

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

Situations which Require Ethical Boundaries

**Claude Ducloux—Attorney at Law**

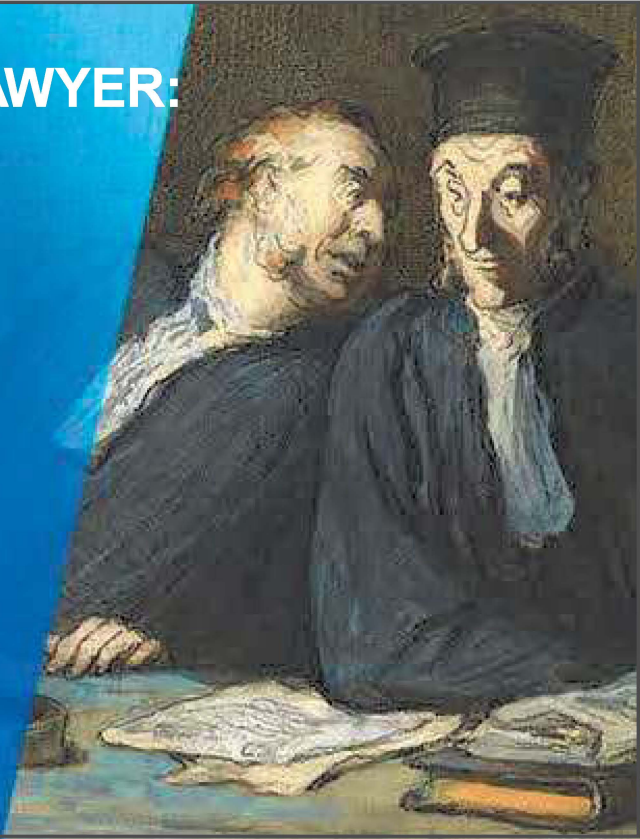
*National Director of Education—LawPay*

**Franklin Hopkins—Principal**

*Germer, Beaman & Brown PLLC*

September 1, 2022

**LAWPAY**<sup>®</sup>  
AN AFFINIPAY SOLUTION

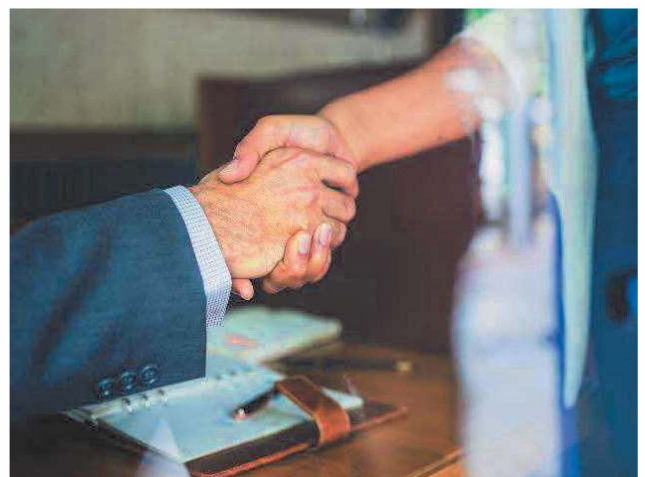


1

## 2 What we will cover

**LAWPAY**<sup>®</sup>  
AN AFFINIPAY SOLUTION

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



2

# Part 2: Fiduciary Duty

## Definitions and Elements

3

What is a fiduciary?

**A fiduciary can be:**

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

4

## Common elements and characteristics

High degree of fidelity

Scrupulous candor

Scrupulous good faith

Putting the benefit of  
another person above  
the actor's own benefit

5

## Why is this important?

- **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!

6

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 and the Agency Lawyer: Conflicts, Fiduciary Duty, and Confidential Information

Also available as part of the eCourse

[2022 Advanced Texas Administrative Law eConference](#)

First appeared as part of the conference materials for the  
17<sup>th</sup> Annual Advanced Texas Administrative Law Seminar session

"Ethics and the Agency Lawyer: Conflicts, Fiduciary Duty, and Confidential Information"