

Corporate Counsel Series: Ethics 2019

Bradbury Thompson Alumni Center, Convocation Hall
1701 SW Jewell Avenue, Topeka, KS 66604
Tuesday, February 26, 2019

Agenda

11:30 a.m. – 12:20 p.m.

Ethical Issues in Workplace Investigations

Speaker: Jeff DeGraffenreid

This program will include a discussion of the ethical rules that may arise when counsel learns of conduct giving rise to the need for a workplace investigation, including:

- A discussion of scenarios involving sensitive situations that you may face, and best practices for response
- An overview of the ethical rules and issues related to identifying the client and selecting an appropriate investigator
- How the attorney-client privilege and work product doctrines may apply to investigative materials
- Rules 1.1, 1.3, 1.6, 1.7, 1.13, 4.1, 4.2, 4.3

12:20 p.m. – 12:30 p.m. Break

12:30 p.m. – 1:20 p.m.

"Is This Thing on?" Lawyers Who Talk Too Much and Other Ethical Mishaps

Speakers: Jeremy Graber and Jason Lacey

This program will include a discussion of confidentiality obligations and the bounds of privilege, as well as examples of other ethical challenges arising in the past year:

- ABA Formal Opinion 480: "Confidentiality Obligations of Lawyer Blogging and Other Public Commentary"
- ABA Formal Opinion 479: "The 'Generally Known' Exception to Former-Client Confidentiality"
- Lawyer statements to media (including social media) and others outside the attorney-client relationship
- Recording of conversations by and with counsel
- Cautionary tales from the past year
- Rules 1.1, 1.6, 3.4, 4.1, 4.2, 4.3, 4.4, 8.4