

The Ethical Traps of Joint Representations

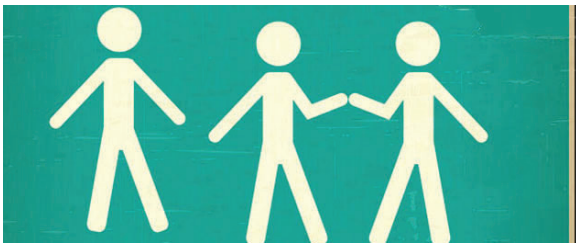
Justin S. Cohen
Justin.Cohen@hklaw.com

26th Annual Advanced Patent Law Institute
Austin, Texas Nov 4, 2021

Holland & Knight

Copyright © 2021 Holland & Knight LLP. All Rights Reserved

Joint Representations



- Co-defendants
- Indemnitor and indemnitee
- Licensor and licensee
- Supplier and customer
- Company and employee
- Joint venture partners
- Manufacturer and distributor
- Partners

Holland & Knight

Traps for the Unwary

- Disclosure
- Scope
- Conflicts (and reevaluation)
- Privileges and confidences
- Settlement



There's always a risk

Joint representation always presents the potential for **a conflict of interest.**



Follow the rules



- **Texas Disciplinary Rules Of Professional Conduct**
- Other states' rules
- Local rules
- When in doubt, follow the ABA Model Rules

Holland & Knight

A Lawyer's Responsibilities

- Advisor
- Advocate
- Negotiator
- Intermediary



Holland & Knight

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: The Ethical Traps of Joint Representations in IP Cases

Also available as part of the eCourse

[First Friday Ethics \(March 2022\)](#)

First appeared as part of the conference materials for the
26th Annual Advanced Patent Law Institute session

"The Ethical Traps of Joint Representations in IP Cases"