



## Litigators for the Profession®

Hinshaw has deep experience representing law firms and lawyers across the country. Collectively, we have:

- Defended more than 5000 legal malpractice cases in federal and state jurisdictions from Hawaii to Massachusetts
- Obtained summary dismissal of more than 1000 legal malpractice claims in federal and state jurisdictions from Florida to California
- Represented more than 300 lawyers in disciplinary proceedings
- Tried more than 150 lawyering law\* cases to jury verdict
- Tried more than 100 lawyering law cases to bench judgment
- Obtained more than 200 published appellate decisions regarding lawyering law
- Represented more than 150 law firms in FDCPA, contract, employment, corporate, and other matters
- Hosted the Legal Malpractice & Risk Management Conference, the premier annual event focused on the law and litigation of malpractice claims, legal malpractice insurance and risk management strategies

## \*lawyering law: [loi-er-ing law] noun

1. law governing issues arising from, decisions or actions taken by a lawyer in the pursuit of his/her profession or the representation of a client.

2. what the attorneys in the Lawyers for the Profession® group do.

## **Experience**

At Hinshaw, we have enormously broad legal malpractice trial court experience involving sophisticated underlying cases within the case. Our recent cases include the following:

## **Court Proceedings**

- Jury verdict for law firm. Obtained a victory for our law firm client in both the
  trial and appellate courts in a \$16 million legal malpractice claim. We
  defeated a corporate plaintiff which alleged that our client committed
  malpractice in failing to tender an insured claim, mishandled a CPA
  malpractice case, failed to properly document a corporate buy-out
  transaction, and negligently drafted transfer documents.
- Jury verdict for law firm. Won a \$10 million lawsuit in a federal trial on behalf of a law firm charged with fraud in representing one partner in a non-law firm partnership against the interests of another partner.
- Summary judgment for AmLaw 200 firm. In a legal malpractice case involving a criminal trial later affirmed on appeal, the malpractice plaintiff

## **Attorneys**

Mark T. Berhow

Paul Buschmann

Daniel R. Conte

David Ian Dalby

Marissa I. Delinks

Patrick P. Devine

Matthew C. Ferlazzo

David A. Grossbaum

Matthew R. Henderson

Schuyler B. Kraus

Terrence P. McAvoy

Ambrose V. McCall

Filomena E. Meyer

Caroline A. Mondschean

Concepcion A. Montoya

Jill M. Munson

Jason J. Oliveri

Justin M. Penn

John (Jack) S. Pierce

Steven M. Puiszis

John P. Ryan

Katherine G. Schnake

David M. Schultz

Todd P. Stelter

Linda L. Streeter

Peter D. Sullivan

Jennifer W. Weller

Bradley M. Zamczyk

Maureen Lennon Zeeb

## **Related Services**

Consultant/Coach for the



was convicted but later obtained *habeas corpus* relief based on ineffective assistance of counsel. Applying Pennsylvania law, the trial court found that the claim was time-barred because it was not commenced within the applicable period after the termination of the attorney-client relationship. Plaintiff later re-filed his suit in another state, where we successfully removed the case to federal court, had it dismissed on *res judicata* grounds, and convinced the Third Circuit to affirm.

- Jury verdict for attorney. We won a malpractice lawsuit brought against our attorney client involving the lawyers's case evaluation and communication with a client who had been held liable for a \$16 million judgment in a partnership dispute.
- Jury verdict for criminal defense attorney. We represented an assistant
  public defender in a \$4 million malpractice claim by an individual who was
  convicted of sexual assault and sentenced to 36 years in prison. After being
  pardoned four years later by the governor, based upon exculpatory DNA
  evidence, the plaintiff unsuccessfully alleged that the public defender failed
  to investigate and present biological evidence at trial.
- Summary judgment for attorney. In a legal malpractice lawsuit involving a
  murder conviction that was overturned, the plaintiff alleged that the defense
  lawyers failed to use a peremptory challenge during jury selection. The
  Seventh Circuit affirmed.
- Successful defense of law firm in jury trial and appeal. In a legal malpractice
  case brought by a high-profile former NBA player, the jury found the plaintiff
  to be 75 percent at fault, which resulted in the verdict being reduced from \$8
  million to \$2 million, before additional setoffs. The net liability of our client
  was under \$1 million, which was less than 15 percent of the plaintiff's final
  pre-trial settlement demand.
- Successful settlement for AmLaw 100 firm. In a legal malpractice claim
  involving an underlying medical malpractice case, after two days of hearing
  on trial-related motions, the judge convinced plaintiffs to take a low offer of
  just over 10 percent of the pretrial demand.
- Jury verdict for attorneys. We won a unanimous jury verdict for the defense in a California trial court in a legal malpractice case where the plaintiff alleged that its attorneys mishandled franchise litigation, causing it a loss in the millions of dollars.
- Jury verdict for law firm. We won a defense verdict in a federal district court
  in a multi-million dollar malpractice suit against a prominent Pennsylvania
  law firm brought by two Swiss venture capital concerns. The plaintiffs
  unsuccessfully claimed that our client failed to properly secure their
  investments in a publicly-traded U.S. medical device company.
- Dismissal for attorneys upheld on appeal. Won an appeal that upheld the
  lawyers' defense in a malicious prosecution case by prevailing on a antiSLAPP motion. The California Court of Appeal affirmed the trial court's
  order granting the anti-SLAPP motion because the plaintiff failed to make
  the required showing that she would likely prevail on her claims, given that
  she failed to make a prima facie case of malice against the attorneys.

#### **Arbitrations**

 Award for law firm. Won a defense award where we represented a law firm on a fee claim arising out of a construction defect case. The former clients **Profession®** 

Counselors for the Profession

Cyber Security for Law Firms

Law Firm Mergers & Combinations

Lawyers for the Profession®

Litigation Management



counterclaimed for malpractice. The arbitrator found in favor of the law firm on both the complaint and counterclaim, and required the former clients to pay the firm the full amount of its claim and all of its attorneys' fees and costs incurred in the malpractice case.

- Compelled arbitration for law firm. Compelled arbitration in a \$10 million case where we represented a law firm whose
  clients, relators in a False Claims Act case, filed suit claiming that their fee agreement was void because it violated the
  California Business & Professional Code. If successful, that would have eliminated the law firm's contractual right to
  legal fees in the clients' recovery.
- Defense of attorney leading to successful mediation. Successful representation of a transactional lawyer whose services were unwittingly used to close an unauthorized loan utilizing a counterfeit consent of investors, which became the subject of a criminal indictment against an LLC's manager, and which resulted in more than \$2 million in losses.
   We defeated the aiding and abetting claim and set up the intervening criminality and illegal assignment defenses as the bases for a successful outcome in the mediation.
- Recovery for patent law firm. Successful recovery for a patent law firm in a multi-million fee dispute arbitration following patent infringement litigation.

