




# ETHICS: CAN WE TALK?

Jason S. Boulette  
Boulette Golden & Marin L.L.P

1

1



**([PROMPT]:1.5), (INSANELY  
DETAILED:1.5), (HIGHEST QUALITY,  
CONCEPT ART), (HIGH SHARPNESS),  
(DIGITAL PAINTING:1.1), MASTERPIECE,  
(HIGHLY DETAILED PHOTO:1.1), 8K,  
PHOTOREALISTIC**

V1-5-PRUNED-EMAONLY.CKPT / 768-V-EMA.CKPT  
SAMPLING METHOD: EULER A / DPM2 A  
SAMPLING STEPS: 50  
SIZE: 784W X 512H  
CFG SCALE: 7  
SEED: -1

2

2



# THE BASICS

3

## Rule 4.02(a)

“In representing a client, a lawyer shall not communicate or cause or encourage another to communicate about the subject of the representation with a person, organization or entity of government the lawyer knows to be represented by another lawyer regarding that subject, unless the lawyer has the consent of the other lawyer. ...”

TEX. DR 4.02(a).



4





### Model Rule 4.2, cmt 3

“The Rule applies even though the represented person initiates or consents to the communication. A lawyer must immediately terminate communication with a person if, after commencing communication, the lawyer learns that the person is one with whom communication is not permitted by this Rule.”

Model DR 4.2, cmt. 3

5

5

### 5<sup>th</sup> Cir. (1992)

“The testimony establishes the facial elements of a violation of Rule 4.02(a). It does not establish, however, the identity of the person who initiated the communications, nor does it negate the applicability of Rule 4.02(d).”

*In re Medrano*, 956 F.2d 101 (5th Cir. 1992)



6

6

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

Title search: Ethics: Can We Talk? (REPLAY)

Also available as part of the eCourse

[First Friday Ethics \(August 2023\)](#)

First appeared as part of the conference materials for the  
2023 First Friday Ethics (August 2023) session

"Ethics: Can We Talk? (REPLAY)"