The University of Texas School of Law
2019 Renewable Energy Law Conference
Austin, TX
January 29, 2019

CONFLICTS OF INTEREST IN RENEWABLE ENERGY

Hypotheticals

Thomas E. Spahn
McGuireWoods LLP

Copyright 2019

Hypothetical 1

After about three years of practice, you decided to move in-house with your largest client. From your work with that client, you know that it has several wholly owned subsidiaries and several partially owned subsidiaries.

As an in-house lawyer, will you be jointly representing the parent corporation (which employs you) and all of its subsidiaries?

YES NO

Hypothetical 2

As the most experienced transactional lawyer in your law department, you generally take responsibility for large corporate transactions. Your client has been trying to strategically downsize, and you have several questions about the effect of transactions on the attorney-client relationship (including the privilege).

(a) If you sell the stock of a subsidiary to another company, who will own the attorney-client relationship and privilege --

Your client?

The former subsidiary?

(b) If your client sells substantially all the assets of a subsidiary to another corporation, who will own the relationship and privilege --

Your client?

The asset's purchaser?

(c) Can you affect the relationship's and the privilege's ownership in the transactional documents?

YES NO

UT LAW CLE THE UNIVERSITY OF TEXAS TEXASLAW

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the UT Law CLE eLibrary (utcle.org/elibrary)

Title search: Conflicts of Interest (REPLAY)

Also available as part of the eCourse
First Friday Ethics (May 2021)

First appeared as part of the conference materials for the
2021 First Friday Ethics (May 2021) session
"Conflicts of Interest (REPLAY)"