

# Legal Ethics & Professional Responsibility

We serve, advise and inform lawyers, clients, law firms and the law departments of businesses concerning the complicated and evolving standards of legal practice. Our lawyers provide timely answers to difficult questions in the form of opinions, second opinions or simple recommendations. In disputed matters, we provide expert witness, and mediator and arbitrator service. We are available to serve as counsel when standards of practice are at issue, in malpractice and disciplinary matters. We also are committed to providing information to maintain and elevate legal ethics and professional responsibility by offering both topical and general training to law departments and law firms.

In the modern quick-response landscape, attorneys must successfully and simultaneously meet the standard of care that applies to their chosen practice area, while also ensuring that their conduct always satisfies the complex and detailed regulatory requirements of each state's version of the Model Rules of Professional Conduct. Our attorneys in this practice bring decades of experience in responding to daily inquiries and issues of lawyers and clients that arise in a large firm environment.

We bring balanced practical experience, with service on both sides of the relationship. We have advised lawyers and law firms and in-house counsel, and have served in law firm leadership capacities ranging from practice leader and office managing partner to managing partner of an AmLaw 125 firm. We have also represented and advised both lawyers and their clients in litigated matters.

## THE LEGAL ETHICS PROJECT

### Supporting Professionalism with Information

As part of our commitment to the profession to elevate and maintain a high level of legal ethics, we go beyond simply offering services for hire. Through our Legal Ethics Project, we support the professionalism of the practice with helpful information. This includes our [Dear Ethics Lawyer™](#) bi-monthly newsletter series that explores ethics problems and answers. We invite you to join the mailing list for this service by [subscribing to our bi-monthly newsletter](#). You can also submit questions and interact with us by email at [mark.hinderks@stinson.com](mailto:mark.hinderks@stinson.com).

# Legal Ethics & Professional Responsibility

The Legal Ethics Project also includes continuing legal education presentations on a variety of topics to various organizations and groups.

## EXPERIENCE

The experience and capabilities of our team members includes:

- Service as General Counsel and Assistant General Counsel of major law firms, responding to daily inquiries, disputes and challenges concerning the practice of law in a law firm environment.
- Service as Managing Partner, Practice Leader and Office Managing Partner of a large law firm, gaining the practical perspective of leadership in risk management.
- In malpractice cases and disputes, we have served as counsel for lawyers and law firms, and as counsel for affected clients Representation of clients in lawyer disciplinary proceedings.
- Engagement and service as testifying and consulting expert witness.
- Provision of opinions and recommendations to lawyers, law firms and corporate law departments about matters of legal ethics, attorney-client privilege and reporting obligations.
- Mediation and arbitration of disputes.
- Substantial trial experience across a wide spectrum of disputes, including two team members recognized as Fellows of the American College of Trial Lawyers (ACTL), with service as chairs of national committees of the ACTL.
- Delivery of hundreds of continuing legal education programs on a host of relevant topics. One long-running series of programs, "Ethics for Good," began in 2000 and has evolved into a stage show that has not only provided interesting and timely content, it has also raised nearly \$1 million in proceeds for charity.
- Involvement in state and national level professional organizations concerning legal ethics and professional responsibility.

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## RELATED CAPABILITIES

Business Litigation

## LEGAL ETHICS PROJECT

Supporting professionalism with information.

The twice-monthly "Dear Ethics Lawyer" column is part of a training regimen of the Legal Ethics Project and is authored by Mark Hinderks. Stinson's Legal Ethics & Professional Responsibility practice offers advice and "second opinions" to lawyers and law firms, consulting and testifying expert service, training, mediation/arbitration and representation in malpractice litigation. The submission of questions for future columns is welcome: please send to [mark.hinderks@stinson.com](mailto:mark.hinderks@stinson.com). We also invite you to join the mailing list by [subscribing to our bi-monthly newsletter](#).

## 2024

May 15 Issue - Potentially False Client Deposition Testimony

May 1 Issue - Representing Seller and Company Post-Sale of Company

April 15 Issue - Matchmaking Between Clients

April 1 Issue - Client as Adverse Witness in Different Matter

March 15 Issue - Providing Services in Exchange for an Endorsement

March 1 Issue - Withdrawal without cause

February 15 Issue - Confidentiality of Closed Files

February 1 Issue - Aggregate Settlement Issues in Joint Representation

January 16 Issue - Waiver of Conflict When Matter is Highly Confidential

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January 2 Issue - Case Settled Based on Client Hiding Documents

## 2023

December 15 Issue - Acting in Emergency Without Expertise

December 1 Issue - Subordinate Lawyer

November 15 Issue - Unprofessional Relationships With Clients

November 1 Issue - Hiring Non-Lawyers

October 16 Issue - Evolution of Attorney-Client Relationship

October 2 Issue - Law-Related Businesses

September 15 Issue - Hiring Attorney for Adverse Firm

September 1 Issue - Representation Adverse to Former Pitch Prospect

August 15 Issue - Representation of Another Law Firm

August 1 Issue - Lawyer Settlement of Client Claim

July 18 Issue - Joint Representation of Corporate Constituents

July 3 Issue - Third-Party Witnesses

June 15 Issue - Conflicts Adversity to Client Who Left with Departing Lawyer

June 1 Issue - Generative AI Tools

May 15 Issue - Drafting Document for Adverse Party to Use

May 1 Issue - Advance Waivers - Commercial Parties

April 18 Issue - Conflicts from Family Relationships

April 3 Issue - Choice of Law in Multi-State Ethics Issues

March 15 Issue - Settlement to Avoid Disclosing Client Fraud Lawyer Did Not Participate In

