



FINANCIAL POISE WEBINAR ONE SHEET LEGAL ETHICS – BEST PRACTICES 2019

SERIES OVERVIEW

Corporate scandals make the headlines periodically, but businesses and the lawyers that work with them face ethical challenges every day, even in situations that are legally compliant. This webinar series examines ethical issues confronted by businesses in a variety of contexts, from so called “grey areas” to those involving outright corruption. The panels consider and recommend different approaches to ethical decision-making and the lawyer's role in advising business clients. As with all Financial Poise Webinars, each episode in the series brings you into engaging, sometimes humorous, conversations designed to entertain as it teaches. And, as with all Financial Poise Webinars, each episode in the series is designed to be viewed independently of the other episodes, so that participants will enhance their knowledge of this area whether they attend one, some, or all of the episodes.

EPISODE SUMMARIES

EPISODE #1

**Best Practice Regarding Technology
February 13, 2019 at 1:00 PM CST**

Technology is rapidly changing the way that lawyers and businesses interact (e.g. email; data rooms). This creates new and different challenges to confidentiality, attorney-client privilege and the creation of a detailed record of negotiations and interactions. This webinar will describe the problems and some solutions that arise out of the changing manner and pace of business law practice.

This webinar will also cover several ABA Model Rules of Professional Conduct. The panelists will examine ABA Model Rule 1.1 and specifically discuss Comment 8’s recommendation that “to maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology...”

Model Rule 1.6 requires the attorney to perform “reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.” This requirement will be examined in light of the special concerns presented by the use of technology. The panelists will also address Comment 18 to Model Rule 1.6 and explore “reasonableness” judged by “sensitivity of the information, likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards and the extent to which safeguards adversely affect the lawyer’s ability to represent clients (e.g., software that is excessively



difficult to use).

Further, this webinar will examine ABA Model Rule 5.1 and 5.2 and the requirement that the attorney must make “reasonable efforts” to ensure that the firm conforms to the Rules of Professional Conduct. The panel will also explore the requirement that lawyers supervising other attorneys shall make “reasonable efforts” to ensure that the other lawyer conforms to the Rules of Professional Conduct.

Finally, the panel will examine ABA Model Rule 5.3 and its requirement that lawyers with direct supervisory authority over nonlawyers must make “reasonable efforts” to ensure that the person’s conduct is compatible with the professional obligations of the lawyer, Also, the panel will explore Comment 2 to Rule 5.3.

EPISODE #2

Hot Off the Press- Recent Cases & Decisions

March 13, 2019 at 1:00 PM CST

This webinar is for the lawyer- or anyone else- who wants to brush up on legal ethics in the business context. The panelists discuss recent and important case law in the area and explain how those decisions can have real word impact on the situations you may be involved in. Among others, the following ethical model rules are discussed: Rule 1.2-Scope of Representation and Allocation of Authority Between Client and Lawyer; Rule 1.7-Conflict of Interest: Current Clients; Rule 1.8-Conflict of Interest: Current Clients: Specific Rules; Rule 1.9-Duties to Former Client; and Rule 1.13-Organization as Client

EPISODE #3

How to Avoid Malpractice & Disciplinary Actions - General DOs and DON'Ts

April 10, 2019 at 1:00 PM CST

This webinar presents basic practice pointers to avoid committing malpractice and disciplinary actions, and how to respond to claims of malpractice or unethical behavior. The panel also discusses the role that malpractice insurance plays in these situations and the ramifications of a malpractice judgment or disciplinary action. Model Rules discussed include: (a) those that govern the client-lawyer relationship (Rule 1.1 through 1.10; 1.13; and 1.16); (b) those that that speak to transactions with persons other than clients (Rule 4.1 through 4.4); Rules 5.1 through 5.5 (dealing with respective responsibilities of a partners/supervisory lawyers, subordinate lawyers, non-lawyer assistance, independence, unauthorized practice of law, and multijurisdictional practice of law); and communication, including advertising and solicitation of clients (Rules 7.1 through 7.5).