

Ethics on the Edge

University of Texas Technology Law Conference

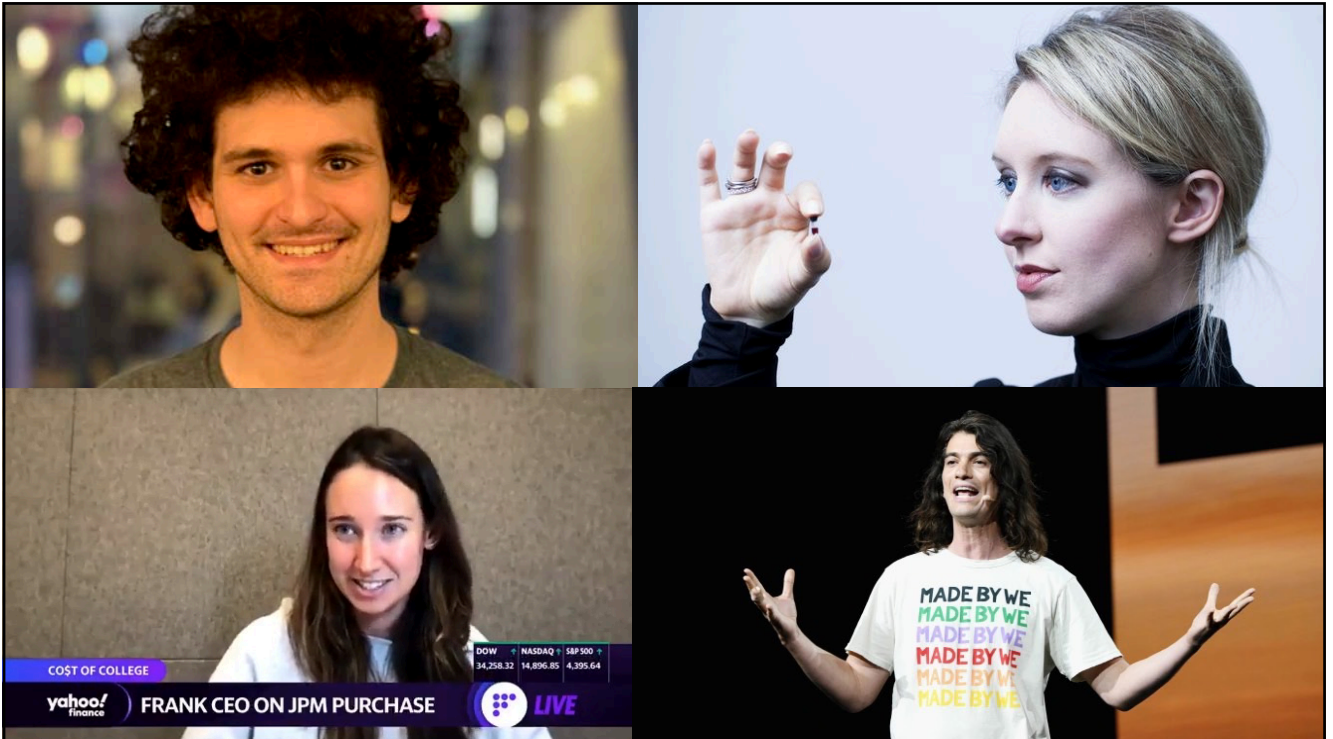
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New business models

Digital marketing

Sharing economy

Fintech

Cryptocurrency

Telemedicine

Drones & robots

Generative AI



Old laws

Consumer protection

Local ordinances

Financial regulation

Anti-money laundering

Unauthorized practice

Product liability & tort

Copyright & IP

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The last 30 years in the United States have been marked by what has been called the era of “permissionless innovation.” Many of the decisions about what to innovate, when to innovate, and how to bring digital products and services to the marketplace have been left to tech companies. They decided what products were needed, how they were deployed, and who could purchase them...there are growing signs that era is coming to an end.

—Darrell West, Senior Fellow, Brookings Institution
Author of *Turning Point: Policy Making in the Era of Artificial Intelligence*

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- Defendant Fenwick & West set up a network of shadowy front organizations, which SBF used to conceal his siphoning of Class Member funds into entities that he separately owned. Fenwick & West also guided FTX's skirting of regulatory oversight, structuring acquisitions to obtain necessary licenses while circumventing regulatory scrutiny, advising on FTX's regulatory dodge, more generally, and supplying personnel to execute on that strategy directly from its own pool of lawyers.

— from complaint in FTX multi-defendant class action *O'Keefe v. Sequoia Capital Operations, LLC et al.*, S.D. Fl. Feb. 2023

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When the client wants push into new business territory at or beyond the edge of the law, how does that impact the role of the lawyer?

When, if ever, is it okay to help your client break the law?

Can you violate your ethical duties by failing to help your client push the envelope?



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