



Legal Ethics Mystery Thrillers
Wednesday, September 16, 2026
Wilmington University, Brandywine Campus
Agenda

Presenters:

Richard K. Herrmann, Esq.

Ian Connor Bifferato, Esq.

Charles Slanina, Esq. | Ciardi Ciardi & Astin

Check In: 5:30 p.m. – 6:00 p.m.

6:00 p.m. - 6:45 p.m. The Three Week Trial
Presentation of first case study and discussion

6:45 p.m. - 7:30 p.m. The RV Solicitor
Presentation of second case study and discussion

This interactive ethics CLE uses two compelling fictional case studies to examine modern professional responsibility issues facing attorneys. *The Three-Week Trial* explores the ethical risks of relying on AI when a system failure erases weeks of trial summaries, while *The RV Solicitor* examines improper client solicitation through a rogue operation targeting accident victims. Participants will discuss attorney competence, technology, solicitation, and practical strategies for navigating these ethical challenges.

This seminar offers 1.5 ethics credits to Delaware and Pennsylvania Attorneys; 1.8 ethics credits to New Jersey Attorneys.



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Connor Bifferato is director of The Bifferato Firm. He has mediated well over 1,000 commercial disputes, including commercial bankruptcy litigation, secured lender disputes, general corporate litigation, creditors' rights issues and appellate resolution. He also frequently serves as an arbitrator for single and triple panel, binding and nonbinding arbitrations.

He is University Legal Counsel to Wilmington University and has been fortunate to work with the University on the development and opening of Wilmington University School of Law.

Connor also provides legal advice to Wilmington University and has been privileged to work with the University's Board as well as University Administration and faculty.

Connor is currently President Elect of the Delaware State Bar Association (the "DSBA") and serves on the DSBA Finance Committee, DSBA Executive Committee, as well as numerous other Committees and Sections of the DSBA. Connor is also a member of the Federal Bar Association and the American Association for Justice.

He frequently participates in the development of innovative and practical CLE programs. In general, Connor's focus is to continue to use his significant complex and commercial litigation experience to advance the substantial benefits of ADR generally, and mediation specifically, in the resolution of litigation at any stage, including pre-suit.

Richard K. Herrmann consults at Wilmington University in emerging and innovative technologies. He is the Associate Director of Research at the Center for Legal and Court Technology at William and Mary Law School in Williamsburg Virginia. He serves on the Delaware Supreme Court's Commission on Law and Technology and is on the Executive Committees of the American Inns of Court m's Virtual AI Inn and the Richard K.Herrmann Technology Inn.



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Charles Slanina, a native Delawarean, graduated from the University of Delaware and Catholic University School of Law. He is admitted to the Bars of the Supreme Court of the State of Delaware, the United States District Court for the District of Delaware, the United States Court of Appeal for the Third Circuit, and the United States Supreme Court.

Upon graduation from law school, Mr. Slanina was the sole law clerk for the Delaware Family Court statewide.

He then joined the Delaware Department of Justice. During his eight-year tenure as a Deputy Attorney General, he headed civil and criminal trial units, including the Family Court, Medicaid Fraud and Patient Abuse Unit, and represented state administrative agencies while prosecuting high profile criminal cases.

Mr. Slanina next spent four years at the Office of Disciplinary Counsel as the Chief Disciplinary Counsel, investigating and prosecuting violations of the Rules of Professional Conduct as well as Unauthorized Practice of Law matters.

He has been in private practice since 1993. That practice has included representation of lawyers and other professionals before licensing agencies and the court.

His practice currently focuses on professional responsibility counseling and defense. Mr. Slanina provides ethics advisory opinions for many Delaware, national and international firms and testifies as an expert in professional responsibility matters in Delaware, Pennsylvania and New Jersey courts. In addition, he has served as a special prosecutor for the New Castle County Ethics Commission.

Mr. Slanina is a frequent speaker on legal ethics and professional responsibility topics at seminars and conferences sponsored by the Delaware State Bar Association, Delaware

Trial Lawyers Association, University of Delaware Academy of Lifelong Learning, Superior Court Trial Practice Forum, Delaware Supreme Court Pre-Admission Conference and has also been an adjunct professor at Widener University School of Law.

