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INTERNATIONAL BAR ASSOCIATION CONFERENCE 2024

A conference presented by the IBA Professional Ethics Committee and supported by the Closely Held Companies Committee, the European Regional Forum, the Intellectual Property and Entertainment Law Committee, the Litigation Committee and the Technology Law Committee

2nd IBA Global Professional Ethics Symposium

26–28 June 2024

Law Society of Ireland, Blackhall Place, Dublin, Ireland

Working programme

WiFi Network: LSI
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All speaker materials and biographies can be found at www.ibanet.org/conference-details/conf2434

Conference Co-Chairs

Geraldine Clarke *Gleeson McGrath Baldwin, Dublin; Member, IBA Professional Ethics Committee Advisory Board*

Gábor Damjanovic *Forgó, Damjanovic & Partners Law Firm, Budapest; Member, IBA Professional Ethics Committee Advisory Board*

Wednesday 26 June

1630 – 1830 **From NQ to partner: how to navigate and stay well on the journey**

William Fry, Dublin

Open to lawyers under the age of 40 who have pre-registered for the event.

1830 – 2030 **Host Committee welcome reception**

O'Donoghue's, 15 Merrion Row, Dublin 2

Join other conference attendees at this local Irish bar for a reception offered by the Local Host Committee.

All registered delegates of the Conference and the Young Lawyers programme are welcome to attend.

Thursday 27 June

**Working sessions will take place in the President's Hall
Refreshment breaks and lunch will take place in the Blue Room & Lounge**

0800 – 1630 **Registration**

0850 – 0900 **Opening remarks from the Conference Co-Chairs**

0900 – 0910 **Welcome address**

Barry MacCarthy President, Law Society of Ireland, Dublin

0910 – 0930 **Keynote address**

Judge Donal O'Donnell Chief Justice of Ireland, Dublin

MOBILE TELEPHONES

Delegates are requested to ensure that mobile telephones and any other portable devices are switched to silent in working sessions.

Host committee welcome reception sponsors

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WILLIAM FRY

Thursday continued

0930 – 1030 **AI and professional ethics**

The opportunities of artificial intelligence (AI) for lawyers are enormous, specifically: enhanced efficiency in legal research, drastically improved document review and analysis, predictive analysis and contract analysis and management.

Lawyers have a professional duty to understand the basics of AI and to use it for the clients benefit but also an ethical duty to understand the risks and challenges of such use – from bias to job skills to reliability and accountability.

This session will look at the AI Act. What does it mean to be human centred or have ethical artificial intelligence (AI) focus? What is in the future for the development of AI? The session will delve deeper into each area so that there is a well-informed approach about its use within legal practice.

Session Co-Chairs

Nazar Chernyavsky *Sayenko Kharenko, Kyiv; Co-Chair, IBA Technology Law Committee*

Gábor Damjanovic *Forgó, Damjanovic & Partners Law Firm, Budapest; Member, IBA Professional Ethics Committee Advisory Board*

Panellists

Ambassador (ret) Susan Coppedge *Executive Director, Georgia Legal Services Programme, Atlanta, Georgia; former Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons, US Department of State; former Assistant US Attorney, Northern District, Georgia*

Colin Jarvis *GTM, OpenAI, Glasgow*

Brian McElligott *Mason Hayes & Curran, Dublin*

Patricia Scanlon *AI Ambassador, Government of Ireland, Dublin*

Massimo Sterpi *Gianni & Origoni, Rome*

1030 – 1100 **Coffee break**

1100 – 1200 **Zealous v abusive lawyering: where is the fine line between doing ‘the best for the client’ and abusing the weaker party?**

We will discuss the ethical issues for lawyers around non-disclosure agreements (NDAs), Strategic Lawsuits against Public Participation (SLAPPs) and other potentially predatory litigation.

Non-Disclosure Agreements (NDAs)

- Protecting legitimate interests or perverting the course of justice?
- When, where and in what form are NDAs acceptable?
- What types of clauses are unacceptable?
- What are the ethical obligations for lawyers drafting NDAs and advising clients?
- NDAs from the perspective of one client/litigant, Zelda Perkins, who said of hers ‘It is morally lacking on every level’.

