

## Hinderks Explores Attorneys' Duties to Opposing Counsel in *The Legal Intelligencer*

In the News

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Stinson LLP Senior Counsel [Mark Hinderks](#) authored a column for *The Legal Intelligencer*, "The Ethics of Addressing Opposing Counsel's Factual Errors."

Hinderks addresses what to do when opposing counsel makes a mistake relating to the facts of a case. He examines a scenario in which an attorney realizes opposing counsel has miscalculated the statute of limitations, potentially jeopardizing the opposing counsel's case and client.

Hinderks analyzes the situation through a variety of Model Rules. He says the primary focus of an attorney's duties is always to their client (diligence, competence, confidentiality), emphasizing Rules 1.2 and 1.4, with only limited and basic duties that apply to third parties or to opposing parties or counsel.

"The lawyer should consult with the client 'about the means by which the client's objectives are to be accomplished,' and abide by the client's decision concerning the objective," he writes. "If the client chooses to let the opposition's mistake play out, then the lawyer must remain silent and pursue the defense once it arises."

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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