

Conflicts of Interest

You Can't Be Everyone's Best Friend—
or Their Lawyer, Either

UTCLE FIRST FRIDAY ETHICS

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Presenter:

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- 44-year seasoned attorney
- Board Certified in Civil Trial Law and Civil Appellate Law—Texas Board of Legal Specialization
- Former President, Austin Bar Assoc.
- Received Gene Cavin Award for Lifetime Achievement in Teaching Continuing Education



- Four common conflict scenarios that prohibit representation
- What are the “encounter points” that can create or alter conflicts
- How to make full disclosure
- Three questions a lawyer asks
- Duties of a lawyer when conflicts arise
- Doing business with a client—ethically
- A close look at some recent conflict cases
- Best advice

Introduction

(A) “**Confidence**” refers to information protected by the attorney-client privilege under applicable law, and

...

“**secret**” refers to other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.

(B) Except when permitted under DR4-101(C), a lawyer shall not knowingly:

- (1) Reveal a confidence or secret of his client.
- (2) Use a confidence or secret of his client for the *dis*-advantage of the client.
- (3) Use a confidence or secret of his client for the advantage of himself or of a third person, unless the client consents after full disclosure.

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"Conflicts of Interest: You Can't Be Everyone's Best Friend...or their Lawyer"