

## TIMED AGENDA

:00	Introduction and scope of the problem
:10	Client Education
:15	Rules 3.4-f and 5.6-b
:40	Special problems presented by pre-suit settlements and non-disparagement requests
:50	Practice tips for resisting and rewriting confidentiality provisions.
1:00	Q&A
1:30	End
<b>TOTAL MINUTES: 60 MIN AND 30 MIN Q&amp;A</b>	

Program Start Time: 9:30 am PT

Program End Time: 11:00 am PT

### EDUCATIONAL MATERIALS

Malone and Bauer, “*When secret settlements are unethical*”, Trial magazine, September 2010, with updated references through 2015 (10 Pages)

Compilation of Ethics Opinions from Bar Associations (84 Pages)

Patrick Malone, “*Secret Settlements are Unethical ... and Bad for Your Practice*”. Powerpoint (39 Slides)

### TRIAL GUIDES COURSE NO. 220202

### DESCRIPTION

Overly broad confidentiality provisions let defendants repeat their bad conduct and hurt more people. They also restrict plaintiffs’ lawyers from effectively marketing their experience. The Model Rules of Professional Conduct that apply in nearly all jurisdictions make the secrecy provisions that settling defendants often want to impose on your clients unethical. Join Patrick Malone as he teaches you how to use ethics provisions to defeat, or at least severely curtail, the defense’s demands for confidentiality.

In this 60-minute CLE on the ethics of confidential settlements, Malone will cover:

- Early client education
- How Rules 3.4-f and 5.6-b have been interpreted on the state and national level to greatly limit confidentiality in settlement agreements
- Special problems presented by presuit settlements and nondisparagement requests
- Practice tips for resisting and rewriting confidentiality provisions

## PRESENTER

### PATRICK MALONE

- Patrick Malone Associates
- Member, Inner Circle of Advocates
- Author, *Winning Medical Malpractice Cases with the Rules of the Road Technique*
- Author, *The Fearless Cross-Examiner*
- Author, *The Life You Save: Nine Steps to Finding the Best Medical Care – and Avoiding the Worst*
- Co-Author, *Rules of the Road: A Plaintiff Lawyer's Guide to Providing Liability*
- J.D., Yale Law School
- National Endowment for the Humanities, University of Michigan
- B.A., *summa cum laude*, University of Kansas



### Admissions: District of Columbia, Maryland, Virginia

Patrick Malone learned how to ask questions and get answers as an award-winning investigative journalist. Now he is a leading attorney working on behalf of seriously injured people in lawsuits against hospitals, doctors, drug companies, government agencies, and other defendants. Over the last three decades, he has won a long string of exceptional results for his clients. Malone is the author of *Winning Medical Malpractice Cases with the Rules of the Road Technique* and *The Fearless Cross-Examiner*, and he coauthored the bestselling advocacy book: *Rules of the Road: A Plaintiff Lawyer's Guide to Proving Liability* with Rick Friedman. He wrote a book for consumers, *The Life You Save: Nine Steps to Finding the Best Medical Care—and Avoiding the Worst*.

Patrick Malone is a graduate of Yale Law School, a member of the Inner Circle of Advocates, and a fellow of the International Academy of Trial Lawyers. Malone is a member of the board of trustees of the Pound Civil Justice Institute. Malone has been recognized as a leader in the law by *Lawdragon's* "500 Leading Lawyers in America," *Super Lawyers*, and *The Best Lawyers in America*.

Patrick Malone grew up in Wichita, Kansas, and is the oldest of seven children in an Irish Catholic family. Malone and his staff work out of offices in Washington, DC a few blocks north of the White House; they represent clients throughout Maryland, Virginia, and the District of Columbia.