

Emerging Ethical Risks for Attorneys

Outsourcing, Litigation Financing, Social Media, Cloud Computing, eDiscovery, and Lawyer Mobility



Presented by *HB Litigation Conferences* in Collaboration with *West LegalEdcenter*, a Thomson Reuters Business

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Chairs: James Walker, Richards Kibbe & Orbe LLP, and Stephen Weisbrod, Weisbrod Matteis & Copley PLLC

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| <p>7:30 Registration & Continental Breakfast</p> <p>8:00 Welcome & Opening Remarks</p> <p>8:10 How Law Firms Outsource the Provision of Legal Services (LPO)</p> <ul style="list-style-type: none">• Economic considerations (cost savings, return on investment, etc.)• Quality control• Security issues• Export control issues <p>Joseph Borstein, Director of Legal Solutions, Pangea3</p> <p>8:25 Ethical Considerations Raised by Legal Process Outsourcing</p> <ul style="list-style-type: none">• Avoiding allegations of unauthorized practice of law• Supervision requirements• Ensuring protection of privileges and confidential information• Conflicts of law• Relevant ethics opinions <p>Deirdre Byrne, Legal Account Manager, Integreon
Jeffrey Udell, Olshan Frome Wolosky LLP
James Walker, Richards Kibbe & Orbe LLP</p> <p>9:25 Financing Law Firms and Litigation</p> <ul style="list-style-type: none">• Litigation finance defined• Practical effects of litigation finance• Innovative forms of litigation financing <p>Andrew Langhoff, Chief Operating Officer, Burford Group LLC</p> <p>9:50 Morning Break</p> <p>10:05 Ethical Considerations Raised by Litigation Financing and Alternative Fee Arrangements</p> <ul style="list-style-type: none">• Public policy considerations• Confidentiality and privilege issues• Champerty• Fee splitting• Maintaining independent professional judgment• Alternative fee arrangements <p>Anthony Sebok, Professor of Law, Benjamin N. Cardozo School of Law
Edward Slaughter, Hawkins Parnell Thackston & Young LLP
Gordon Walker, Chief Investment Officer, 1624 LLC Litigation Investments</p> <p>11:05 Ethical Considerations Raised by Social Media, Internet Communication and Technological Advances</p> <ul style="list-style-type: none">• Tools for building a practice vs. building a case inventory• Understanding and achieving an ideal web-presence• Preserving client confidences and privileges• Limits on attorney advertising• Avoiding establishing attorney-client relationships via social media• Using social media in case internal and pre-litigation investigations, litigation and jury selection <p>David Lewis, Hinshaw & Culbertson LLP
James Walker, Richards Kibbe & Orbe LLP</p> | <p>12:05 Cloud Computing: Options and Benefits for Your Firm, Your Practice and Your Client</p> <ul style="list-style-type: none">• Cloud computing service models• Cost benefits to using cloud technologies• Functional advantages of the cloud <p>Patrick Sklodowski, mindSHIFT Technologies, Inc.</p> <p>12:15 Networking Lunch</p> <p>1:15 Ethical Considerations Raised by Cloud Computing and Data Hosting</p> <ul style="list-style-type: none">• Confidentiality and privilege issues• Allocation of costs• Disclosures to clients• Relevant ethics opinions <p>Jennifer Brennan, iDiscovery Solutions, Inc.
Jason Eckerly, Segal McCambridge Singer & Mahoney, Ltd.</p> <p>2:00 How to Respond to a Legal Malpractice Crisis: a Hypothetical Exercise</p> <ul style="list-style-type: none">• Privilege & confidentiality issues• Duty of loyalty• Conflicts of interest• Dealing with insurers• Multiparty representation <p>Mary Borja, Wiley Rein LLP
Robert Cary, Williams & Connolly LLP
Nicole Hyland, Frankfurt Kurnit Klein & Selz
James Walker, Richards Kibbe & Orbe LLP
Stephen Weisbrod, Weisbrod Matteis & Copley PLLC</p> <p>3:25 Afternoon Break</p> <p>3:40 Ethical Challenges and Recommendations for Litigators Conducting eDiscovery in a World of Ever-Changing Technologies</p> <ul style="list-style-type: none">• Key ethical duties at play in eDiscovery• The impact of emerging technologies and the globalization of business on attorneys' ethical duties in conducting eDiscovery• Upcoming changes to the ABA Model Rules of Professional Conduct relating to technology and information security• Recommendations for avoiding ethical misconduct in eDiscovery <p>Roberta Benson, Sedgwick LLP
Laura Clark Fey, Daley & Fey LLP</p> <p>4:30 When Lawyers and Clients Change Firms and Other Client Related Challenges - Ethical Concerns</p> <ul style="list-style-type: none">• Collecting information on lateral candidate's current and past representations• Ethical walls to prevent imputation• Notifying clients and firms• Collecting from a client and attorney liens• Liabilities of lawyers from defunct law firms <p>Edward Reich, SNR Denton US LLP</p> <p>5:30 Adjourn</p> |
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