The Challenges of Crisis Lawyering: Ethical and Practical Considerations for Handling Emergency Situations

Seminar or Event

9.13.23

Event Sponsor: *Association of Corporate Counsel New Jersey*

Live Webinar

12:00pm - 1:00pm

Greenbaum partners **Robert B. Hille** and **Mary E. Toscano** will present the program "The Challenges of Crisis Lawyering: Ethical and Practical Considerations for Handling Emergency Situations" at the Association of Corporate Counsel New Jersey chapter's 21st Annual All-Day CLE Conference, which will be conducted this year as a virtual event throughout the months of September and October 2023. The firm's presentation is scheduled for Thursday, September 14 from 12:00pm - 1:00pm and will be delivered as a live webinar on the ACCNJ's Zoom platform. The presentation will be moderated by ACCNJ member Jack Henschel.

The focus of this presentation will be on identifying and addressing the ethical and practical considerations faced by in-house and outside counsel while responding effectively to the challenges of a crisis or emergency situation. Our panel will discuss these issues within the context of crisis-driven responses to occurrences including data breaches, managerial misconduct, and the negative repercussions of environmental issues or government actions. From these examples, the panel will explore how a company may need to craft an appropriate response, effectively mitigate harm, and implement corrective action. This will include an examination of how counsel's violation of ethical requirements can create liability exposure to third parties.

The discussion will also encompass reputational impacts and public relations implications, including how to approach and control the narrative and how counsel should reconcile that narrative with an effective company response. In examining ethical considerations for in-house and outside counsel, we will explore approaches aimed at reconciling conflicts between counsels' ethical obligations and the company's interests when faced with a crisis management scenario. This includes instances when a lawyer's duty is restricted, when and/or how termination of representation is required or permitted, and the difference between privilege and confidentiality and related

considerations.

Mr. Hille focuses his practice in litigation, with a particular emphasis on trial advocacy. His areas of concentration include insurance, healthcare law, professional liability and ethics, and white-collar criminal matters, including those related to professional ethics. Mr. Hille has extensive trial expertise that encompasses insurance defense and coverage cases, healthcare disputes, professional liability defense, fraud and abuse, and regulatory issues. He is certified by the Supreme Court of New Jersey as a Civil Trial Attorney.

Ms. Toscano focuses her practice on white collar criminal defense, internal corporate investigations and complex civil litigation. Her work encompasses the defense of clients in criminal investigations, RICO actions, contract and business disputes, and allegations of legal malpractice. She is experienced in all aspects of litigation, including internal investigations on behalf of financial institutions and other corporate entities, pre-trial motions and plea negotiations, and trial and post-trial proceedings, and has tried numerous cases to verdict.

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