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**ETHICS OF MULTIPLE PARTY REPRESENTATION  
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**ETHICS OF MULTIPLE PARTY REPRESENTATION 2019**

**TABLE OF CONTENTS**

1. INTRODUCTION TO TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT ..... 6

2. OVERVIEW OF BASIC CONFLICT OF INTEREST RULES ..... 6

    a. Texas Conflict of Interest Rules ..... 7

    b. ABA Conflict of Interest Rules..... 8

3. RULE 1.06 CONFLICTS OF INTEREST: GENERAL RULE ..... 8

    a. Absolute Prohibition in Litigation: Rule 1.06(a) ..... 8

        1) Representing Multiple Parties on Same Side in Litigation..... 11

        2) Suing a Client in an Unrelated Matter ..... 11

        3) ABA Rule 1.7 Comparison..... 12

    b. Non-Litigation Situations: Rule 1.06(b). ..... 13

        1) General Rule: Multiple Representation Allowed ..... 13

        2) Major Exception – Lawyer Reasonably Believes Representation Will Not Be  
        Materially Affected & Client Consents ..... 21

        3) ABA Rule 1.7 Comparison..... 24

        4) Conflict with Lawyer’s Interests ..... 25

    c. Prohibited Transactions: Rule 1.08 Conflict of Interest: Prohibited Transactions ..... 25

4. RULE 1.09 CONFLICT OF INTEREST: FORMER CLIENT ..... 27

    a. Texas Rule 1.09(a) Conflict of Interest: Former Client ..... 29

        1) Three Circumstances in Rule 1.09 Preventing Conflict with Former Client..... 29

        2) ABA Model Rule 1.9(a) ..... 31

3)	Adversity of Interest to Former Client .....	32
4)	Appearance of Impropriety.....	33
5)	The Presumptions .....	33
6)	Prospective Clients & Taint Shopping .....	34
b.	Rule 1.09(b): Extension of Rule 1.09(a) to All Firm Lawyers .....	34
1)	ABA Rule 1.9(b) is similar to Texas Rule 1.09(b).....	36
2)	Removal of the Imputation .....	37
c.	Rule 1.09(c): Former Partners or Associates .....	37
1)	Conflict Facing Transferring Lawyer .....	39
2)	Conflict Facing Remaining Lawyers at Firm A, After Departure of Transferring Lawyer .....	39
3)	Substantial Relationship Test .....	41
d.	A Seven-Step Framework for Analyzing Conflicts with Former Clients.....	41
5.	RULE 1.12 ORGANIZATION AS CLIENT .....	42
a.	Entity as Client.....	44
1)	Lawyer’s Duty Runs to Entity .....	44
2)	Communications Through Constituents .....	44
3)	Loose Knit Group as an Organization .....	45
4)	Conflict Between Entity and Constituents.....	46
5)	Problems when Control of Entity in Doubt .....	47
6)	Dual Representation of Entity and Constituent .....	48
b.	Decisions by Constituent .....	49
c.	Entity Formation .....	49
	• Lawyer represents one of the constituents of the contemplated entity, and then may represent the entity later.....	49

- Lawyer represents all of the constituents during formation and may involve representation of the entity later. .... 49
- Lawyer may disclaim representation of individual constituents completely, and only represent the entity both at the formation and later stages..... 49
- 1) Representing Only the Entity ..... 49
- 2) Representing the Entity and One Constituent..... 51
- 3) Representing the Entity and All Constituents..... 53
- d. Representing an Affiliate or Another Entity ..... 54
- e. Governmental Agencies as Client..... 56
- 6. INFORMED CONSENT ..... 56
- a. Circumstances When Client Consent is Permissible ..... 56
- b. Risk to Non-Litigator of Failing to Obtain Informed Consent ..... 57
- c. What is Informed Consent? ..... 57
- d. Advanced Waivers ..... 60
- 7. LAWYER AS “OF COUNSEL” ..... 63
- a. Imprecise phrase ..... 63
- b. The Controlling ABA Opinion on “Of Counsel” ..... 63
- c. Conflict of Interest Implications of “Of Counsel” ..... 63
- 8. SUGGESTIONS ON CONSIDERING MULTIPLE PARTY REPRESENTATION..... 64
- a. Documentation..... 64
- 1) Before commencement of representation ..... 64
- 2) Commence of representation ..... 65
- 3) During Representation..... 66
- 4) At Conclusion of Representation..... 66
- BIBLIOGRAPHY ..... 68

Restatement of Law ..... 68  
National Books..... 68  
National Articles ..... 68  
Texas Treatise ..... 68  
Texas Related Articles ..... 68  
Internet Based Resources ..... 69

## ETHICS OF MULTIPLE PARTY REPRESENTATION 2019

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### 1. INTRODUCTION TO TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT

Ethical rules dictate standard of conduct to which attorneys should conform. They are quasi-statutory and enforced by disciplinary proceedings and represent standards of conduct.<sup>1</sup>

Violation of State Bar rules does not create private cause of action.<sup>2</sup>

### 2. OVERVIEW OF BASIC CONFLICT OF INTEREST RULES

Conflict of interest rules derive from the need to protect client confidences and assure clients of the lawyer's loyalty. Conflict of interest rules reflect competing concerns:

- Undivided loyalty of lawyer to client.<sup>3</sup>
- Zealous representation.
- Avoiding representation when attorney's judgment may be distorted by other concerns.
- Enhance effectiveness of legal representation.
- Safeguarding of client information.<sup>4</sup>

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<sup>1</sup> See Tex. Disciplinary Rules Prof. Conduct preamble ¶ 10, reprinted in Tex. Gov't Code Ann., tit. 2, subtit. G, app. A (West 2013) (Tex. State Bar R., art. X § 9) ("The Texas Rules of Professional Conduct define proper conduct for purposes of professional discipline."). *Sealed Party v. Sealed Party*, No. CIV.A.H-04-2229, 2006 WL 1207732, at \*8 (S.D. Tex. May 4, 2006) ("The [Texas Disciplinary Rules of Professional Conduct] are quasi-statutory and are enforced in disciplinary proceedings by the State Bar."). See D. Beck & A. Roberts, *Legal Malpractice in Texas* Third Edition, 70 *Baylor L. Rev.* 213, 411-412 (2018).

<sup>2</sup> Tex. Disciplinary Rules Prof. Conduct preamble ¶ 15; *Dyer v. Shafer, Gilliland, Davis, McCollum & Ashley, Inc.*, 779 S.W.2d 474, 479 (Tex. App.--El Paso 1989, writ denied) ("[A] violation of state bar rules does not create a private cause of action."); *Wright v. Sydow*, 173 S.W.3d 534, 549 (Tex. App.--Houston [14th Dist.] 2004, pet. denied) ("A violation of the Disciplinary Rules does not necessarily establish a cause of action, nor does it void an otherwise valid contract executed outside of the attorney-client relationship.").

<sup>3</sup> See Tex. Disciplinary Rules Prof. Conduct Preamble ¶¶ 2-3.

<sup>4</sup> See Tex. Disciplinary Rules Prof. Conduct R. 1.05(b)(1)(i); *Paxton v. City of Dallas*, 509 S.W.3d 247, 253 n.33 (Tex. 2017) ("Texas Disciplinary Rule of Professional Conduct 1.05(b) imposes a duty of confidentiality and prohibits a lawyer from knowingly revealing confidential information."); *P & M Elec. Co. v. Godard*, 478 S.W.2d 79, 80 (Tex. 1972) ("An attorney may not represent conflicting interests; and may not divulge a client's secrets or

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