



News

Matthew Henderson Reviews in a Law360 Byline What Law Firms Should Know Amid a Rise in Disqualification Motions

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Hinshaw partner Matthew Henderson recently authored a *Law360* byline discussing the growing trend of disqualification motions and some risk management measures to reduce exposure to them. He also presented on this topic in a panel at Hinshaw's Legal Malpractice and Risk Management Conference (LMRM) last month. John Villa, a legal malpractice litigator from Williams & Connolly, and Laura Giokas, the general counsel at BCLP, joined Henderson on the panel.

Henderson outlined why disqualification motions are becoming increasingly common, the types of conflicts of interest that commonly lead to disqualification, and the types of counsel most often affected. Specifically, disqualification motions tend to be more common in intellectual property litigation, particularly with the lateral movement of intellectual property attorneys.

The article also addresses risk management measures, including advanced conflict waivers in engagement letters. Several recent cases have denied disqualification in high-profile litigation where the client had given prior consent to adverse representation in an unrelated matter.

Henderson also emphasizes the need for careful conflict checks when vetting lateral attorneys and robust screening protocols to reduce disqualification risks. Even if a disqualification motion is granted, it does not necessarily lead to civil liability or disciplinary action, particularly for technical conflicts where the client is not harmed.

[Read the full article](#) (*subscription required*).

"What Law Firms Should Know Amid Rise In DQ Motions" was published by *Law360* on April 23, 2024.

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