## **News**

Matthew Henderson Reviews in a Law360 Byline What Law Firms Should Know Amid a Rise in Disqualification Motions April 30, 2024

Media Coverage of Hinshaw's 2024 Legal Malpractice and Risk Management (LMRM) Conference April 9, 2024

A Berkley Select Panel Presentation Featuring Matthew Henderson was the Subject of the Most-Viewed PLUS Blog Post in 2023

January 3, 2024

Shelley Bethune Appointed Executive Director and General Counsel of Illinois Courts Commission May 23, 2022

Matthew Henderson Discusses Factors Behind Spike in High-Exposure Legal Malpractice Claims April 19, 2022

Joanna Storey Authors BASF Blog Post: ABA Tips for Effective Client-Lawyer Communications January 26, 2022

Hinshaw Contributes U.S. Chapter in Fourth Edition of The Professional Negligence Law Review August 24, 2021

Hinshaw Partner Cassidy Chivers Appointed to Serve on California State Bar COPRAC August 23, 2021

Sixty-Seven Hinshaw Lawyers Recognized in 2022 Edition of Best Lawyers August 19, 2021

Hinshaw Authors Updated Practical Law Q&A Guide on Regulation of the Legal Profession June 11, 2021

Noah Fiedler Flags Ethical Issues Connected to Lawyers Accepting Payment in Cryptocurrency March 15, 2021

Peter Isola Reviews Two California Supreme Court Decisions Concerning Expert Witnesses April 28, 2020



Hinshaw Discusses Potential Problems Posed by the CCPA to the Tripartite Relationship Between Insurer, Insured, and Law Firm

February 3, 2020

In DRI Column, Cassidy Chivers Discusses Importance of "Minding the Gap" when an Attorney Relocates to Another State

January 24, 2020

Mollie Kugler and Alyssa Johnson Discuss Law Firm Cyber Liability Exposure in DRI's For the Defense November 8, 2019

DRI Honors Hinshaw's Steven M. Puiszis with Louis B. Potter Lifetime Professional Service Award October 21, 2019

As Severity of Legal Malpractice Claims Rise, LawyeringLaw.com Provides Risk Management Tools and Services for Lawyers and Law Firms

June 18, 2019

Hinshaw Helps Secure Sanctions Order Totaling \$1M against "Serial Litigator" April 8, 2019

Bloomberg Reviews LMRM: Off-the-Cuff Legal Advice Can Put Attorneys in Hot Water March 12, 2019

Career Retrospective: Recently-Retired Hinshaw Partner and Legal Ethics Expert Tom Sukowicz Profiled in Chicago Daily Law Bulletin

January 23, 2019

Illinois Appeals Court Affirms Win by Hinshaw Legal Team in \$4 Million Legal Malpractice Case Filed by Minor League Baseball Association

January 4, 2019

Hinshaw Client Ungaretti & Harris LLP Secures \$5.7 Million Judgment for Unpaid Attorneys' Fees June 22, 2018

A Team of Hinshaw Attorneys Contribute to 2018 Edition of IICLE Attorneys' Legal Liability Handbook February 19, 2018

Hinshaw Legal Team Prevails on Behalf of Prosecutors in Lawsuit Brought by Ex-Aide to Governor Scott Walker August 30, 2017

Steven Puiszis Quoted in Bloomberg BNA Article about WannaCry Ransomware Attack May 19, 2017

Hinshaw Legal Team Prevails in \$4 Million Legal Malpractice Case Filed by Minor League Baseball Association May 19, 2017

DRI Professional Perspectives: Failure to Plead "But for" Causation Leads to Dismissal of Malpractice Claim February 7, 2017

**DRI Professional Perspectives** 

Wendy Chang Reviews Key Developments in California Law of Lawyer Conflicts in 2016 January 3, 2017
The Daily Journal

Press Coverage of Appointment of Steven Puiszis as DRI National Defense Center Chair December 2, 2016



Tom McGarry Quoted in Cook County Record Article on Spike in Legal Malpractice Suits November 4, 2016

Terry McAvoy Authors DRI Article on Texas Supreme Court Malpractice Case October 27, 2016

Steven Puiszis Profiled in Article on his Presentation on Cyber Security at the IDC Conference October 11, 2016

Wendy Wen Yun Chang Column Cited in Daily Journal Article on ABA Discrimination Rule August 11, 2016

Wendy Wen Yun Chang Quoted in Law360 Article on ABA Anti-Bias Rule Raising Free Speech Concerns August 9, 2016

Wendy Wen Yun Chang Quoted in Article on a New Set of Proposed Revisions on California Professional Conduct Rules July 13, 2016

Wendy Wen Yun Chang Authors Article on Regulation of Artificial Intelligence in the Legal Profession July 12, 2016

Noah Fiedler Authors Article on Lessons for Law Firms on Client Intake June 30, 2016

Wendy Wen Yun Chang Authors Daily Journal Article on Professional Conduct in the Legal Field June 20, 2016

Wendy Wen Yun Chang Quoted in Article Discussing What Malpractice Attorneys Should Never Tell Clients June 7, 2016

Wendy Chang Interviewed by Bloomberg Law on Technology and Attorney Ethical Obligations June 1, 2016

Wendy Wen Yun Chang Authors Daily Journal Article on Fair Report Privilege May 13, 2016

Tom McGarry and Tom Sukowicz Author Article on ABA Rules Prohibiting Discriminatory Conduct May 12, 2016

Steven Puiszis Quoted in Article on Judge Allowing Access to Seized Records in John Doe Probe April 13, 2016

Steven Puiszis Authors Bloomberg BNA Article on How Technology is Redefining Competence April 12, 2016

Wendy Chang Quoted in Law360 Article on Civility in the Legal Profession March 16, 2016

Robert Romero Quoted in Law360 Article Discussing Tips For Crafting Attorney-Client ADR Pacts March 10, 2016

Steven Puiszis Quoted in Bloomberg BNA Article Discussing Data Breaches in Law Firms March 9, 2016

Wendy Wen Yun Chang Authors Daily Journal Article on Enforcing Advance Conflict Waivers February 2, 2016

Tom McGarry Quoted in Illinois Bar Journal Article on Court Sanctions January 8, 2016