Strategic Lawsuits Against Public Participation (SLAPPs)

- Are suggestions that lawyers are facilitating frivolous litigation aimed at silencing criticism greatly exaggerated?
- How do SLAPPs align with our obligations as lawyers to promote the protection of the fundamental right of freedom of expression?
- Are we, as lawyers taking our professional and ethical obligations seriously?
- Is there a risk that legitimate claims are being branded as SLAPPs?
- What are our obligations to interrogate clients’ instructions and advise them on the risks?

Session Chair

Geraldine Clarke *Gleeson McGrath Baldwin, Dublin; Member, IBA Professional Ethics Committee Advisory Board*

Panellists

Alipak Banerjee *Nishith Desai Associates, Delhi; Diversity and Inclusion Officer, IBA Professional Ethics Committee*

Mike Fandel *Miller Nash, Seattle, Washington*

Zelda Perkins *Co-Founder, Can’t Buy My Silence, London*

Sara Phelan *Senior Counsel and Chair, Bar of Ireland, Dublin; Chair, IBA Forum for Barristers and Advocates*

Jonathan Price *Doughty Street Chambers, London*

1200 – 1330 **Lunch**

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1330 – 1430 **Are you the one? Ethics as a criterion to select lawyers**

This session is about the increasing use by clients of ethics criteria when selecting lawyers. Clients may look at track records of fraud and corruption, disciplinary or regulatory history and environmental, social and governance (ESG), ranging from diversity and inclusion standards to sustainability commitments.

- How do clients apply ethics criteria in practice?
- What policies do they use and what are the experiences?
- What does this mean for law firms and for lawyers?
- Which dilemma's do they face when it comes to privacy? Or when it comes to acting on other (potentially) controversial matters?
- Can a law firm be too ethical and 'prize' itself out of the market?

We will discuss these questions with clients and managing partners of law firms.

Session Chair

Jonathan Soeharno *De Brauw Blackstone Westbroek, Amsterdam; Communications/Scholarship/Education Officer, IBA Professional Ethics Committee*

Panellists

Babatunde Ajibade *SPA Ajibade & Co, Lagos; Vice-Chair, IBA Section on Public and Professional Interest Council*

Alessandra Nascimento S F Mourão *Nascimento e Mourão, São Paulo; Member, IBA Section on Public and Professional Interest Council Advisory Board*

Steven Richman *Clark Hill, Princeton New Jersey; Vice-Chair, IBA Bar Issues Commission*

Roberta Rizzolo *Head of Global Corporate Affairs & Compliance, Prometeon Tyre Group, Milan*

1430 – 1500 **Coffee break**

1500 – 1630 **Hot topics roundtable**

Session Co-Chairs

Richard Dudelzak *Dudelzak & Co, Calgary, Alberta; Vice-Chair, IBA Professional Ethics Committee*

Eileen O'Gorman *Gleeson McGrath Baldwin, Dublin; Co-Chair, IBA Intellectual Property and Entertainment Law Committee*

This dynamic session enables you to select from a menu of hot topics and participate in roundtable discussions.

Table one

Lawyers have a professional duty to understand the basics of AI and to use it for the clients benefit but also an ethical duty to understand the risks and challenges of such use – from bias to job skills to reliability and accountability.

Are the benefits/opportunities created by AI worth coping with the challenges?

Moderator

Sarah Murphy *A&L Goodbody, Dublin*

Table two

How do we as lawyers using AI comply with our ethical duties to clients, employees and the justice system?

Moderator

Vivian Spies *Arthur Cox, Dublin*

Table three

NDA's have practical commercial purposes if employed responsibly. What is responsible versus irresponsible use of them?

Moderator

Myra Garrett *William Fry, Dublin; Chair, IBA Section on Public and Professional Interest Council*

Table four

When does doing the best for the client become abusive lawyering?

Moderator

Eileen O'Gorman *Gleeson McGrath Baldwin, Dublin; Co-Chair, IBA Intellectual Property and Entertainment Law Committee*

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Thursday continued

1500 – 1630 **Hot topics roundtable (continued)**

Table five

Lawyers have a duty to uphold the principles of justice and fairness. [How] Can we reconcile filing a SLAPP suit with that duty?

