

# Ethical Issues Recognized!

## Test Your Skills

George W. Coleman

Claude E. Ducloux

University of Texas School of Law

## LLCs, LPs and Partnerships

July 12 - 13, 2018

2167670



## Presenters

George W. Coleman  
Bell Nunnally & Martin LLP  
3232 McKinney Ave., Suite 1400  
Dallas, TX 75204  
(214) 880-6670  
georgec@bellnunnally.com

Claude E. Ducloux  
Director of Education and Ethics  
Affinipay  
3700 Capital of Texas Hwy North  
Ste 300  
Austin, TX 78746  
(512) 716-8580  
cdycloux@affinipay.com

# Table of Contents

• Example 1 – Public Response to Client Adverse Comments	4
• Example 2 – Married Lawyers in Opposing Firms	11
• Example 3 – Summer Associates: Are they Lawyers?	14
• Example 4 – Lateral Hires	19
• Example 5 – Law Firm Web Site – Confidential Information	24
• Example 6 – Can I Tell the Carrier?	26
• Example 7 – Discovered Metadata	30
• Example 8 – Multistate Transaction	35
• Example 9 – Former Client? Really?	38
• Example 10 – Cyber-Security: My Password is my bond	41
• Example 11 – Modernizing the Big Firm	47
• Example 12 – “I’m Taking Files With Me”	50

## Example 1 – Jack Splat, the Client Rat

Attorney Andy represents Jack Splat in his personal injury case. The case settles for a very reasonable amount, but Andy was unable to get the health insurer to discount the medical expenses, because Jack had not cooperated in providing information, and in fact, had misrepresented other pre-existing injuries to obtain additional treatment benefits to which he would not have been entitled. When Jack’s carrier finds out, they demand full reimbursement, which Andy obliges, per the carrier’s subrogation rights.

## Example 1 – Jack Posts a Ripper Review

One month after settlement, Jack posts a terrible review online, advising any interested readers that:

1. “Andy was completely incompetent and forced me to sign a release which made me settle for an amount which I am now told was a fraction of the value of my case.”
2. “Andy had a terrible relationship with my insurance company, and could not achieve a discount which most attorneys say is normal, because my company didn’t trust Andy’s honesty.”
3. Jack advises folks to stay away from Andy as an attorney.

## Example 1 – Andy Drafts His Reply

Attorney Andy rough drafts the following:

“I regret that Jack was not truthful in his post for the following reasons:

- a. “Jack had obtained non-covered benefits from his carrier, which led to the company’s demand for full reimbursement.
- b. “Jack voluntarily signed the settlement and wrote us a thank you note complimenting the firm for the great recovery we made for him.
- c. “Given the sketchy nature of his injuries, we were likely one of the few firms which would agree to represent him.”

Andy asks you, “Can I post this reply?”

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 \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: Ethical Issues Recognized! Test Your Skills

Also available as part of the eCourse

[Modern Ethics and the Movable Lawyer](#)

First appeared as part of the conference materials for the  
27<sup>th</sup> Annual LLCs, LPs and Partnerships session

"Modern Ethics and the Movable Lawyer"