Tom McGarry and Tom Sukowicz Author Article in Chicago Lawyer Magazine on "Going a Bit Too Far" December 3, 2015

Steven Puiszis Discusses New York's Proposed Cybersecurity Rules for Banks and Insurers November 16, 2015

Hinshaw Attorneys Cassidy Chivers, Jared Matheson and Susan Ye Author Article "Six Tips for Negotiating Fees" November 10, 2015

The Recorder

Tom McGarry Quoted in Illinois Bar Journal Article on The Beau Brindley Case: Witness Preparation v. Coaching November 5, 2015

Tom McGarry and Tom Sukowicz Author Article in Chicago Lawyer Magazine on "On Slinging Mud" November 5, 2015

Hinshaw & Culbertson LLP Garners More Than Two Dozen Rankings in U.S. News – Best Lawyers' 2016 "Best Law Firms"

November 2, 2015

Tom McGarry and Tom Sukowicz Author Article in Chicago Lawyer Magazine on Walking the Marijuana Tightrope September 8, 2015

Tom McGarry and Tom Sukowicz Author Article in Chicago Lawyer Magazine on Knowing When to Bite Your Tongue August 5, 2015

Adam Vaught Author Article in Dade County Bar Association Bulletin on Judicial Fundraising Rule July 29, 2015

Annmarie D'Amour Authors Article in DRI's The Voice on Ethics and Medical Marijuana July 22, 2015

Tom McGarry and Tom Sukowicz Author Article in Chicago Lawywer Magazine on When a Lie Grows and Grows July 2, 2015

Cassidy Chivers Author Article on Design Professionals June 19, 2015

Tom McGarry and Tom Sukowicz Author Article in Chicago Lawywer Magazine on Ending a Client Relationship June 2, 2015

Adam Vaught Quoted in Florida Bar News Article on Reactions to Yulee Decision June 1, 2015

Tom McGarry Quoted in Illinois State Bar Journal Article on IOLTA-Account Overdrafts March 30, 2015

Tom McGarry Quoted in ABA/BNA Lawyers' Manual on Professional Conduct Article on Using Judicial Error as Malpractice Defense

March 4, 2015

Ron Mallen Quoted in Law360 Article on Calif. Real-World Training Rules May Spark National Trend January 12, 2015

Law360 Profiles Hinshaw & Culbertson as a Law Firm "to Have on Speed Dial if Malpractice Trouble Hits" November 19, 2014

Tom McGarry and Tom Sukowicz Author Article on the Risks on Investing in a Client's Business November 4, 2014



Hinshaw & Culbertson LLP Receives Several Tier One Rankings in Multiple Practice Areas by U.S. News - Best Lawyers 2015

November 3, 2014

Twelve Hinshaw Lawyers Contribute to IICLE's Attorneys' Legal Liability, 2014 Edition October 13, 2014

Tom McGarry and Tom Sukowicz Author Article on Dealing with Impaired Lawyers in Chicago Lawyer Magazine October 8, 2014

Tom McGarry Quoted in Chicago Daily Law Bulletin September 12, 2014

Twenty-Two Hinshaw Lawyers Chosen as Best Lawyers in America 2015 August 19, 2014

Ronald E. Mallen Named "Lawyer of the Year" for Legal Malpractice Law for San Francisco August 18, 2014

Ron Mallen Quoted in Law360 Article on 5 Law Firm Malpractice Cases Attys Need To Know August 14, 2014

Wendy Wen Yun Chang's Authors Article Published in California Bar Journal August 6, 2014 California Bar Journal

Tom McGarry and Tom Sukowicz Author Article on Cloud Computing in Chicago Lawyer Magazine August 1, 2014

Wendy Wen Yun Chang Authors Article in the Daily Journal on the Unfinished Business Rule July 25, 2014

Wendy Wen Yun Chang Quoted in Law360 Article on Do's And Don'ts for Cutting Ties With A Problem Client July 24, 2014

Tom McGarry and Tom Sukowicz Author Article on Jurors' 'Internet Presence' in Chicago Lawyer Magazine July 1, 2014

Wendy Wen Yun Chang Quoted in Daily Journal Article on Tightened Ethics Guidelines for E-Discovery April 25, 2014

Tom McGarry and Tom Sukowicz Mentioned in CDLB Article on Landmark Case April 21, 2014

David Schultz Quoted in ABA/BNA Lawyers' Manual on Professional Conduct Article on Expanded Statutory Liability for Lawyers

March 10, 2014

Tom Sukowicz Quoted in ABA/BNA Lawyers' Manual on Professional Conduct Article on Duties When Suspicions Arise That Client Is Lying

March 10, 2014

Thomas McGarry Quoted in Chicago Daily Law Bulletin on Sanctions Against Lawyers January 15, 2014

Tom McGarry Quoted in Chicago Daily Law Bulletin Article on In-house Counsel Amnesty December 17, 2013



Hinshaw & Culbertson LLP Recognized as U.S. News - Best Lawyers 2014 "Law Firm of the Year" in Ethics and Professional Responsibility Law

November 1, 2013

Seventeen Hinshaw Lawyers Chosen as Best Lawyers in America 2014

November 1, 2013

Tom McGarry and Tom Sukowicz Author Article on Division of Loyalty in Court

September 1, 2013

#### **Events**

Matthew Henderson to Present on Attorney Disqualification Motions at APRL's Annual Conference

August 2, 2024

Chicago, Illinois

22nd Annual LMRM Conference

March 7 - 9.2023

Chicago

21st Annual Legal Malpractice & Risk Management Conference

March 1 - 3, 2022

20th Annual Legal Malpractice & Risk Management Conference

An All New Virtual Experience

March 2 - 4, 2021

Virtual

2020 Legal Malpractice & Risk Management Conference

March 3 - 5, 2020

The Ritz-Carlton Chicago

Tom McGarry Reviews IP Law Malpractice Developments at 10th Annual Ethics in the Practice of IP Law Seminar

June 7, 2019

Chicago, Illinois

2019 Legal Malpractice & Risk Management Conference

March 5 - 7, 2019

Westin Chicago River North

2018 Legal Malpractice & Risk Management Conference

March 5, 2018

320 North Dearborn Street, Chicago, IL

2017 Legal Malpractice & Risk Management Conference: EARLY BIRD REGISTRATION NOW AVAILABLE

March 1, 2017

320 North Dearborn Street, Chicago, IL

Anthony Davis and Steve Puiszis to Present on Cyber Security and Incident Response Planning

December 7, 2016

Aji Abiedu and Filomena Meyer to Present on Protecting Against Information and Communication Technology Threats

