He has recently returned to Miami. He is now working with Florida attorneys to defend a client in a public corruption case in Miami-Dade County and to defend a Major League Baseball player in a dispute with his agent.

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