

Model Rules' Protection of Interests of Former Clients Examined by Hinderks in *The Legal Intelligencer*

In the News
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Stinson LLP Senior Counsel [Mark Hinderks](#) authored a column for *The Legal Intelligencer*, "Is It a Conflict of Interest to Be Adverse to a Former Firm Client Who Has Left With a Departing Lawyer?" The column examines the Model Rules' protection of interests of former clients, with a particular focus on Rules 1.9 and 1.10.

Hinderks responds to a question about a potential conflict of interest for a law firm representing a client in a dispute against a former client. The former client moved their matters 60 days ago when an attorney joined another firm, taking all client files, and the only associate who had worked on any of the formerly associated client's matters.

Hinderks says in this situation, the interests are not implicated by Rule 1.9 and this situation is expressly accounted for in Rule 1.10(b).

"Here, all the records are gone, and the only lawyers who had knowledge of the former client's confidential information in their heads are also gone," Hinderks writes. "Provided the new matter is not the same or substantially related to a matter for X Company while the partner who left represented them at your firm, neither you nor your firm have a conflict of interest that precludes current adversity."

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

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

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