March 1 Issue - Communication with Others in Non-Lawyer Capacity

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February 15 Issue - Conflict Issues of Unclosed "General Files"

February 1 Issue - Duty to Disclose Discovery of Completed Fraud

January 17 Issue - Representing an Organization

January 3 Issue - Publishing Information About Client Representation

### 2022

December 15 Issue - Estate Planning-Gifts to Lawyer or Family Members

December 1 Issue - Receipt of Unsolicited Information from Would-Be Clients

November 15 Issue - Issues from Personal Relationships

November 1 Issue - Inadvertent Receipt of Confidential Information

October 17 Issue - Discovery of a Completed Fraud

October 4 Issue - Local Counsel Ethical Obligations

September 15 Issue - Negotiation Ethics

September 1 Issue - Business Transactions with Clients

August 15 Issue - Duty to Correct False Testimony

August 1 Issue - Client Confidences Affecting Waiver Requests

July 15 Issue - Asking Current and Former Employees Not to Communicate With Adverse Party

July 1 Issue - Avoiding Inadvertent Relationship When Dealing with Unrepresented Party

June 15 Issue - Attorney-Client Privilege: PR Consultant on Litigation Team

June 1 Issue - Corporate Family Conflict

May 16 Issue - Potential Claim as "Material Limitation"

May 2 Issue - Confidentiality and Relationships

April 15 Issue - Joint Clients in Estate Planning

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April 1 Issue - Representing Economic Competitors

March 15 Issue - Judicial Criticism

March 1 Issue - Company and Employee as Joint Clients

February 15 Issue - Correcting Adversary's Mistake

*Discussion presented here is based on the ABA Model Rules of Professional Conduct, but the Model Rules are adopted in different and amended versions, and interpreted in different ways in various places. Always check the rules and authorities applicable in your relevant jurisdiction – the result may be completely different.*

## NEWS

Hinderks Explores Model Rule 1.18, Attorneys' Duties to Prospective Clients in *The Legal Intelligencer* Column

04.30.2024

Model Rules' Protection of Interests of Former Clients Examined by Hinderks in *The Legal Intelligencer*

03.29.2024

Hinderks Discusses Conflicts of Interest with Current Clients, Duties to Former Clients in *Legal Intelligencer* Column

02.26.2024

Client-Attorney Relationships, Conflict and Confidential Information Examined by Hinderks in *The Legal Intelligencer*

01.23.2024

Hinderks Details Ethical Considerations for Attorney Tell-Alls in *Legal Intelligencer* Column

12.22.2023

Hinderks Examines Attorney-Client Consensual Relations, Model Rule 1.8(j) in *Legal Intelligencer* Column

11.28.2023

Hinderks Examines Lawyer's Duty to Review Client's Intentions in *Legal Intelligencer* Column

10.20.2023

Hinderks Provides Guidance On Inadvertent Communication by Opposing Counsel in *The Legal Intelligencer*

09.21.2023

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Hinderks Examines Ethical Quandaries of Intimate Attorney-Client Relationships in *The Legal Intelligencer*  
08.09.2023

Attorney/Client Privilege, Concealment of Information Examined by Hinderks in *Legal Intelligencer*  
Column  
06.14.2023

Attorney-Judge Relationship, Gifts, Hospitality and Legal Ethics Examined by Hinderks in *Bloomberg*  
05.12.2023

Hinderks Discusses Ethics Rules in Multi-Jurisdictional Contexts in *Legal Intelligencer* Column  
04.19.2023

Hinderks Details Communications with Current and Former Employees, Third Parties, in *Legal Intelligencer* Column  
03.10.2023

Hinderks Examines Relationship Between Legal Ethics, Deal Negotiations in *The Legal Intelligencer*  
02.09.2023

Hinderks Contemplates the Discipline Rep. Santos Would Face if He Were an Attorney in *Law360* Column  
02.08.2023

Hinderks Discusses Model Rule 3.3, "Candor Toward the Tribunal," in *The Legal Intelligencer*  
01.13.2023

Risk Management for Law Firms Detailed by Hinderks in *Law360* Column  
01.04.2023

Hinderks' *The Legal Intelligencer* Column Discusses PR Consultants and the Attorney-Client Privilege  
12.09.2022

Natural Disaster Preparation Detailed by Hinderks in *Law360* Column  
11.04.2022

Hinderks' "Attys Shouldn't Assume Judicial Critique Is Protected Speech" Published in *Law360*  
10.04.2022

Hinderks' *The Legal Intelligencer* Column Discusses Questions of Negotiation Ethics  
09.26.2022

Lateral Hiring Practices Addressed in Hinderks' *Law360* Legal Ethics Column  
09.21.2022

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Hinderks Addresses Conflicts of Interest in *Law360* Legal Ethics Column

08.15.2022

Hinderks' "Dear Ethics Lawyer: Representing Multiple Clients in Claims Against One Defendant" Featured in *The Legal Intelligencer*

08.10.2022

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