

28th Annual LLCs, LP and Partnership
July 18-19, 2019

Ethics of Multiple Party Representation-2019

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Primary Rules:

Rule 1.06: Conflict of Interest: General Rule

Rule 1.09: Conflict of Interest: Former Clients

Rule 1.12: Organization as Client

Rule 1.06(a): Opposing Parties in Litigation

Texas Rule 1.06: Conflict of Interest

“(a) A lawyer shall not represent opposing parties to the same litigation.”

Comment 2 to Rule 1.06:

“The term ‘opposing parties’ means a judgment favorable to one of the parties will directly impact unfavorably upon the other party.”

Rule 1.06(b): Non-litigation situations

Texas Rule 1.06(b)(1) permits multiple party representation unless

- representation of one client reasonably appears to be or become
- adversely limited by responsibility to another client or the lawyer's own interest.

“Conflicts of interest in contexts other than litigation sometimes may be difficult to assess. . . . The question is often one of proximity and degree.”

☐ Tex. Disciplinary Rules Prof. Conduct 1.06, comment 3.

Rule 1.06(b): Non-litigation situations

2 parts to Rule 1.06(b):

- The substantially related matter prohibition of Rule 1.06(b)(1).
- Prohibition of representation of a client if the representation “reasonably appears to be” adversely limited by the lawyer's responsibilities “to another client” or lawyer's interests. Rule 1.06(b)(2).

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