I Need Some Advice:  
The Status of Internal Law Firm Privilege in Oregon

Multnomah Bar Association  
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Mark J. Fucile  
Fucile & Reising LLP  
mark@frllp.com  
503.224.4895  
www.frllp.com
DUTY TO DISCLOSE CONFLICTS REGARDLESS

► Conflicts: RPC 1.7(a)(2)

► Informed Consent: RPC 1.0(g)

► Communication: RPC 1.4

► “Firm Unit Rule”: RPC 1.10(a)
DUTY TO DISCLOSE CONFLICTS REGARDLESS

- Ethical Duties Remain Regardless of the Approach Taken on Privilege
DUTY TO DISCLOSE CONFLICTS REGARDLESS

► Telling Clients about Mistakes:

♦ In re Obert, 336 Or 640, 89 P3d 1173 (2004)
DUTY TO DISCLOSE CONFLICTS REGARDLESS

Fact of Consultation Generally Not Considered Privileged

♦ Laird C. Kilpatrick
Oregon Evidence at 354-55 (6th ed 2013)
DUTY TO DISCLOSE CONFLICTS REGARDLESS

Other resources:

♦ “The Double-Edged Sword: Internal Law Firm Privilege and the ‘Fiduciary Exception’”
  76 Defense Counsel Journal 313 (2009)

♦ “Difficult Conversations: Telling Clients about Mistakes,”