October 28, 2016

Steven Puiszis to Speak at IDC/MODL Defense Law Seminar

September 29, 2016



## Steve Puiszis to Speak at the International Legal Technology Association Conference

August 31, 2016

#### Robert Romero to Present at PLI's California Trial Advocacy 2016 Seminar

August 3, 2016

San Francisco, CA & Webcast

#### Steven Puiszis to Speak at Law Bulletin Ethics 2016 Conference

June 7, 2016

Swissotel Chicago: 323 E Upper Wacker Dr, Chicago, IL 60601

### Wendy Chang to Present at the 42nd ABA National Conference on Professional Responsibility

June 2, 2016

Loews Philadelphia Hotel: 1200 Market Street Philadelphia, PA 19107

## Steven Puiszis to Speak at Part II of the 2016 Symposium on the Law, Policy, and Implementation of Legal Protections for Data Management

April 12, 2016

The John Marshall Law School

## Wendy Chang to Present at Webinar on Ethical Issues When Ending the Attorney-Client Relationship

April 12, 2016

Webinar

### Register Now for the 2016 Legal Malpractice & Risk Management Conference

March 2, 2016

## Steven Puiszis to Speak at ABA Webinar "Bring Your Own Device (BYOD): Ethical and Practical Risks/Rewards of Using Smartphones & Tablets for Work"

January 13, 2016

Webinar

## Steven Puiszis to Present Amendments to the Federal Rules on Discovery at a DRI Live Webcast

December 10, 2015

Live Webcast

# Hinshaw Attorneys Tom McGarry and Steve Puiszis to Speak at the DRI Webinar "Risk Management for Law Firms: How to Prevent Legal Malpractice Claims"

November 19, 2015

### Ed Donohue and Robert Romero to Present at ACIC's 26th General Counsel Seminar

July 22, 2015

Encore at Wynn Las Vegas

#### Steve Puiszis to Present at Law Bulletin Ethics Conference

June 16, 2015

Lucerne Ballroom of the Swissotel Chicago at 323 East Wacker Drive

# Patrick Devine and Jennifer Fisher to Present West LegalEdcenter Live webcast on Use of Expert Witnesses in Legal Malpractice Cases

March 31, 2015

Live Webcast

## REGISTER NOW: 2015 Legal Malpractice & Risk Management Conference

February 25, 2015

The Westin Chicago River North located at 320 North Dearborn Street, Chicago, Illinois



### Wendy Wen Yun Chang to Present at PLI CA MCLE Marathon Seminar

December 1, 2014

PLI California Center, 685 Market Street, San Francisco, California 94105

## Wendy Wen Yun Chang to Present at Santa Barbara County Bar Association Event

November 14, 2014

Santa Barbara College of Law, Room 1 - 20 E. Victoria Street

## Wendy Wen Yun Chang to Present at NAPABA Annual Convention

November 7, 2014

The Westin Kierland Resort & Spa, 6902 E Greenway Parkway, Scottsdale, Arizona

# Paul Buschmann and Thomas Sukowicz to Present West LegalEdcenter Live Webcast on "Ethical Considerations of Cloud Computing"

June 27, 2014

Webcast

## Wendy Wen Yun Chang to Present "Ethics in Litigation" at The American Law Institute Webinar

May 22, 2014

National (Webinar)

## Caroline Mondschean to Present at IICLE's Personal Injury Practice Update Seminar

April 30, 2014

**UBS Tower & Conference Center** 

## Kate Schnake to Present West LegalEdcenter Webcast on "Client Confidential"

April 30, 2014

Webcast

## Patrick Devine to Present West LegalEdcenter Live Webcast on "Are Those Damages Recoverable?"

March 31, 2014

Webcast

## 2014 LMRM Conference - Risk Management Topics

March 7, 2014

#### 2014 LMRM - Legal Malpractice/Risk Management Cross-Over Topics

March 6, 2014

#### 2014 LMRM - Legal Malpractice Topics

March 5, 2014

## Paul Buschmann to Present West LegalEdcenter Live Webinar on Tools and Techniques to Keep You and Your Practice Out of Trouble

February 27, 2014

**WEBINAR** 

## David Grossbaum to Present West LegalEdcenter Live Webcast on Legal Malpractice Insurance Coverage Decisions

January 24, 2014

Webcast

#### **Practical Ethical Solutions**

September 17, 2013

## WEBCAST: Just How Absolute Is A Litigation Attorney's Immunity From Liability to A Non-Client?

August 20, 2013



Affordable Care Act Readmission Penalty: Legal Ramifications to Hospitals

May 30, 2013

2011 LMRM Conference Panel: Establishing a Fiduciary Breach

February 16, 2011

2011 LMRM Conference Panel: What You Need to Know About Lawyers' Liability Under the Federal and State Securities Laws

February 16, 2011

2011 LMRM Conference Panel: Using Pretrial Remedies – Anti-SLAPP Statutes, and Other Evidentiary Early Disposition Motions

February 16, 2011

## **Publications**

Lack of Expert Testimony Results in \$1.4 Million Legal Malpractice Verdict Being Overturned

June 24, 2024

Lawyers for the Profession®

Fee Sharing Between Lawyers Under ABA Rule 1.5(e): How to Protect Yourself and the Client May 14, 2024

A Defense Win in Texas on the Issue of "But For" Proximate Causation in a Legal Malpractice Case May 3, 2024

Lawyers for the Profession®

Illinois Appellate Court Affirms Default Judgment Against Attorney After He Repeatedly Fabricated Expert Witness Disclosures "From Whole Cloth"

April 22, 2024

Lawyers for the Profession®

Illinois Appellate Court Rejects the Crime-Fraud Exception in a Defamation Claim

April 1, 2024

Lawyers for the Profession®

Colorado Appellate Court Affirms Summary Judgment on Plaintiff's Claim of Defendants' Negligence in "Inadequate Settlement" Case for Lack of "But For" Causation

March 25, 2024

Lawyers for the Profession®

Deciphering Forum Non-Conveniens: Global Law Firm Headquarters' Location Deemed a Convenient Forum

February 22, 2024

Lawyers for the Profession®

Rules of Engagement: Setting the Proper Scope of Representation to Protect the Client and the Lawyer January 5, 2024

Florida Appellate Court Invalidates Arbitration Provision in Fee Agreement for Violating Florida Bar Rules January 4, 2024

Lawyers for the Profession®

Ghosts of Clients Past: 3 Ethical Duties to Former Clients and Things to Consider When Moving Between Firms October 31, 2023

