

Navigating Ethical Maelstroms When The Law Firm Ship Is Taking On Water

By

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25th Annual LLCs , LPs, and Limited Partnerships Institute

University of Texas

July 14, 2016



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Introduction

We believe that the most realistic way to discuss ethics issues is to set up a hypothetical problem and work through the issues.

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The Facts About “Law Firm A”

- “Law Firm A” has offices in Dallas, Houston, Austin and San Antonio.
- Populated by 100 lawyers – about 25 per office.
- Partners have decided (mainly bad karma) to split up. (Some say it’s money as usual.)
- Despite its problems, “Law Firm A” is solvent.

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The Facts About “Law Firm A”

- “Law Firm A” has a lawyer serving as the Firm’s General Counsel.
- Law Firm A’s GC has discussed with you, as outside counsel, the possibility of Law Firm A splitting up.
- Law Firm A’s GC has asked that you bring a draft “Check List” to a meeting to help focus the efforts of the team.

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“Check List” for the GC Meeting

- Identify a “Firm Leadership Team.”
- Identify other Firm lawyers and staff members who (in addition to those on the Firm Leadership Team) may work for the Firm in liquidating and winding up (such as “the Conflicts Team”).
- Establish a timeline for a number of matters, including the timing of public announcements of office and/or attorney departures and the timing of providing notice to particular clients.

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First appeared as part of the conference materials for the
25th Annual LLCs, LPs and Partnerships session

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