The Use of a Courtesy Defense for Former Employee Depositions and Trial Testimony: An Arrow in the Quiver, an Ethical Trap, or Both?

Related Attorneys

Luke P. Sbarra

March 12, 2024

During the recent Federation of Defense and Corporate Counsel (FDCC) Winter Meeting in St. Petersburg, Florida, Partner, Luke Sbarra, moderated a two-day presentation on February 26th and 27th focusing on the benefits and practical and ethical issues of using a courtesy defense to represent former employees in litigation against your client. Industry and attorney members discussed the challenges of providing a courtesy defense to a former employee being deposed or testifying at trial in healthcare, transportation, employment, and premises liability.

The first day's presentation focused on best practices, potential issues, pitfalls, etc. The second day focused on ethical issues that may arise.

Moderator:

- Luke P. Sbarra – Hedrick Gardner Kincheloe & Garofalo, LLP

Speakers:

- Tarush R. Anand – McGlinchey
- Thayla Painter Bohn – American Fidelity
- Max H. Brusky – Bulkmatic Transport Company
- Jacqueline Genesio – Cascadia Healthcare
- LaShawnda K. Jackson – RumbergerKirk
- Robert C. Lockwood – Lockwood & Associates

©2026 Hedrick Gardner. All Rights Reserved