Fraudulent Concealment and/or Equitable Estoppel Tolled the Statute of Repose in a Legal Malpractice Claim October 23, 2023



Lawyers for the Profession®

Illinois Appellate Court Confirms That the Statute of Limitations Commences Once the Plaintiff Has Sufficient Evidence to Know of Her Injury

October 11, 2023

Lawyers for the Profession®

Massachusetts District Court Sides With Insurer Because of Insured's Failure to Provide Timely Notice of the Claim October 4, 2023

Lawyers for the Profession®

California's New "Snitch" Rule Means Attorneys Must Report Other Attorneys' Misconduct to the State Bar or Tribunal July 17, 2023

Lawyers for the Profession®

New York Federal Judge Declines to Reconsider Decision That Continuous Representation Doctrine Does Not Toll Statute of Limitations

July 10, 2023

Lawyers for the Profession®

Continuous Representation Rule Does Not Apply to Legal Malpractice Actions Says Georgia Appeals Court

June 20, 2023

Lawyers for the Profession®

Absolute Litigation Privilege Bars Claim for Intentional Infliction of Emotional Distress Even Where Conduct is Unreasonable

June 13, 2023

Lawyers for the Profession®

Law Firm Exonerated Because an Unforeseen Change in a Party's Testimony was the Superseding Cause of the Claimed Malpractice Injury

June 6, 2023

Lawyers for the Profession®

New York Lawyer Who Cited Non-Existent Cases Generated by ChatGPT Now Faces Sanctions Hearing

May 31, 2023

Lawyers for the Profession®

A Multistate Analysis of the Ethical Rules Governing Attorneys Working Remotely

May 2023

Federal District Court Holds That Engagement Letter Limited Scope of Law Firm's Duties

April 4, 2023

Lawyers for the Profession®

New Jersey Appellate Court Affirms Summary Judgment in Favor of Malpractice Defendants Due to Plaintiff's Failure to Establish Duty and Proximate Cause

March 27, 2023

Lawyers for the Profession

Illinois Appellate Court Affirms That Attorney Representing a Closely Held Business Does Not Owe a Duty to its Managing Member

March 1, 2023

Identifying and Resolving Conflicts of Interest: Three Simple Rules

January/February 2023

Florida Appellate Court Reverses Summary Judgment for Attorneys Where They Could Have Remedied Prior Counsel's Mistakes and Salvaged Plaintiff's Case



December 20, 2022

Lawyers for the Profession®

Where Cannabis Law Stands Today: When State Law Says Yes, but Federal Law STILL Says No

December 2022 | Updated December 21, 2022

Ransomware: The Ghoulish Battle With New Rules

October/November 2022

California Court Affirms Ethical and Statutory Obligation to Warn Opposing Counsel of Intent to Seek Default

October 25, 2022

Lawyers for the Profession®

When Aggressive Tactics Cross the Line: Illinois ARDC Suspends Lawyer Accused of Sending "Abusive and Aggressive"

E-Mails October 7, 2022

Lawyers for the Profession®

Illinois Supreme Court Holds Former Client Alleging Legal Malpractice May Recover Punitive Damages Awarded Against it in Underlying Case

September 30, 2022

Lawyers for the Profession®

Massachusetts Court Applies Litigation Privilege to Dismiss Claims Against Attorney Accused of Fraudulent Activity During Trial

August 17, 2022

Lawyers for the Profession®

Pennsylvania Allows Suit Against Attorneys for "Bad Settlements" Where Fraud/Negligence Alleged

August 1, 2022

Lawyers for the Profession®

Clients Also Have Responsibilities: Plaintiffs' Lack of Diligence Defeats Fraudulent Concealment Claim and Precludes Tolling of Statute of Repose

June 20, 2022

Lawyers for the Profession®

Summary Judgment Granted in Defendants' Favor As There Was No Attorney-Client Relationship Between Plaintiffs And Defendants

May 13, 2022

Lawyers for the Profession®

Lawyer Unsuccessfully Attempts to Invoke Statute of Limitations Defense in Malpractice Claim Alleging He Missed Statute of Limitations on Underlying Claims

May 2, 2022

Lawyers for the Profession®

California Appellate Court Denies Anti-SLAPP Motion and Sanctions Attorney for his "Tunnel Vision"

April 26, 2022

Lawyers for the Profession®

Illinois Court Holds Plaintiff Failed to Show Her Attorneys Mishandled Discovery or That She Would Have Prevailed in Underlying Case

April 12, 2022

Lawyers for the Profession

Third Circuit Affirms Plaintiff Must Establish He Would Have Prevailed in Underlying Case But For Attorneys' Alleged Negligence



March 30, 2022

Lawyers for the Profession®

California Court: Attorney's Failure to Cite Known Adverse Authority Violated Duty of Candor To Court

March 11, 2022

Lawyers for the Profession®

When Aggressive Settlement Tactics Go Too Far: California Appellate Court Holds Counsel's Threat to Reveal Opponent's Alleged Illegal Activity was Extortion

February 8, 2022

Lawyers for the Profession®

"Bonus Payment" Phishing Emails Are Seeking New Ransomware Victims

February 3, 2022

Law Firm Cyber Alerts

Illinois Supreme Court Applies Adverse Judgment Rule, Rejects Statute of Limitations Defense in Legal Malpractice Claim

February 1, 2022

Lawyers for the Profession®

Defendant's Due Process Rights Violated When Counsel's Remote Technology Prevented Meaningful Participation in Trial January 24, 2022

Lawyers for the Profession®

Illinois Appellate Court Reverses Summary Judgment for Defendants on Plaintiffs' Malpractice Claims Stemming From \$2.8 Million Estate Dispute

October 26, 2021

Lawyers for the Profession®

Eleventh Circuit Finds Attorneys Owed No Duty to be Clairvoyant on Unsettled Law

October 14, 2021

Lawyers for the Profession®

Marijuana Company's Legal Malpractice Claim Goes Up in Smoke

October 1, 2021

Lawyers for the Profession®

Illinois Appellate Court Affirms Summary Judgment For Defendant in Legal Malpractice Action Based on No Duty and No Causation

September 13, 2021

Lawyers for the Profession®

Illinois Appellate Court Holds Legal Malpractice Claim is Barred by Statute of Repose, Rejects Plaintiff's Tolling Argument July 22, 2021

Lawyers for the Profession®

Practical Tips to Mitigate Legal Risk When Videoconferencing

December 11, 2020

Lawyers for the Profession®

Mental Well-Being Resources for Lawyers During COVID-19

March 23, 2020

Client Service Continuity Strategies for Law Firms Responding to Coronavirus Pandemic

