

**Faulk, Camilla**

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**From:** Geoff Swindler [gds@swindlerlaw.com]  
**Sent:** Friday, February 11, 2011 10:33 AM  
**To:** Faulk, Camilla  
**Subject:** NEW RPC

Camilla:

I do not understand the proposed RPC 1.8.

(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client gives informed consent, confirmed in writing. The lawyer's disclosure shall include the existence and nature of all the claims or pleas involved and the participation of each person in the settlement.

I talked with others about this new rule, and they also agree it is confusing. For example, if I am defending a husband and wife and the insurance company settles the claim, must I obtain their approval before? What if I am defending two companies, as I am now, and they agree to settle. Must I obtain their written approval prior to approval?

I do not like the rule and do not believe it is necessary.

Thank you.

LAW OFFICE OF GEOFFREY D. SWINDLER,

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