He is the author of "*Ethically Speaking*," a monthly column discussing legal ethics issues, published in The Journal, the magazine of the Delaware State Bar Association. Mr. Slanina is a member of the American Bar Association, the Delaware Bar Association, the Association of Professional Responsibility Lawyers and the Rodney Inns of Court, where he has served as President. Martindale-Hubbard has rated Mr. Slanina as AV for legal ability and ethical standard based on peer review and he was named one of Delaware's "Power Attorneys" and is frequently featured as *Delaware Today's* "Best Lawyers."

Member:

Delaware Bar – Admitted 1980; United States District Court for the District of Delaware; United States Court of Appeal for the Third Circuit; and the United States Supreme Court

Education:

J.D. 1979, Columbus School of Law, the Catholic University of America, Washington, D.C.
B.A. 1976, University of Delaware

Professional:

Partner - Ciardi Ciardi & Astin: 2024 to present.

Founder/Partner - Finger & Slanina, LLC: 2003 to 2024.

Practice areas: Professional Responsibility, including disciplinary defense, issuing advisory opinions and testifying as an expert on ethics and standards of practice issues; insurance defense in toxic tort matters; and plaintiff's personal injury.

Special Prosecutor - New Castle County Ethics Commission

Partner, Tybout, Redfearn & Pell: 1998 to 2003. Practicing in the areas of professional responsibility, criminal law and insurance defense, including toxic tort, personal injury, workers compensation, and medical malpractice.

Biggs & Battaglia: 1995 to 1998. Practicing in the areas of professional responsibility, plaintiff's personal injury, and criminal defense.

Erhart & Laffey: 1993 to 1994. Practicing in the areas of professional responsibility,

personal injury, criminal and family law.

Chief Disciplinary Counsel for the Bar of the Supreme Court of Delaware: 1989 to 1993.

The Office of Disciplinary Counsel serves as the enforcement arm of the Delaware Supreme Court investigating and prosecuting attorney misconduct as well as unauthorized practice of law cases.

Senior Deputy Attorney General - Family Court Unit, Office of the Attorney General, State of Delaware: 1989 to 1989.

Director - Delaware Medicaid Fraud Unit, State of Delaware: 1987 to 1989.

Deputy Attorney General, State of Delaware, Criminal Division: 1982 to 1987.

Deputy Attorney General, State of Delaware, Civil Division: 1981-1982.

Family Court Law Clerk: 1980-1981

Professional Associations:

Member: Delaware State Bar Association; American Bar Association; Association of Professional Responsibility Lawyers; Delaware Trial Lawyers Association; ABA Center for Professional Responsibility; Former President, Rodney Inns of Court. Former member National Organization of Bar Counsel.

Lecturer:

Frequent speaker on legal ethics and professional responsibility at topics seminars and conferences sponsored by the Delaware Bar Association, Delaware Trial Lawyers Association, University of Delaware Academy of Lifelong Learning, National Organization of Bar Counsel, Superior Court Trial Practice Forum, and Delaware Supreme Court Pre-admission Conference. Adjunct Professor at Delaware Law School.

Publications:

Contributor to *Delaware Lawyer*, monthly ethics columnist to *The Journal* of the Delaware State Bar Association. Articles available online at www.dsba.org.

LEGAL ETHICS

MYSTERY THRILLERS



Case Studies in Legal Ethics

*Designed by Richard K. Herrmann, Esquire
in collaboration with his AI Agents*

DR. JAMES WATSON



THE THREE-WEEK TRIAL

A LEGAL-ETHICS MYSTERY THRILLER



The AI Kept Her Trial Organized...
Until It Destroyed the Evidence.

designed by Richard K. Herrmann
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Prolog

Dr. John Watson, a retired physician with a sharp investigative mind, was recruited by the Delaware Office of Disciplinary Counsel (ODC) to tackle complex legal ethics cases. Alongside him, Holmes—an AI companion—decodes patterns in data, guiding Watson's investigations.

Yet always lurking in the background is Price, a former litigant embittered by the System, who reemerges in many cases as Moriarty¹⁸⁷. Though he may not appear in every investigation, his shadow stretches across each one, ensuring that Watson and Holmes never escape his grip as they pursue justice through Delaware's legal maze.