Moderator

Susan Martin *Martin Solicitors, Dublin*

Table six

To what extent do public stances taken by law firms on controversial issues (for example Russia/Ukraine or Israel/Hamas) influence selection by clients. What are the experiences?

Moderator

Graham Kenny *Eversheds Sutherland, Dublin*

Table seven

Can a law firm be too ethical and 'prize' itself out of the market?

Moderator

Kirby Tarrant *Clark Hill, Dublin*

Table eight

Clients often request law firms to indicate the scope of their emissions. Does this impact independence?

Moderator

Fergal Cathie *Clyde & Co, Dublin; Member, IBA Professional Ethics Committee Advisory Board; Co-Vice Chair, IBA Regulation of Lawyers Committee*

Table nine

Should law firms care about screening the ESG credentials of clients/prospective clients?

Moderator

Paul Egan *Mason Hayes & Curran, Dublin*

1900 – 2000 **Hosted reception**

The Drawing Room, Kildare Street and University Club

17 St Stephen's Green, Dublin 2

All registered delegates are welcome to attend this reception, hosted by the Bar of Ireland.

2000 – 2200 **Conference dinner**

The Dining Room, Kildare Street and University Club

17 St Stephen's Green, Dublin 2

Price: €100 per registered delegate

One place per registered delegate is permitted.

Please enquire at the IBA registration desk about availability.

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Working sessions will take place in the President's Hall
Refreshment breaks will take place in the Blue Room & Lounge

0850 – 0900 **Welcome from the Conference Co-Chairs**

0900 – 0930 **Keynote address**

David Barniville *President, High Court of Ireland, Dublin; Chair, IBA Judges Forum*

0930 – 1030 **(How) Should law firms react to such grave situations as the war in Ukraine or the Hamas terror attacks?**

This panel will cover the following topics:

- Looking back on recent global situations, how would you assess law firm responses. What could they have done differently?
- Who decides what your position should be – who is in the inner circle of decision making? Who do you trust in your organisation to give you the right advice, do you need external counsel?

The panel will discuss the reasons why this is such an important question to answer, why are we speaking out and how this is intrinsically linked to law firm culture.

The session will conclude with a toolkit/checklist of what to consider when grave situations occur, and how to avoid getting it wrong.

Session Chair

David Burgess *Chief Client Officer, The Legal 500, London; Member, IBA Law Firm Management Committee Advisory Board*

Panellists

Michael Evans *Joint Managing Director, Byfield Consultancy, London*

David Kaufman *Nixon Peabody, San Francisco, California*

Sherry Levin Wallach *Deputy Executive Director, The Legal Aid Society of Westchester County, White Plains, New York*

David Patient *Travers Smith, London; Strategy Officer, IBA Law Firm Management Committee*

1030 – 1100 **Coffee break**

1100 – 1200 **You're the one that I (don't) want**

This session will consider whether lawyers and law firms should apply any ethical considerations in client selection.

- Should law firms represent oil and gas companies, tobacco business or clients from countries who have invaded other countries?
- Should law firms be screening potential new clients based on their environmental, social and governance (ESG) performance?
- How do decisions that law firms make around these types of questions ultimately impact their business?
- Are there other groups of clients that might be acceptable today, but with any future change in public opinion might raise reputational issues for the firm?
- How do law firms address the challenges of client selection?
- How do individual lawyers reconcile their own position with that of their firm?

Session Chair

David O'Donnell *Mason Hayes & Curran, Dublin; Member, IBA LPD Council*

Panellists

Sara Carnegie *Legal Director, International Bar Association, London; Member, IBA Diversity & Inclusion Council*

Rachel Minch *Philip Lee, Dublin*

Philip van Hilten *No More Worries, Amsterdam*

1200 – 1230 **Conference conclusions and lessons learned**

David O'Donnell *Mason Hayes & Curran, Dublin; Member, IBA LPD Council*

The IBA, its officers and staff accept no responsibility for any views expressed, presentations or materials produced by delegates or speakers at the Conference.

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