March 13, 2020

Illinois Appellate Court Holds Union Appointed Lawyers Are Immune From Individual Malpractice Suits Filed By Members February 24, 2020



Lawyers for the Profession®

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - February 2020 February 20, 2020

According to the California Court of Appeals, An Attorney's Failure to Disclose Lack of Professional Liability Insurance Renders Fee Division Agreement Unenforceable

February 17, 2020

Lawyers for the Profession®

New Jersey Appellate Court Holds No Attorney-Client Relationship Between Law Firm and Managing Members of LLC in Legal Malpractice Case

February 4, 2020

Lawyers for the Profession®

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - December 2019 December 19, 2019

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - Halloween 2019 October 31, 2019

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - July 2019 July 31, 2019

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - May 2019 May 29, 2019

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - April 2019 April 25, 2019

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Illinois Court Holds That \$6.5 Million Malpractice Claim Barred By Statute of Repose

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New York Recognizes Attorney-Client Privilege Regarding Consultations with Firm's General Counsel July 13, 2016

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Illinois Appellate Court Holds That Legal Malpractice Claim Was Barred by Six-Year Statute of Repose, and Collateral Estoppel Precluded Fraudulent Concealment Claim

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Colorado Supreme Court Upholds the "Strict Privity Rule" When Interpreting Attorney-Client Relationship

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Communications in Anticipation of Litigation Held Subject to California's Anti-SLAPP Statute

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Client Agreement and Failure to Terminate Representation Under the Terms of Client Agreement Results in Firm's Disqualification Under Concurrent Representation Rule

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#### No Breach of Contract Where Code Not in Contract for Architectural Services

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#### Plaintiff's Failure to Disclose Expert Was Fatal to Legal Malpractice Claim

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Failure to Challenge Victim's Credibility Sufficient to State Malpractice Claim Against Defense Counsel

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Under Dual Representation Doctrine, Privilege Does Not Apply to Communications Related to Matters on Which Attorney Represents Both Clients

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Misrepresentation in Renewal Application Voids Professional Liability Policy

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Estate Held Liable for \$1.2 Million Based on Failure to Timely File Estate Tax Return Due to Attorney's Brain Cancer

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Third-Party Intended Beneficiary of Estate Planning Document Has Standing to Bring Malpractice Claim Against Attorney for Drafting Error

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New York Accepts Likely-To-Succeed Standard for Appeals In Underlying Cases

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No Duty to Defend Based on Insured's Material Misstatement at Time of Renewal

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Illinois Supreme Court Addresses Calculation of Damages in Legal Malpractice Action



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Plaintiff's Failure to Have Expert Define the Standard of Care was Fatal to Claim

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Insurer Ordered to Produce Communications With its Counsel Regarding Settlement of Bad Faith Claim, Which Led to Legal Malpractice Action Against Defense Counsel

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California Court Awards Attorneys' Fees in Legal Malpractice Case Based on Rates that Exceeded the Actual Amounts Billed

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Unfinished Business Doctrine No Longer Applicable To New York Law Firms

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Exoneration Rule Is Alive and Well in Texas

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Non-Client Awarded Damages for Emotional Distress

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Exoneration Defense Not Applicable to Criminal Contempt Order in Civil Case

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Failure to Comply With Fee-Sharing Agreement Rules Results in Loss of Fee

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Expert Testimony Not Required For Attorney's Mishandling of Client Checks

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Trial Court's Error Constituted an Intervening Cause of Plaintiff's Claimed Damages

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Attorney's Death Is Not Excuse For Allowing Statute of Limitations to Expire

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Insurance Producer's Complaint for Judicial Review of License Revocation Dismissed for Failure to Exhaust Administrative Remedies

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Damages Caused by the Court's, Not the Lawyer's, Mistake

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Ninth Circuit Provides Comprehensive Analysis of Anti-SLAPP Statute Application

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Under Maine Law, Advice to Seek Independent Counsel Is Unnecessary When an Engagement Agreement Contains a Clear Arbitration Clause

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Final Due Date for Filing Estate Taxes Triggered Statute of Limitations in Third-Party Complaint for Contribution

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Negligent Attorney Not Entitled to Setoff For His Attorney's Fees

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Washington Supreme Court Rejects Standing of Title Insurer to Sue Defense Counsel

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Former Clients Who Are Indigent May Be Excused From Paying Arbitration Fees

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Expert's Opinion That Settlement Was Inadequate Was Insufficient To Establish Damages

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Attorney Owes Duty to Next of Kin in Wrongful Death Action Despite Lack of Direct Retention of Attorney

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Insurer Owes No Coverage Due to Lawyer's Failure to Report a Potential Claim



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Plaintiff Must Show Actual Innocence to Pursue Malpractice Claim Against His Criminal Defense Counsel

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Two-Year Statute of Limitations Not Limited to Legal Malpractice Claims by Clients

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Court Rejects Bona Fide Error Defense by Landlord Law Firm

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Accrual Date for Two-Year Statute of Limitations in Legal Malpractice Action Began When Plaintiff Received Notice of

Deficiency From IRS

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Bank Entitled to Recover Counterfeit Check Amount From Attorney's Client Trust Account

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Defendants Failed to Meet Burden to Show That Citizens Participation Act Warranted Dismissal of Plaintiff's Claim

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Law Firm Not Entitled to Summary Judgment After Failing to Advise CEO of Unauthorized Loans by CFO

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Plaintiff Stated a Cause of Action After Defendants' Advice Led to Her Deportation

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Breach of Attorney's Fiduciary Duty to Client May Be Waived

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Extortionate Demand Letter Not Protected by Anti-SLAPP Statute

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Oregon Supreme Court Disbars Attorney for Misappropriation of Partnership Funds

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Guilty Plea Does Not Protect Lawyer Providing Advice Before Criminal Acts



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Alleged Fiduciary Duty Breach Duplicative of Negligence Claim

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Legal Malpractice Policy Covered Law Firm After Falling Victim to "Phishing Scheme"

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Bankruptcy Court Retained Jurisdiction Over Sale of Legal Malpractice Cause of Action

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Failure to Inform Statutory Beneficiary of Conflict May Breach Lawyer's Duty

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Attorneys Owe Duty to Next of Kin in Wrongful Death Action

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Broker Liable for Failure to Obtain Excess Defense Cost Coverage for CCIP Program

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Out-of-State Attorney Severely Criticized for Taking Unfair Advantage of Client