I. The Three-Week Trial

The Complex Litigation Division of the Delaware Superior Court had been assigned to Judge Patricia Weld for eleven years. She was regarded as a careful, intellectually rigorous jurist with a reputation for thorough written opinions and a low tolerance for unprepared counsel. When *the Halcyon-Meridian* commercial dispute—a three-hundred-million-dollar breach of contract and trade secret matter—was assigned to her docket, neither the bar nor the parties had any reason for concern.

What no one knew was that Judge Weld's father had been diagnosed with late-stage cancer two weeks before the trial began. She was managing care coordination between hearings, taking calls during lunch recesses, and arriving at the bench each morning carrying a weight that left her, by her own later admission, only partially present for the proceedings.

She had approved the use of For The Record's AI-enhanced transcription service at the start of trial—a system that produced not just certified transcripts but end-of-day AI summaries categorizing testimony by issue, credibility notation, and evidentiary weight. She had relied on those summaries heavily. By week two, she was relying on them almost exclusively.

The parties noticed nothing. The record appeared complete. The AI summaries were thorough, well-organized, and, as far as anyone in the courtroom could tell, accurate.

On the final day of testimony, everything disappeared.

II. Day Fifteen

The hack occurred at 11:47 p.m. on the fifteenth day of trial—overnight, between the close of testimony and the morning when court was scheduled to resume for closing arguments.

When the For The Record tm system administrator attempted to access the *Halcyon-Meridian* case files at 6:15 a.m., she found them gone. Not corrupted. Not partially overwritten. Gone—along with the backup files, the session logs, and the AI summary archive. The deletion had been surgical: only the *Halcyon-Meridian* record had been targeted. Every other case file on the system was intact.

The public trial stream—broadcast through the court’s transparency platform—had also been interrupted. A system error at 11:49 p.m. had terminated the archived stream and purged the buffer. Whoever had done this had known the architecture well enough to hit both the primary record and its redundant backup in under four minutes.

Judge Weld learned of the deletion at 7:30 a.m. She sat in her chambers for a long time before calling her clerk. Then she called the President Judge. Then, in an act that took more courage than either call, she contacted the Office of Disciplinary Counsel and asked to speak with David Mourse.

“I need to tell you something about how I’ve been running this trial,” she said. “And I need your help.”

III. The Judge's Admission

Mourse had been with the ODC for eighteen years. He had fielded calls from attorneys in crisis, from clients who felt wronged, from partners reporting associates. He had never received a call from a sitting judge confessing professional failure before the ink was dry on the breach that caused it.

Judge Weld was direct. She had been distracted throughout the trial by personal circumstances she did not detail but acknowledged were severe. She had used the AI transcript summaries as a substitute for the kind of nightly case review she would ordinarily conduct. She had not taken independent notes at the level her normal practice required. She had, she said, trusted the system to hold the record so that she could manage everything else.

“And now the system doesn’t have the record,” she said. “And I’m not sure I do either.”

The question before her was whether to declare a mistrial—a devastating outcome for both parties after fifteen days of complex testimony, significant expense, and a record that had, until last night, appeared complete. Without the record, she could not render a verdict she could defend on appeal. But declaring a mistrial meant acknowledging, in open court, the full nature of the failure.

Mourse told her he would call Watson.

IV. The Investigation

Holmes processed the For The Record system logs, the court's network architecture, and the stream platform's termination record within twenty-four hours of Watson's engagement.

The hack had entered through a vulnerability in the transcription system's API layer—a connection point that allowed authorized court administrators to push metadata updates to case files. The attacker had obtained a valid administrator credential and used it to execute a multi-stage deletion script that removed primary files, backup snapshots, and log entries in a sequence designed to delay detection.

The credential had been obtained through a spear-phishing attack on a For The Record junior administrator eleven days earlier—one week into the *Halcyon-Meridian* trial. The attacker had known the trial was ongoing. They had known the judge was using the AI summary system. They had waited until the last possible moment—the night before closings—to maximize damage.

