

FOULSTON

ATTORNEYS AT LAW

Corporate Counsel Series: Ethics 2025

National Center for Aviation Training (NCAT) Auditorium at WSU Tech
4004 N. Webb Rd., Wichita, KS 67226
Tuesday, October 28, 2025

Agenda

2:00 p.m. – 2:05 p.m. Opening remarks

2:05 p.m. – 2:55 p.m.

Guarding the Privilege in the Digital Age: Ethical Pitfalls for In-House Counsel

Andrew Nolan and Teresa Shulda

In-house counsel operate at the intersection of legal duty and corporate strategy, often facing unique ethical challenges in preserving attorney-client privileged communications. This presentation explores the complexities of privilege in the corporate context, including issues of dual roles, executive communications, communications with non-management and third parties, and common interest privileges. We will also address the ethical and logistical dilemmas associated with the disclosure of confidential client information through modern digital tools and processes, such as artificial intelligence (AI), virtual communications like Zoom and Teams, and considerations for recording those conversations. Attendees will gain insights into best practices for protecting privileged communications while leveraging modern technologies.

Rules:

- KRPC 1.1 Competence
- KRPC 1.4 Communication
- KRPC 1.6 Confidentiality
- KRPC 1.3 Organization as a Client
- KRPC 5.3 Nonlawyer Assistance
- KRPC 8.4 Misconduct

2:55 p.m. – 3:05 p.m. Break

3:05 p.m. – 3:55 p.m.

Lawyer “Severance”: When Will Your Outie’s Conduct Get Your Innies Sent to the Break Room (and Other Recent Tales From the World of Legal Ethics)

Holly Dyer

In the TV series *Severance*, workers can surgically “sever” their work self (“innie”) from their outside-of-work self (“outie”). For lawyers, the line between work life and private life is not at all clear. In this presentation, we’ll discuss when and under what circumstances the actions of your “outie” could subject you to discipline under the rules of professional conduct. This presentation will also cover other recent developments and ethics cases in the news over the last year. Rules and authority that will be addressed may include:

- Matter of Valdez, 2025 WL 2490573 (Kan. Aug. 29, 2025)
- Kansas Rules of Professional Conduct, including KRPC 1.6, KRPC 3.5, KRPC 4.1, KRPC 8.4

- Kansas Supreme Court Rules governing disciplinary procedures, including Rule 226
- ABA Formal Opinion 514

4:00 p.m. Closing and Reception