

PROF. COND. R. 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES

Conflicts of interest for current clients must also be analyzed under this Rule for specific actions. The Rule provides guidance that the lawyer may NOT:

1. enter into a business transaction with a client, unless conditions in rule are met
2. use information on representation to disadvantage of client, without client consent
3. solicit any substantial gift from a client See Cmts [6], [7], and [8]
4. take literary or media rights prior to conclusion of representation
5. provide financial assistance to a client See court costs exceptions
6. accept compensation from other than the client, unless conditions in Rule are met
7. make an aggregate settlement, unless conditions in Rule are met
8. make an agreement prospectively limiting liability for malpractice
9. acquire a proprietary interest in litigation
10. solicit or engage in sexual activity with a client

The rule states that while lawyers are associated in a firm, a prohibition that applies to any one of the lawyers, applies to all of them. This should raise the awareness of all lawyers in the firm of the importance of carefully monitoring these specific conflict provisions.