

29th Annual LLCs, LPs and Partnerships
July 23-24, 2020

Multi-Party Representation for the Business Lawyer – 2020 Revisited

William D. Elliott



2626 Cole, Suite 600
Dallas, Texas 75204
214.922.9393 Direct
214.853.4177 Fax
bill@etglawfirm.com
www.etglawfirm.com



Multi-Party Representation for the Business Lawyer - 2020 Revisited

July 23, 2020, Austin, Texas

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Presenters

William D. Elliott
bill@etglawfirm.com
(214) 922-9393 - office

George W. Coleman
gwcoleman@sbcglobal.net
(214) 668-5690 - cell

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Practical Realities

Virtually certain that a lawyer will

- Represent more than one person in forming or operating an entity
- Want to be helpful
- Devote more attention to pulling everyone together than pausing to reflect on ethical risks to the lawyer

Client better served: economical + coordination

Harmonizing different goals = lawyer for group

Common Practice

Professor Hazard describes the advantages of lawyers representing business associates (or families)

- Lawyer contributes perspective, objectivity and foresight
- Discourage escalation of conflict
- Articulate general principles and common custom as standards to measure claims
- Is advocate, mediator, entrepreneur and judge, all in one

But it is a “tricky business”

Geoffrey C. Hazard, *Ethics in the Practice of Law* 65 (1978).

Ethical quicksand of multi-party representation

Well meaning lawyer

- Seeking to be cooperative and helpful
- Assist the group

Mired in ethical quicksand before you realize what has happened

Introduction: Reality

Unclear guidance

Texas Rules on multi-party representation are unclear

Courts and grievance committees considering multiple representation in a closely held or family business are also not clear

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Also available as part of the eCourse

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