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Lawyer Not Liable for Failure to Make a Better Argument to Avoid an Error by the Trial Court

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Law Firm's Continued Availability for Background Information Did Not Rekindle the Attorney-Client Relationship

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Insurance Agency Potentially Liable for Use of a Cost Estimator Program to Calculate Replacement Cost

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Conflict Imputed from Client's "Outside In-house Counsel" to Client's Separate Litigation Defense Counsel

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Claim Seeking Recovery of Excessive Estate Taxes Did Not Survive Death of Client

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Florida Supreme Court Limits Use of Absolute Privilege as a Defense

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Federal Court Upholds Validity of Advance Conflict Waiver by Client with In-House Counsel



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Florida Bar Issues Proposed Advisory Opinion Regarding Cloud Computing

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Agent Not Liable for Mental Distress Damages for Katrina Losses; Still Liable for Attorneys Fees and Special Damages

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U.S. Supreme Court Narrows Federal Jurisdiction For Malpractice Actions Arising out of Federal Patent Issues

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New Jersey Clarifies Permissible Scope of Transactional Work by Out-of-State Lawyers

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Insurance Broker Can Be Liable to Insured Who Did Not Read the Insurance Policy

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Legal Expert Cannot Opine on Merits of Underlying Medical Malpractice Case

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Attorney Who Failed to Challenge Uncertainty in the Law Not Entitled to Dismissal

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"Suit Within a Suit" Requires Full Jury Instructions and Lost Punitive Damages Are Not Part of Legal Malpractice Recovery

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Illinois Allows Excess and Umbrella Insurers to Bring Equitable Subrogation Claim Against Law Firm

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Agent Not Liable for Not Obtaining Additional Coverage

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Plaintiff Failed to Establish Collectibility of Underlying Judgment

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Excess Carrier May Sue Attorneys Retained by Primary Carrier for Equitable Subrogation, But Not Legal Malpractice

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Plaintiffs Failed to Establish Causation and Damages in "Settle and Sue" Type of Legal Malpractice Action

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Attorney's Admission of Error Without Insurer's Approval Did Not Relieve Insurer of Duty to Defend In Legal Malpractice



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## D.C. Bar Clarifies Boundaries for Disclosure of Client Confidences by Discharged In-House Counsel

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## Georgia Deems Intra-Firm Communications Regarding Potential Malpractice Privileged Under Certain Circumstances

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#### Ninth Circuit Denies Class Counsel Attorney Fees Due to Conflict

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#### Insurance Agent Not Liable for Failure to Cover Boat

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## Attorney's Failure to Pursue Enforcement of Judgment Was Actual Injury That Stopped Tolling of Statute of Limitations

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## Duty to Defend Triggered by Allegations of Malicious Prosecution

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#### Architect Not Liable to Unsuccessful Bidder for Tortious Interference

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#### Showing of Proximate Cause Required in Transactional Legal Malpractice Claim

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## IOLTA Indemnification Provisions Trigger Attorney's Obligation to Indemnify Bank for Underlying Litigation Expenses

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## SDNY Issues Conflicting Opinions Regarding Rights to Dissolved Firm Hourly-Fee Matters

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#### California Insurance Agent Who Improperly Completed Insurance Application Liable to Insured

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## Law Firm Owed Various Duties Stemming From Investigation Into Insider Wrongdoing

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#### Insurance Agent Can Be Sued by Intended Beneficiary for Negligence



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Court Rejects Insurer's Arguments That Claim Was Made Prior to Policy Period and Attorney Knew of Potential Claim

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Lack of Involvement by Co-Counsel Did Not Preclude Liability for Malicious Prosecution

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Settlement Agreement Precluded Client From Establishing Justifiable Reliance

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Public Policy Precludes Nonpecuniary Damages in Legal Malpractice Case Arising out of Criminal Defense

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District Court Declines to Extend Business Judgment Rule to Corporate Officers

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Judgment Against Law Firm, Which Included Punitive Damages, Affirmed

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Supreme Court of Louisiana Upholds Use of Arbitration Clauses in Retainer Agreements

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Pennsylvania Court Prohibits Commercial Assignments of Legal Malpractice Claims

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Client Did Not Sustain "Actual Injury" Until Court Ruled on Trust Documents

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Continuous Representation Doctrine Not Necessarily Limited to Attorney-Client Relationship

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Law Firm Could Compel Arbitration of Claims Despite Being Nonparties to Arbitration Agreement

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Settlement of Underlying Case Does Not Preclude Malpractice Action

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Federal Circuit Holds That Federal Court Has Exclusive Jurisdiction Over Legal Malpractice Claim Arising out of Patent Prosecution



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Second Circuit Affirms Sanctions Against Law Firm Entity Under Section 1927

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Failure to Demand a Jury is Too Speculative to Support Legal Malpractice Claims

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Ninth Circuit Rejects Selective Waiver of Attorney-Client Privilege

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Plaintiff Not Required to Present Expert Testimony Pertaining to Reasonableness of Attorneys' Fees Incurred

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Minnesota District Court Finds Jurisdiction Over Ohio Lawyer

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Ninth Circuit Reverses Sanctions for Failure to Consider Willfulness, Fault or Bad Faith

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Bankruptcy Court Authorizes Destruction of Client Files

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California Federal Court Holds Buyer and Seller Protected by Common Interest Privilege

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Ohio Federal Court Allows Insurer to Sue Defense Counsel

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Court Effects Contraction of Contract Claims and Expansion of Economic Loss Doctrine

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Illinois Appellate Court Rejects Fiduciary Duty Exception to Attorney-Client Privilege

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Second Circuit Strikes Down Two Aspects of New York's Attorney Advertising Rule

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Broker Had No Duty to Monitor Solvency of Insurance Company After Policy Issued

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Second Circuit Strikes Down Two Aspects of New York's Attorney Advertising Rule



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Montana Supreme Court Disqualifies Law Firm Based on Lateral Lawyer's Concurrent Conflict

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New York Appellate Court Adopts Zubulake, Imposes Spoliation Sanctions

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Mississippi Appellate Court Upholds Standing of Excess Insurer To Sue Defense Counsel

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In Criminal Malpractice Context, Accrual Occurs When Indictment Was Dismissed

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Despite Supreme Court's Critical Language, Expert Testimony in Legal Malpractice Case Required on Standard of Care

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Insurer's Duty to Defend Triggered by TCPA Claim Even Though Fax Recipient Was a Corporation

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Insurance Coverage Alert

Federal Court Has Exclusive Jurisdiction Over Legal Malpractice Action Arising Out of Patent Infringement Claim