“This was not opportunistic,” Holmes said. “The timing, the target selection, the precision of the deletion—this was planned around the specific vulnerability of this judge's practice. Someone knew she was dependent on the AI record. Someone waited until the dependency was complete.”

Watson thought about that for a moment. “Meaning someone was watching the trial.”

“Someone was watching the judge.”

V. The Recovery

Holmes identified three partial recovery pathways. The public trial stream, though purged from the court's server, had been cached by two third-party legal news services that routinely archived public court proceedings. A law school clinic had been using the stream for a supervised evidence course and had retained local copies of eleven of the fifteen days. A litigation support firm retained by one of the parties had maintained its own transcript backup outside the FTR system.

Cross-referencing the three sources, Holmes reconstructed approximately 94 percent of the trial record—all testimony, most exhibit references, and every ruling from the bench. The remaining six percent covered portions of two witnesses on day nine, a section of record that Holmes flagged as recoverable through the parties' own notes and demonstrative exhibits.

Watson presented the reconstruction to Judge Weld and both parties' counsel. The parties, after conferring, agreed the recovered record was sufficient to proceed. Closing arguments were rescheduled.

The verdict was rendered three weeks later. The record held on appeal.

The ODC's findings were less tidy. Judge Weld's conduct—while not malicious, and while ultimately redeemed by her transparency—had allowed AI to become a structural substitute for judicial attention. The finding was not a reprimand. It was a warning, formal and on the record, about what happens when a tool designed to assist becomes a crutch designed to replace.

VI. The Watcher

Holmes' final report included a finding that had not been requested and that Watson read three times before forwarding it to Mourse.

The credential theft that enabled the deletion was not a standalone operation. The spear-phishing attack on the FTR administrator used a template I have seen in two prior intrusion events targeting legal technology vendors. The infrastructure is consistent with a threat actor who has been systematically mapping AI dependencies in Delaware's legal system—identifying where AI tools have been adopted, assessing how deeply practitioners have come to rely on them, and targeting those dependency points for maximum disruption.

Watson thought about the RV Solicitor. About FamilyPath. About CounselAI and the Nexus HR system and the Axiom Four platform. About every case in which a legal AI tool had been quietly engineered to fail in ways that looked like human error.

The deletion of the Halcyon-Meridian record was not an attempt to alter the outcome of the trial. It was a test. Someone wanted to know whether the loss of an AI-generated record would incapacitate a judge who had come to depend on it. The answer, for eleven hours, was yes.

Mourse read the finding and set it down carefully.

Moriarty-187 is not targeting cases. They are targeting the profession's relationship with its own tools. Every breach, every dependency mapped, every failure engineered—it is a study. The question is what they are preparing to do with what they have learned.

To be continued...

Discussion Questions

1. Judge Weld allowed AI summaries to substitute for her own nightly case review due to personal circumstances she acknowledged but did not disclose. At what point does a judge's over-reliance on AI transcription tools constitute a failure of judicial duty? Does the personal crisis context mitigate or compound the ethical concern?
2. The AI summary system produced accurate, well-organized summaries throughout the trial—until it was hacked. Does a tool's track record of accuracy justify increasing reliance on it over time? What standards should govern how judges and lawyers document their independent engagement with AI-generated case materials?
3. The court's transparency stream was the primary vehicle for record recovery. Should courts be required to maintain redundant, off-system archives of all public proceedings specifically to guard against AI-system failures? Who bears responsibility for that infrastructure—the court, the technology vendor, or the parties?

Discussion Questions (continued)

- 4.** Judge Weld’s transparency—calling the ODC and admitting her reliance on AI before the full scope of the problem was known—was extraordinary. How should the disciplinary framework treat self-reporting in the context of AI-related judicial failures? Should proactive disclosure reduce, eliminate, or have no effect on sanctions?
- 5.** Holmes identifies the deletion as a test of judicial AI dependency rather than an attempt to alter the trial outcome. What obligations do courts, bar associations, and legal technology vendors have to share threat intelligence about AI system attacks on legal infrastructure? Does the current framework support that kind of coordination?
- 6.** The ODC’s finding stopped short of a formal reprimand, characterizing Judge Weld’s conduct as a warning rather than a sanction. Do you agree with that calibration? What standard of AI oversight should courts establish for judges, and what enforcement mechanism is appropriate when that standard is not met?

