Ethical Dilemmas When Representing Business Clients

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Ethics and Business Clients

Summary

• Who Is the Client: Employer/Employee?
• Employers Charging Fees to Employees.
• Hiring Timing: Jumping the Gun
• Client Non-Compliance
• Lawyers Going into Business with Clients
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Summary (cont.)

• The Unsatisfied Client: Billing Disputes, Threatening Complaints

• Avoiding and Navigating Disputes
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Who is the client?

• Employer? Employee? Both?
• Employee reasonable perception of lawyer role?
• Dual representation situations: fees, engagement letters, confidentiality, and conflicts issues.
• ABA Model Rules 1.5, 1.6, and 1.7.
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The Skinflint Client

• Employers deducting legal fees from employee pay.
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The Anxious Client

• Jumping the gun on employment.
• Ethics issues: duties of candor to the immigration authorities. Assistance with illegal conduct? ABA Model Rules 1.2, 3.3, and 4.1.
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The Non-compliant Client

• Failing to follow the rules/regs, intentionally or otherwise.

• How much counseling before withdrawal? Disclosure obligations? ABA Model Rules 1.2, 1.6, 1.16, 3.3, and 4.1.
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The Business Partner Client

• Lawyer participating in business deals with clients.

• Ethics: conflicts, fairness of business, terms, disclosure and consent. ABA Rules 1.7 and 1.8.
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The Unsatisfied Client

• Disputing bills—resolving fee disputes. ABA Model Rules 1.5 and 1.8.

• Complaints about legal work. Continued representation after complaints? Resolution of complaints. ABA Model Rules 1.7 and 1.8.