

Mark D. Hinderks

He/Him

SENIOR COUNSEL

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Office: Kansas City



Mark brings a career-long focus in legal ethics and professional responsibility, with the practical experience of leading a major law firm and success in large litigation.

Upon his return to practice after serving as managing partner of the firm, Mark Hinderks followed a career-long passion and focus to establish and lead the Legal Ethics and Professional Responsibility practice group of Stinson, offering law firms, law departments, lawyers and other clients services that include advice, opinions and second opinions on legal ethics and standard of practice matters, training, consulting and testifying expert witness services, mediation and arbitration and malpractice representation. His goal is to provide informed service to clients, while elevating the standards and knowledge of the profession.

Mark is the author of [Dear Ethics Lawyer™](#), a twice-monthly email newsletter with questions and answers concerning legal ethics, currently circulating to more than 5,000 lawyers. He is a co-founder and presenter of "Ethics for Good," a twice-annual stage show which uses humor, skits and real-world scenarios to teach legal ethics to lawyers. Founded in 2000, it has raised approximately \$850,000 to date for charities and scholarships. He has presented more than 125 programs on legal ethics over the past 30 years, has authored 11 articles and handbook chapters on

PRACTICES & INDUSTRIES

Legal Ethics & Professional Responsibility

ADMISSIONS

Kansas, 1982

Missouri, 2006

U.S. District Courts for the District of Kansas (Member, Bench-Bar Committee 2000 - 2004) and Western District of Missouri

U.S. Courts of Appeal for the First, Fourth, Eighth, Tenth and Federal Circuits

U.S. Court of Federal Claims

EDUCATION

University of Kansas, J.D., 1982

- *Kansas Law Review*, Associate Editor
- University of Kansas, B.A., *with distinction*, 1979
- Phi Beta Kappa

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legal ethics, and has been deeply involved in professional organizations with legal ethics and professional responsibility as their focus.

EXPERIENCE

Prior to his service as managing partner, Mark served as one of the firm's leading trial lawyers, representing business and governmental clients across the nation, including class action defense, with amounts in dispute routinely in eight and nine figures, and multiple cases with more than \$1 billion at issue. He was elected as a fellow of the American College of Trial Lawyers (ACTL) while still in his 40s.

Mark served as general counsel or co-general counsel of the firm from 1996-2008, at which time he became deputy managing partner, then managing partner from 2010-June 30, 2021. In his role as managing partner, in addition to expanding the firm and improving its financial performance and diversity (and diversity of its leadership), he served as decision-maker on legal and ethics matters for the firm, with the advice of the firm's general counsel and counsel team. Upon returning to practice, Mark has focused on legal ethics and professional responsibility and also serves as a member of the firm counsel team, providing advice on a daily basis to the firm's lawyers and other constituents concerning legal ethics and professional responsibility.

Mark chaired the ACTL's National Standing Committee on the Attorney Client Relationship, and now serves as a member of that committee. He is the original author of the document that became the ACTL's "White Paper" on Attorney Client Privilege Issues. Mark has been a member of the Kansas Bar Association's Professional Ethics Advisory Committee from 1997 to present. He is a member of the American Bar Association Center for Professional Responsibility, and served on that group's Publications Board from 2006-2009.

RECOGNITIONS

University of Kansas Law School "Distinguished Alumni Award" 2020

Recognized as "Lawyer of the Year" by *The Best Lawyers in America*® in Litigation-Construction

Received 2015 Law Firm Leader Award from *Missouri Lawyers Weekly*

Named in *The Best Lawyers in America* for Bet-the-Company Litigation, Commercial Litigation, Construction Litigation, Intellectual Property Litigation and Municipal Litigation

Recognized as a *Best Lawyers'* 2013 and 2021 Kansas City Litigation – Intellectual Property "Lawyer of the Year", 2012 Kansas City Litigation – Construction "Lawyer of the Year" and 2015 Kansas City Bet-the-Company Litigation "Lawyer of the Year"

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Listed as a Super Lawyer in the *Missouri and Kansas Super Lawyers Magazine* for Business Litigation

Ranked as a Local Litigation Star in *Benchmark Litigation* for Intellectual Property, Securities, Competition/Antitrust, Commercial and Professional Liability

PROFESSIONAL & CIVIC ACTIVITIES

American College of Trial Lawyers, Fellow and Chair, Attorney-Client Relationships Committee

Kansas Bar Association

- Ethics Advisory and Ethics 2000 Committees
- Outstanding Service Award, 2003
- Outstanding Young Lawyer Award, 1994

Kansas City Metropolitan Bar Association

Former Board Member: Greater Kansas City Chamber of Commerce, Board of Directors

University of Missouri - Kansas City Board of Trustees: Metropolitan Organization to Counter Sexual Assault (MOCSA)

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

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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

Stinson Attorneys Recognized in the 17th Edition of *Benchmark Litigation*
10.05.2023

Hinderks Provides Guidance On Inadvertent Communication by Opposing Counsel in *The Legal Intelligencer*
09.21.2023

175 Stinson Attorneys Selected to the 2024 *Best Lawyers in America* List
08.17.2023

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

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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