DR. JAMES WATSON



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I. The Call

The call came at 7:14 on a Tuesday morning—too early for routine business, too deliberate to be a mistake. Dr. James Watson, Special Investigator for Delaware’s Office of Disciplinary Counsel, recognized David Mourse’s number before he answered.

“We have something unusual,” Mourse said. “Come in early.”

Watson had been with the ODC for eleven years. He’d seen fee disputes, forged documents, client abandonment, and substance abuse spiraling into malpractice. He thought he had seen everything the profession could produce in its worst moments.

He was wrong.

The grey February sky pressed low over Wilmington as Watson’s unmarked sedan pulled into the ODC parking lot. Inside, Mourse was already at his desk, a thick folder spread before him.

“Three complaints. Same lawyer. Same month.” Mourse slid the papers across. “A man named Marcus Brennan. Sole practitioner. No office. No staff. Operating out of an RV and a post office box.”

Watson skimmed the top complaint. The complainant was Timothy Kelsey—a forty-three-year-old warehouse supervisor who had been rear-ended at a red light and hired Brennan to handle a personal injury claim. Standard enough. Except that Kelsey stated he had never, in the entirety of his attorney-client relationship, spoken to a human being.

“He never actually met the lawyer?” Watson said.

Mourse tapped the folder. “Never. And read the second and third complaints. Same pattern.”

II. The Intermediary

Holmes was waiting in the adjacent conference room, analytical systems already processing all three complaint files.

“The system Brennan operates is sophisticated,” Holmes said as Watson settled in. “It conducts intake interviews, evaluates liability, drafts demand letters, and communicates settlement figures to insurance carriers. From a purely functional standpoint, it performs competently. Kelsey’s settlement offer was, by all objective measures, reasonable.”

“Then what’s the problem?”

“The problem is everything that surrounds the function. Kelsey reported that when he tried to request a face-to-face meeting—three times—he was told the lawyer was unavailable and that all matters were handled through the digital platform. He never heard Brennan’s voice. He does not know what Brennan looks like. He has never received a written fee agreement signed by a human hand. He has no way of knowing whether Marcus Brennan reviews the AI’s work, approves it, or simply allows it to run while he drives to warmer climates.”

Watson leaned back slowly. Something cold moved through him—not quite disgust, not quite fascination. Something precisely between the two.

“He’s outsourced the entire client relationship,” Watson said.

“Precisely. And from everything the complaints describe, there is no evidence he has ever looked back.”

III. The Investigation

Over two days, Watson and Holmes conducted interviews and ran tests. Watson called the system himself, using a burner phone and a false name. It answered within three rings. The voice was eerily smooth—warm, precise, careful in its explanation of contingency fees. A sophisticated intake process walked him through the hypothetical facts of an accident with a professionalism that would have been reassuring if he hadn't known what he was talking to.

The solicitation itself was equally troubling. Two of the three complainants described the same scenario: a man approaching them in shopping center parking lots near Newark, mentioning he'd overheard their discussion of an accident, and handing them a card bearing only a phone number and a post office box. No firm name. No attorney name. Just "Legal Services."

"Rule 7.3 violations, potential," Holmes noted. "But the deeper question is whether Brennan is practicing law at all, or simply operating an AI service that simulates legal representation."

Watson found the other two clients through case filings. Both had been handled entirely through the automated system. Neither had met Brennan since the initial parking lot encounter. One—a retired schoolteacher named Marion Cross—had settled her slip-and-fall matter for twenty-eight thousand dollars.

"I kept thinking," she said quietly. "Does he know my name? Does he know I'm a person?"

The question hung in the air long after Watson left her kitchen.

IV. Confrontation

When they finally located Brennan, he was parked at a rest stop off Route 1, sixty-three miles south of Wilmington. He was a lean man in his early fifties who met Watson's eyes with the practiced calm of someone who had rehearsed his explanations.

"I use AI as a tool," Brennan said. "Like any other tool. I review everything the system produces before it goes out."

"Do you?" Watson asked.

A pause. "I supervise the process."

