

Conflicts, and Multi-Party Settlements

Tuning Up Your Rules, and Understanding Multi-client Ethics

Advanced Texas Administrative Law Seminar

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Part 1: Conflicts of Interest

“You Can’t Be Everyone’s Best Friend—or Their Lawyer, Either”

Techniques and Tips for Avoiding Conflicts

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The “Law”

The Rules:

- ABA Model Rules DR4-101, 5-101 thru 5-107; Tx Rules 1.06- 1.15, 2.01, 2.02, and 3.08; Ohio Rules 1.6-1.11; Calif. 3-300, 3-310; Mo. and Fla. Rules 4-1.6 – 4-1.11, PA Rules 1.6 – 1.11
- State case law
- The opinions of the Professional Ethics Committee of your state

The Four Situations which Prohibit Representation



Litigation:

Representing parties in the same litigation
E.g. PA Rule 1.7(b)(4); TX Rule 1.06(a)

The Four Situations which Prohibit Representation



Business:

Representing someone in a “substantially related” matter where interested are materially and directly adverse.

TX Rule 1.06(b): ABA Model Rule 1.7, 1.9(a)

The Four Situations which Prohibit Representation



Other Duties:

Representation when it “reasonably appears” your duties to another client, third party, or to your firm conflict.

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