

Ethical Issues in Departing Employee Litigation

Zach Wolfe

Fleckman & McGlynn, PLLC



fiveminutelaw.com

1. Conflict of interest and communications seeking representation

- Paula Payne Windows, LLC
- Paula Payne, Founder
- Dawn Davis, President

What should you do?

- (A) Honest opinion
 - (B) I'd love to help, but . . .
 - (C) say B, then call Paula Payne
-
-

Rule 1.06(b)

- “a lawyer shall not represent a person if the representation of that person . . . involves a substantially related matter in which that person's interests are materially and directly adverse to the interests of another client of the lawyer or the lawyer's firm”
-

Tell Dawn you don't represent her?

- See *Parker v. Carnahan*, 772 S.W.2d 151, 157 (Tex. App.—Texarkana 1989, writ denied)
-
-

“Confidential Conflict Check”

- See Tex. R. Evid. 503(a)(1)(B)
-

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Ethics in Departing Employee Litigation

Also available as part of the eCourse

[First Friday Ethics \(February 2022\)](#)

First appeared as part of the conference materials for the
2021 First Friday Ethics (April 2021) session

"Ethics in Departing Employee Litigation"