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Federal Court in Seattle
Addresses Standing for Disqualification Motions

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The RPC typically supply the substantive law of disqualification for determining, for example, whether a law firm has a conflict. The procedural elements of disqualification, by contrast, are court-made law. A recent case from the federal district court in Seattle illustrated a key procedural aspect of disqualification litigation: standing. As a general proposition, the party bringing a disqualification motion must either be a current or former client of the targeted law firm and the burden is on the moving party to demonstrate that requisite standing.

Shenzhen Yihong Technology Co. Ltd. v. Dbest Products, Inc., 2026 WL 2267436 (W.D. Wash. Aug. 6, 2026) (unpublished), is a patent infringement case. Plaintiff's counsel had handled earlier cases against the same defendant. During those earlier cases, the defendant's lawyers had provided discovery to plaintiff's counsel and negotiated settlements. Plaintiff's counsel, however, had never represented the defendant. Nonetheless, the defendant moved to disqualify plaintiff's counsel—arguing that the knowledge it had gained through its prior work was disqualifying. The court denied the motion.

The court began by finding that the defendant lacked standing to bring the motion because it had never been a client of plaintiff's counsel. The court then went on to conclude that simply obtaining information about an opponent through either discovery or settlement negotiations did not provide an alternative basis for standing. While the decision doesn't plow any new analytical ground, it includes a useful survey of the law on standing in disqualification. The decision also serves as a reminder of the important role court-made procedural law plays in disqualification litigation.

ABOUT THE AUTHOR

Mark J. Fucile of Fucile & Reising LLP advises lawyers, law firms and legal departments throughout the Northwest on professional responsibility and risk management. Mark has chaired both the WSBA Committee on Professional Ethics and its predecessor, the WSBA Rules of Professional Conduct Committee. Mark has served on the Oregon State Bar Legal Ethics Committee and is a member of the Idaho State Bar Section on Professionalism & Ethics. Mark writes the Ethics Focus column for the Multnomah (Portland) Bar's *Multnomah Lawyer*, the Ethics & the Law column for the WSBA *Bar News* and is a regular contributor on legal ethics to the WSBA *NWSidebar* blog. Mark is a contributing author and the editor-in-chief for the WSBA *Legal Ethics Deskbook* and was a contributing author and principal editor for the OSB *Ethical Oregon Lawyer* and the WSBA *Law of Lawyering in Washington*. Before co-founding Fucile & Reising LLP in 2005, Mark was a partner and in-house ethics counsel for a large Northwest regional firm. He also taught legal ethics for over a decade as an adjunct for the University of Oregon School of Law. Mark is admitted in Oregon, Washington, Idaho, Alaska and the District of Columbia. He is a graduate of the UCLA School of Law. Mark's telephone and email are 503.860.2163 and Mark@frllp.com.