

## Hinderks Examines Model Rule 1.7, Addresses Material Limitation Conflicts in *The Legal Intelligencer*

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Stinson LLP Senior Counsel [Mark Hinderks](#) authored a column for *The Legal Intelligencer*, "When Do Family Relationships Create Conflicts for Lawyers on Opposing Sides?"

In examining Model Rule 1.7, Hinderks provides insight into whether client representations involving familial relationships create a "material limitation" conflict. Family and other close-knit relationships can create a material limitation conflict under Rule 1.7(a)(2) if an attorney's representation of a client would be affected or limited by the existence of the relationship.

Hinderks explores a situation where a litigation attorney, his daughter and niece have entered appearances for different defendants, each of which have cross-claims against the others. Hinderks notes the parent-child relationship would almost certainly fall within this prohibition and should be treated as a conflict.

"Best practice suggests that all three lawyers inform their clients and obtain consent to remain in the case (particularly given what appear to be close relationships)," Hinderks writes. "If any client does not consent, while the affected lawyer may be disqualified and have to withdraw, their firm is likely not to be. Rule 1.10(a)(1) does not extend a personal interest conflict to an imputed disqualification of a firm in the absence of a material limitation that affects the other lawyers of the firm."

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

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

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Mark D. Hinderks

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