"Can you show me a review log? Any documentation of your personal involvement in Kelsey's case? Cross's case? Anything bearing your direct judgment?"

Brennan couldn't. He offered vague assurances about checking in regularly, about knowing when settlements were reached. But when Watson pressed for specifics—dates, decisions, instructions he had personally issued—Brennan's answers dissolved into generalities.

"He's scalable," Holmes had observed the previous night. "One lawyer, no overhead, handling dozens of cases simultaneously through AI mediation. From a business perspective, it's brilliant."

Watson had finished the thought without hesitation. "From an ethics perspective, it's a disaster."

Brennan stared at the grey highway through the windshield. He didn't disagree.

V. The Violations

Holmes had prepared the comprehensive analysis by the time Watson returned to the ODC. The findings were methodical and damning.

“Rule 1.1—Competence. Brennan has delegated substantive legal work to an automated system without demonstrating the expertise necessary to supervise that system adequately. Competent representation includes the ability to monitor AI-generated output for accuracy, bias, and appropriateness to individual client circumstances. There is no evidence he has done so.”

“Rule 1.3—Diligence. Brennan has constructed a practice in which his personal attention to any individual client’s matter is, at best, minimal and, at worst, nonexistent.”

“Rule 1.4—Communication. Clients have the right to communicate with their lawyer. Not a system designed to simulate their lawyer. Not an interface that approximates the experience of speaking with counsel. Their actual lawyer.”

“Rule 7.3—Solicitation. Approaching accident victims in parking lots, without identification of firm or name, raises serious concerns about in-person solicitation targeting individuals in vulnerable circumstances.”

“And Rule 5.5—regarding the nature of his presence in Delaware. A question worth examining, given that Brennan has no physical office, no verifiable ties, and appears to maintain bar membership largely as a credential to legitimize an automated operation.”

Mourse filed formal charges two weeks later. The case moved quickly onto the Delaware Supreme Court’s disciplinary docket—immediately heralded as the first matter in the state explicitly addressing unauthorized delegation of client relations to artificial intelligence.

VI. The Message

It was the evening before the hearing when Watson received the message that changed everything.

It came through a secure channel—flagged, encrypted, from an address he didn't recognize. He almost deleted it. Then he read the subject line:

Re: Brennan. You're looking at the wrong person.

Watson's hand stilled on the mouse.

Brennan isn't the architect. He's the product. You think one man in an RV built something that sophisticated? There are three other attorneys in two other states running the same platform. Same intake scripts. Same response trees. Same settlement algorithms. Same parking lot approach.

Someone built this for them. Someone is selling it. And that person is still operating. They're not in your disciplinary records. They don't have a bar number.

They have a name, though. And tomorrow, when you walk into that hearing, they'll be in the room.

Watson stared at the screen for a long time. He reached for his phone to call Mourse, then stopped. If someone would be in that hearing room tomorrow, the wrong call tonight could burn the only lead he had.
Moriarty187?

He set the phone down.

To be continued...

Discussion Questions

- 1.** Under Rule 1.4, what specific obligations does Brennan have regarding client communication, and at what point does reliance on an AI intermediary cross the line into a clear violation? Does it matter that Kelsey's questions were answered accurately by the system?
- 2.** Rule 1.1 requires competence, including keeping current with technology relevant to practice. Does Brennan's use of a sophisticated AI system satisfy this standard—or does his inability to document any supervisory role defeat it entirely?
- 3.** The AI system handled Kelsey's matter competently and achieved a reasonable settlement. Should outcome quality be considered as a mitigating factor when evaluating whether Brennan violated Rule 1.3's diligence requirement?

Discussion Questions (continued)

4. Brennan's parking lot approach raises Rule 7.3 concerns. What additional facts would you need to determine whether a per se violation exists? Does it matter that the business card carried no attorney name or firm name?
5. If a third party built and licensed this AI platform to multiple attorneys across different states, what disciplinary exposure, if any, do those attorneys face—and under which specific Rules of Professional Conduct?
6. The anonymous tip suggests a multi-jurisdictional scheme. What obligations does Delaware's ODC have to report these findings to other state disciplinary authorities, and what formal mechanisms exist for coordinating multi-state disciplinary action?

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