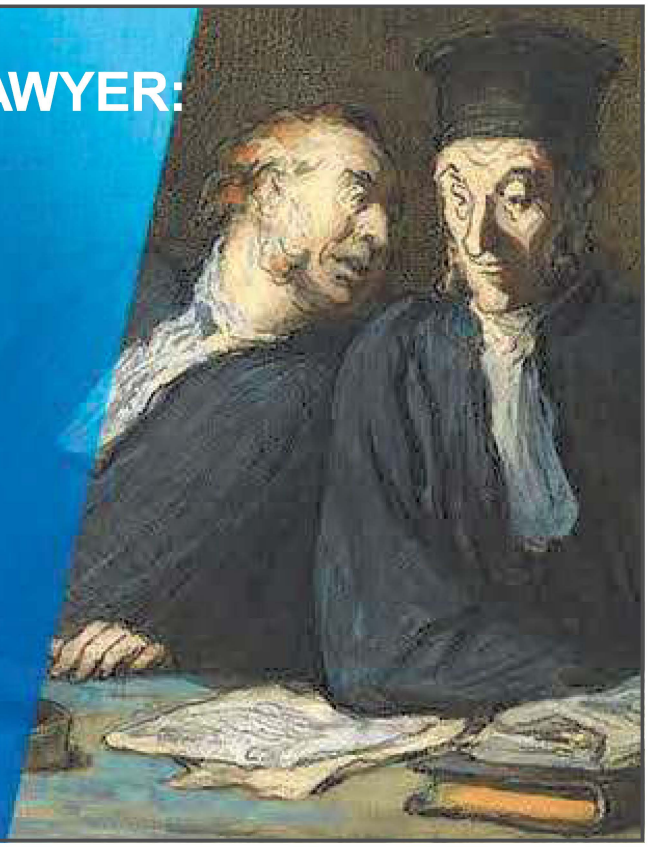
ETHICS AND THE AGENCY LAWYER: Conflicts, Fiduciary Duty, and Confidential Information

Situations which Require Ethical Boundaries



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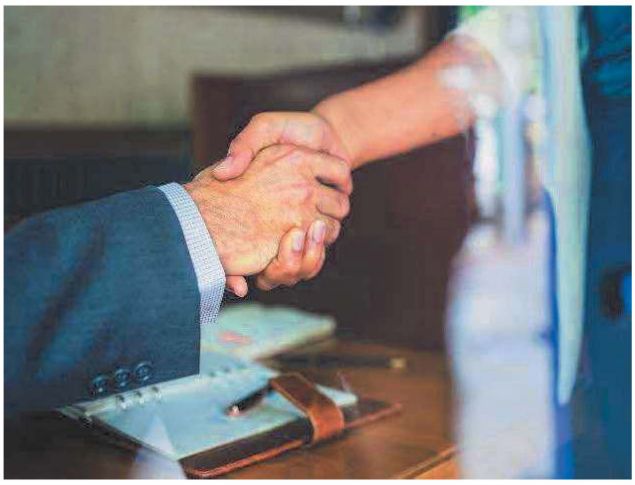
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2 What we will cover

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- Fiduciary Duty – Texas Law
- Conflicts of Interest
- What is Confidential Information
- Hearing Ethics – Advocacy v. Integrity
- Avoiding Common Ethical Traps



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Part 2: Fiduciary Duty

Definitions and Elements

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What is a fiduciary?

A fiduciary can be:

- A person
- A trust
- A capacity between entities
- A duty
- A relationship
- A doctrine

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Common elements and characteristics

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High degree of fidelity	Scrupulous candor
Scrupulous good faith	Putting the benefit of another person above the actor's own benefit

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Why is this important?

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- **Fiduciary duty** touches every segment of a lawyer's practice and interactions with clients, the courts, and the administration of justice.
- The **penalties** for breach of duty can be devastating to a lawyer and the lawyer's firm.
- Understanding and appreciating these duties and liabilities will **improve** your client relationships and your professional reputation.
- Suing lawyers is a growth industry!

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