

Navigating Employment Law Ethics

How to avoid ethical traps and pitfalls in your employment case

The practice of employment law can present challenges to even the most conscientious practitioner. When is it proper and when is it a problem to represent two employee-plaintiffs together in a lawsuit? And when can and can't you represent an employer-defendant along with a manager who has also been sued? If you represent plaintiffs, what do you do when your prospective client walks into your office explaining she's downloaded lots of company documents onto a thumb drive? If you represent defendants, what do you do when you learn that an employee did that? Can a plaintiff's lawyer interview witnesses who currently work for the employer? If so, which ones? Can the employer's attorney tell these witnesses not to talk to the plaintiff's attorney? What information can be withheld by both lawyers, if any, during settlement negotiations?

Join our experts as we examine the best ways to avoid ethical lapses while vigorously representing your employer and employee clients, the judgment calls you'll need to make alongside the principles that should guide you in making them, as well as what issues the courts and bar authorities consider in evaluating your conduct. Hear the faculty present these issues in the lively format of hypotheticals reflecting real-life dilemmas faced by practitioners representing both employers and employees.

Agenda

- Questions You Should Ask Before Deciding You Can Ethically Represent Co-Plaintiffs or Co-Defendants
- Steps Defense Lawyers Should Take and Avoid Taking if an Employee Has Taken Company Documents
- Preliminary Questions a Plaintiff's Lawyer Should Ask a Witness Before Questioning Them—if the Witness Is a Current Employee of the Defendant
- What Happens if You Learn a Key Piece of Information That Hurts Your Case, Which Your Adversary Doesn't Know—in the Middle of Settlement Negotiations?
- "Ask the Experts" Q&A Session

Faculty

Ellen J. Messing, Esq., *Messing, Rudavsky & Weliky, PC, Newton*, Chair
Paul G. Lannon, Jr., Esq., *Holland & Knight LLP, Boston*

Dates & Location

Register at www.mcle.org

LIVE WEBCAST

Tuesday, October 3, 2023
3:00 pm–4:00 pm
Program # 2240126WBC

REBROADCAST

Wednesday, October 18, 2023
9:00 am–10:00 am
Program # 2240126RB1

REBROADCAST

Thursday, October 26, 2023
12:00 noon–1:00 pm
Program # 2240126RB2

ON DEMAND WEBCAST

View after Thursday, October 26, 2023
Program # 2240126WBA

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