



Dear Ethics Lawyer™

The Legal Ethics Project. Supporting professionalism with information.

Q: Dear Ethics Lawyer,

I am a mid-level partner in a law firm. I have struggled to develop business until recently when I received a call from a law school classmate who recently became head of litigation at a major family-owned private company. They have lots of litigation, and even more money to pay for it. In many ways it is a dream come true for my career. But this company stands for some things that I think are simply awful. They are very political in an open way and have views I find distasteful. They use their big war chest of money to influence public policy in a way that I find repugnant. In our meetings they say terrible things about people I respect. I have to hold my tongue not to openly disagree with them. And now, my name will forever be associated with them. I am trying my best to do their legal work well, but I am struggling. Do I have ethical issues arising out of this situation?

A: Let's consider your situation in the context of the Model Rules. First, remember that Rule 1.2 specifically confirms that a lawyer's representation of a client "does not constitute an endorsement of a client's political, economic, social or moral views or activities." A lawyer may honestly and diligently represent even a despicable client without agreeing with what that client does or says. But, even a client the lawyer does not like is entitled to the same competence (Rule 1.1), diligence (Rule 1.3), communication (Rule 1.4) and other matters the lawyer owes every client under the rules. If the lawyer cannot provide that standard of care to a client because of that client's views or statements, then the lawyer likely has a material limitation conflict of interest under Rule 1.7(a)(2).

There are several types of material limitation conflicts, many of which have been discussed in this column (See issues listed under "Conflicts" at www.dearethicslawyer.com). They occur when "there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer." In your situation, consider whether there is a substantial risk that your representation of this client for the value of their fees and the quantity of their litigation will be materially limited by your disagreement with their views. If so, you have a conflict and should either withdraw or refer them to someone else in your firm. If you cannot make peace with the representation as a professional, and give the client the level of service required by the rules, then it will not turn out well for you or the client.

About Dear Ethics Lawyer

The twice-monthly "Dear Ethics Lawyer" column is part of a training regimen of the Legal Ethics Project, authored by [Mark Hinderks](#), former managing partner and counsel to an AmLaw 134 firm; Fellow, American College of Trial Lawyers; and speaker/author on professional responsibility for more than 25 years. Mark leads Stinson LLP's [Legal Ethics & Professional Responsibility](#) practice, offering advice and "second opinions" to lawyers and law firms, consulting and testifying expert service, training, mediation/arbitration and representation in malpractice litigation. The submission of questions for future columns is welcome: please send to mark.hinderks@stinson.com.

Discussion presented here is based on the ABA Model Rules of Professional Conduct, but the Model Rules are adopted in different and amended versions, and interpreted in different ways in various places. Always check the rules and authorities applicable in your relevant jurisdiction – the result may be completely different.