

Hinderks Contemplates the Discipline Rep. Santos Would Face if He Were an Attorney in *Law360* Column

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In a recent *Law360* column, "The Discipline George Santos Would Face If He Were A Lawyer," Stinson LLP's [Mark Hinderks](#) discusses inappropriate behavior by attorneys for conduct outside of their practice and the consequences to be faced.

Hinderks asks, "Would dishonesty in contexts outside the actual representation of a client potentially subject him to discipline under the American Bar Association's Model Rules of Professional Conduct? Can an attorney be sanctioned for conduct that happened before the lawyer became a lawyer?"

He notes that the Model Rules include a variety of requirements and prohibitions that regulate attorney conduct while practicing law, and Rule 8.4, which defines what constitutes an attorney's misconduct, is one of the longest of the Model Rules, and its reach is "breathtakingly broad."

"If Santos were a lawyer, Rule 8.4(c) could serve as a basis for discipline for any of the many reported instances of his alleged conduct that fall within the broad scope of dishonesty, fraud, deceit or misrepresentation, again with a civil standard of proof, whether or not he is the subject of any independent action or determination," Hinderks writes. "But as of Feb. 7, Speaker Kevin McCarthy has confirmed that Santos is, in fact, under investigation by the House Ethics Committee."

Hinderks concludes that if Santos were an attorney, he would be subject to the ABA's stringent regulation. "The many allegations against him concerning his dishonesty would certainly provide a basis for discipline as an attorney that would put a hypothetical license to practice in severe jeopardy," he writes.

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Hinderks leads the firm's Legal Ethics & Professional Responsibility practice. He is the author of Dear Ethics Lawyer, a twice-monthly newsletter with questions and answers concerning legal ethics, and a co-founder and presenter of "Ethics for Good," a twice-annual stage show which uses humor, skits and real-world scenarios to teach legal ethics to lawyers. Hinderks has presented more than 125 programs on legal ethics over the past 30 years, has authored many articles and handbook chapters on legal ethics, and has been deeply involved in professional organizations with legal ethics and professional responsibility as their focus.

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