Stinson Attorneys Named Litigation Stars by *Benchmark Litigation*

10.06.2022

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

152 Stinson Attorneys Selected to the 2023 *Best Lawyers in America* List

08.18.2022

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

Mark Hinderks Selected as Stinson's 2022 D&I Champion

06.08.2022

Stinson Attorneys Named Litigation Stars by *Benchmark Litigation*

10.26.2021

103 Stinson Attorneys Selected to the 2022 *Best Lawyers in America* List

08.19.2021

112 Stinson Attorneys Selected to the 2021 *Best Lawyers in America* List

08.20.2020

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Nineteen Stinson Attorneys Named 2021 Lawyers of the Year by *Best Lawyers in America*

08.18.2020

Managing Partner Mark Hinderks Featured in *Law360* Law Firm Leaders

06.11.2020

Managing Partner Mark Hinderks Receives Top Alumni Award from KU Law

04.22.2020

SPEAKING ENGAGEMENTS

Mark has been a frequent speaker (more than 125 presentations) and author on legal ethics and professional responsibility. He is a co-founder of "Ethics for Good," a benefit series of lively stage show ethics presentations whose net proceeds go entirely to local charities and law school and paralegal scholarships. Following its twenty-first year in 2021, approximately 11,000 lawyers have attended, generating nearly \$850,000 in charitable contributions.

"Dear Ethics Lawyer: Q&A for Mo Bank Legal Risk Conference," MBA Virtual Ethics Program Webinar, November 2023

2023 Business Law Update

03.02.2023

PUBLICATIONS

Mark is the author of law review and journal works appearing in the *Kansas Law Review*, *Washburn Law Journal* and the *Journal of the Kansas Bar Association*. In addition, Mark has served as a chapter author of the *Kansas Bar Association's Ethics Handbook* and *Construction Law Handbook*.

"When Does Unsolicited Receipt of Confidential Information From a Potential Client Create Duties?" *The Legal Intelligencer*, April 2024

"Is It a Conflict of Interest to Be Adverse to a Former Firm Client Who Has Left With a Departing Lawyer?" *The Legal Intelligencer*, March 2024

"When Does a Current Client Become a Former Client, Allowing a Lawyer to Be Adverse to a Client With No Recent Work?" *The Legal Intelligencer*, February 2024

"Navigating a Tricky Matter-Intake Problem Involving a Conflict and Confidential Information," *The Legal Intelligencer*, January 2024

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"Lawyers Telling All: When and How Can We Tell the Great Stories of Our Legal Career?" *The Legal Intelligencer*, December 2023

"Lawyers, Clients and Sex: Circumstances Not Involving Actual 'Sexual Relations' Can Violate the Rules," *The Legal Intelligencer*, November 2023

"Does a Lawyer Have a Duty to Inquire Into a Client's Intentions, Purpose Prior to an Engagement?" *The Legal Intelligencer*, October 2023

Mark was the original author of the document that now serves as the White Paper of the American College of Trial Lawyers, "Attorney-Client Privilege Update: Current and Recurring Issues."

Chapter Author, "ABA Tort, Trial & Insurance Practice," *The Trial Lawyer's Guide to Attorney-Client Privilege and Work-Product Doctrine*, Reagan W. Simpson & Robert P. Redermann, eds., 2023

"What Do I Do When I Receive a Communication That Appears to Be Inadvertently Sent to Me by an Opposing Lawyer?" *The Legal Intelligencer*, September 2023

"What Should You Do When a Client's Testimony Contradicts What the Client Told You Before?" *The Legal Intelligencer*, August 2023

"When May a Lawyer Have an Intimate Relationship With a Constituent of an Organizational Client?" *The Legal Intelligencer*, July 2023

"Disclosure of Client Document Concealment Learned Post-Settlement," *The Legal Intelligencer*, June 2023

"Lawyers Walk Ethical Tightrope With Gifts, Hospitality to Judges." *Bloomberg*, May 2023

"What to Do When Ethics Rules of Different Jurisdictions Conflict in Multi-State Practice." *The Legal Intelligencer*, April 2023

"The Rules of Contact: Client Employees and Former Employees, and Represented and Unrepresented Others," *The Legal Intelligencer*, March 2023

"Honesty in Negotiations? Do the Ethics Rules Require or Expect It?" *The Legal Intelligencer*, February 2023

"The Discipline George Santos Would Face If He Were a Lawyer," *Law360*, February 2023

"What to Do When Your Witness Tells a Different Story Under Oath," *The Legal Intelligencer*, January 2023

"6 Ways to Avoid Compounding Errors When Practicing Law," *Law360*, January 2023

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"Does Including a Consultant in Litigation Team Communications Waive privilege or Work Product Protection?" *The Legal Intelligencer*, December 2022

"9 Legal Ethics Considerations in Natural Disaster Preparation," *Law360*, November 2022

"Attys Shouldn't Assume Judicial Critique Is Protected Speech," *Law360*, October 2023

"When Can a Lawyer make a False or Misleading Statement to Make a Deal?" *The Legal Intelligencer*, September 2022

"The Risks in Lateral Hiring, and How to Avoid Them," *Law360*, September 2022

"A Law Firm's Guide to Avoiding Client Conflicts," *Law360*, August 2022

"Dear Ethics Lawyer: Representing Multiple Clients in Claims Against One Defendant," *The Legal Intelligencer*, August 2022

Stinson LLP: COVID-19 Preparedness and Service

03.17.2020

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