

Ethical Issues in Departing Employee Litigation

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1. Conflict of interest and communications seeking representation

- Paula Payne Windows, LLC
- Paula Payne, Founder
- Dawn Davis, President

What should you do?

- (A) Honest opinion
- (B) I'd love to help, but . . .
- (C) say B, then call Paula Payne

Rule 1.06(b)

- “a lawyer shall not represent a person if the representation of that person . . . involves a substantially related matter in which that person’s interests are materially and directly adverse to the interests of another client of the lawyer or the lawyer’s firm”
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Tell Dawn you don't represent her?

- See *Parker v. Carnahan*, 772 S.W.2d 151, 157 (Tex. App.—Texarkana 1989, writ denied)

“Confidential Conflict Check”

- See Tex. R. Evid. 503(a)(1)(B)
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