

LAWYERS AND ENVIRONMENTAL PROFESSIONALS – ETHICAL ISSUES

Presented by: Gene Schmittgens

Rouse Frets

gschmittgens@rousefrets.com

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- ▶ Introduction
- ▶ Review of Professional's obligations
- ▶ Hiring a consultant
- ▶ Use of consultants in a transaction
- ▶ Use of consultants/experts in litigation
- ▶ Conclusion

OVERVIEW

- ▶ Introduction

- ▶ Who has ethical codes
- ▶ When might conflicts come into play?
 - ▶ Interaction at a site
 - ▶ Hiring consultants

INTRODUCTION

- ▶ Who has ethical codes
 - ▶ Attorneys
 - ▶ Missouri Rules of Professional Conduct
 - ▶ Engineers
 - ▶ Code of Ethics for Engineers
 - ▶ Geologists
 - ▶ AIPG Code of Ethics
 - ▶ Architects
 - ▶ Environmental Professionals
 - ▶ NAEP Code of Ethics
 - ▶ Accountants

INTRODUCTION

- ▶ When might issues arise?
 - ▶ Interaction at a site
 - ▶ Hiring consultants

INTRODUCTION

- ▶ Attorney Obligations to their clients in an environmental setting
- ▶ Engineer's Obligations to the Public.
- ▶ Hypothetical – Site Release

REVIEW OF OBLIGATIONS

- ▶ Ethical issues
- ▶ Avoiding issues with retainer letter

HIRING A CONSULTANT

- ▶ Confidentiality issues
 - ▶ During due diligence
 - ▶ Maintaining confidences of the client

CONSULTANTS AND TRANSACTIONS



- ▶ Legal burden of proof v. scientific probability
- ▶ Witness preparation

CONSULTANTS/EXPERTS IN LITIGATION



- ▶ Best practices

CONCLUSION

