

# **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

# Ethics and Business Clients

## Summary (cont.)

- The Unsatisfied Client: Billing Disputes, Threatening Complaints
- Avoiding and Navigating Disputes

# Ethics and Business Clients

## 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.

# Ethics and Business Clients

## The Skinflint Client

- Employers deducting legal fees from employee pay.
- Ethics issues: creation of attorney-client relationship with employee? Conflict issues for lawyer? Employee-employer disputes over fees. ABA Model Rules 1.7 and 1.8.

# Ethics and Business Clients

## 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.

# Ethics and Business Clients

## 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.

# Ethics and Business Clients

## 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.

# Ethics and Business Clients

## 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.