

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

In the News

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Stinson LLP's [Mark Hinderks](#) authored a column for *The Legal Intelligencer*, "What to Do When Ethics Rules of Different Jurisdictions Conflict in Multi-State Practice."

The column relates to ABA Model Rule 8.5 (Disciplinary Authority; Choice of Law) and provides insight into how ethics rules are handled when different jurisdictions conflict with multi-state practices and cases.

Hinderks notes that 60% of US jurisdictions have now adopted Rule 8.5. For those jurisdictions, in March 2023, the ABA Standing Committee on Ethics and Professional Responsibility added to the guidance in Formal Opinion 504, which includes example discussions on issues concerning fee agreements, restrictions on law firm ownership, the required or permissive reporting of professional misconduct, confidentiality duties and the availability of screening for lateral lawyers to avoid conflicts of interest.

"These examples address and discuss how a lawyer should consider the location of 'predominant effect' of the lawyer's conduct in applying Rule 8.5. It also confirms the 'safe harbor' found in Rule 8.5(b)(2) for lawyers who reasonably believe that they are acting according to the rules of the jurisdiction in which the predominant effect of their conduct occurs," Hinderks writes. "In this way, its guidance is very useful and should be part of your operational toolkit when considering ethics rules in multi-jurisdictional contexts."

Hinderks leads the firm's Legal Ethics & Professional Responsibility practice. He is the author of *Dear Ethics Lawyer*, a twice-monthly newsletter with questions and answers concerning legal ethics, and 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. Hinderks has presented more than 125 programs on legal ethics over the past 30 years, has authored many articles and handbook chapters on legal ethics, and has been deeply involved in professional organizations with legal ethics and professional responsibility as their focus.

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