

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

In the News

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Stinson LLP Partner and former Managing Partner [Mark Hinderks](#)' ethics column detailing the risks of laterally hiring attorneys was recently published in *Law360*. In the article, Hinderks highlights the changing environment in which law firms hire lateral attorneys and the risks associated with this practice.

"Law firms and corporate law departments that used to train and develop most of their lawyers and staff now freely poach talent from other firms and companies," Hinderks writes. "Most law firms are constantly searching for lateral hires that will help them expand their business, increase their expertise, serve existing clients and attract new ones."

While acquisitive firms and companies don't have to deal with noncompetes in legal recruiting and lateral hiring, they still have to account for ethics rules, risks and unexpected conflicts of interests that can "upset the math of lateral hiring." Hinderks provides insight on the ABA Model Rules of Professional Conduct, as the rules directly apply to lateral hires, and he offers best practices to mitigate lateral conflicts and other risks.

"Firm or practice leadership should be involved early in the recruiting process to get an understanding of the places and manner of the lateral's practice, to identify any multijurisdictional practice risks or concerns, and to determine and discuss whether the way the lateral practices — scope, breadth, use of other lawyers, extent of supervision, expected degree of autonomy, etc. — is consistent with the policies and culture of the firm," Hinderks writes.

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

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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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