

Hinderks Analyzes Ethical Concerns in Multi-Client Representation in *The Legal Intelligencer*

In the News

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Stinson LLP Senior Counsel [Mark Hinderks](#) authored a column for *The Legal Intelligencer*, "When Do Advance Waivers Embedded in an Engagement Letter Permit Future Adversity to the Client?"

Hinderks says an advance waiver contained in an engagement letter links a law firm's acceptance of the matter and corresponding ethical duties to the client with the client's willingness to accept the firm's ability to work for other clients in unrelated areas, even if adverse.

He notes that an advance waiver is effective if it meets the four-part test of Model Rule 1.7(b) as well as highlights common issues with advance waivers, including whether adequate informed consent has occurred. Hinderks also provides insight into ethical considerations, including the possibility of conflicts of interest under Rule 1.7(a) and the risk of confidential information being misused when representing multiple clients in a transaction.

"It may be wise to institute an ethical wall segregating those representing B from files and information of A and vice versa—and making sure that there is no overlap of lawyers and staff working on the matters for each client," Hinderks writes. "Attention to these details can facilitate this representation and leave the firm with clients who are satisfied with the firm's professionalism."

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 135 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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