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A Clearly Drafted Engagement Letter Can Limit the Scope of Attorney's Duties

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Attorney Who Signed Settlement Agreement Not Liable for Its Breach

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Plaintiffs' Contributory Negligence in Failing to Read Leases Precludes Malpractice Claim

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Second Circuit Allows Undisclosed Ghostwriting

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Louisiana Law Does Not Require an Appeal of an Adverse Judgment Before Filing Malpractice Action, But Expert

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Attorney Owed No Duty to Plaintiffs as Intended Third-Party Beneficiaries



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New York Law Office Requirement Held Unconstitutional

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Federal Circuit Upholds Advance Conflict Waiver in Joint Defense Agreement

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Minnesota Recognizes Claim Against Insurance Agent for Negligent Failure to Procure Insurance

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Nevada Supreme Court Adopts Disqualification Rule for Use of Information From Anonymous Source

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No Coverage for Insurance Agent's Claim Against His Agency for Failure to Procure Coverage

November 2, 2011

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Firm's Agreement With Opposing Party Creates Unconsentable Conflict

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Lawyers May Influence Their Clients' Communications With Represented Parties

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Plaintiff's Malpractice Suit Placed Attorney-Client Communications With Subsequent Counsel "At Issue" and Plaintiff Thus Waived Privilege

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Accountant May Owe Duty of Care to Client's Creditors

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N.Y. Appellate Court Holds Statute of Limitations Started Running When Architect's Services Ended

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Summary Judgment to Insurer Based on Breach of Notice and Cooperation Clauses

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ABA Provides Guidance for Warning Clients About the Risks of Electronic Attorney-Client Communications

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Lawyers for the Profession® Alert

ABA Provides Guidance for Ethical and Legal Duties When Employee's Lawyer Obtains Employee's E-mails With the Employee's Lawyer

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Lawyers for the Profession® Alert

Illinois Court Extends Evidentiary Lifeline to Accounting Firm Accused of Negligence



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ABA Provides Guidance for Permissible Changes to Attorney Fee Agreements During Representation

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Illinois State Court Has Jurisdiction of Legal Malpractice Claim Arising Out of Patent Matter

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Litigation Privilege Does Not Shield Attorney and Client Who Make Allegedly Defamatory Statements to News Reporters

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Lawyers for the Profession® Alert

Indiana Supreme Court Provides Guidance on Ethics Rules for Out-of-State Attorney Advertising

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Federal Circuit Has Exclusive Jurisdiction of Appeal of Claim Arising Out of Patent Matter

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Lawyers for the Profession® Alert

Legal Malpractice Claim Arising Out of Patent Matter Dismissed for Lack of Jurisdiction

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SEC Whistleblower Rule Excludes Money Awards to Attorneys and Others Violating Attorney-Client Privilege and Confidentiality

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Notice of Claim to Insurer by Claimants Is Insufficient, But Estoppel Precludes Summary Judgment

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Attorney Representation Concludes When Client No Longer Has Reasonable Expectation of Representation

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Ohio Court of Appeals Affirms Parol Evidence Rule As Applied to Engagement Letters for Attorneys

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Illinois Six-Year Statute of Repose Commenced on Date of Injury, Not on Date of Client's Death, and Claim Was Thus

Time-Barred

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Doctrine of In Pari Delicto Did Not Bar Trustee's Claims

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U.S. Supreme Court Insulates Advisers, Including Lawyers, From Rule 10b-5 Liability for Statements Made by Companies June 21, 2011



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California Supreme Court Holds Attorney Can Be Sued for Civic Efforts Against Former Client's Interests

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Doctrine of In Pari Delicto Did Not Bar Trustee's Claims

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Continuous Representation May Toll the Statute of Limitations in Washington

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The Professional Line - May 2011

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Modification of Protective Orders to Permit Disclosure of Confidential Materials Must Satisfy Three-Prong Test

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The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - May 2011

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Negligent Misrepresentation Does Not Apply to Prospective Client's Negligence Lawsuit

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Lawyers for the Profession® Alert

For Statute of Repose to Be Tolled, Attorney Must Make Affirmative Misrepresentations

May 19, 2011

Lawyers for the Profession® Alert

New York Bar Blesses Agreement for In-House Lawyer Imposing Post-Employment Confidentiality Obligations

May 17, 2011

Lawyers for the Profession® Alert

In-House, Out-of-State Licensed Counsel Must Register to Practice in New York State

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Attorney-to-Client Communications Categorically Protected in Pennsylvania

May 10, 2011

Lawyers for the Profession® Alert

Bank Not Liable to Architects Under "Instrumentality" Theory for Defaulted Developer's Nonpayment of Fees

May 9, 2011

**Professional Lines Alert** 

North Carolina Bar Opinion Advises Firms to Run Conflicts Checks for Newly Hired Law School Graduates

May 5, 2011

Lawyers for the Profession® Alert

Insurance Agents Liable for Submitting Application With Incorrect Information That Client Signed Without Reading

May 4, 2011

Professional Lines Alert

California Federal Court Allows Screening of Conflicted Lawyer

April 28, 2011

Lawyers for the Profession® Alert



#### Oregon Bar Issues Formal Opinion on Ethics Issues Arising in Mentoring Relationships and Use of LISTSERVs

April 21, 2011

Lawyers for the Profession® Alert

## Architect Potentially Liable to Indemnify Owner for Electrical Subcontractor's Negligence

April 21, 2011

**Professional Lines Alert** 

## Framework Retainer Agreement Does Not Perpetually Bind Law Firm for Purposes of Current Client Conflicts

April 19, 2011

Lawyers for the Profession® Alert

#### Supreme Court Tightens Section 1983 Liability for Failure to Train

April 18, 2011

Professional Lines Alert

## Third Circuit Applies Stoneridge, Denies Class Certification to Securities Fraud Claims Against Law Firm

April 14, 2011

Lawyers for the Profession® Alert

#### FDCPA Does Not Apply to Misleading Communications Directed at Judge

April 12, 2011

Lawyers for the Profession® Alert

#### Materials Testing Company Owed No Duty to Concrete Subcontractor

April 7, 2011

**Professional Lines Alert** 

## Attorney Who Engaged in Criminal Conduct to Exonerate Client Not Immune as a "Law Enforcement Officer"

April 7, 2011

Lawyers for the Profession® Alert

# Law Firm Violated FDCPA Relying on Client Information; Committed Malicious Prosecution by Not Acting on Client Information

April 5, 2011

Lawyers for the Profession® Alert

## California Malicious Prosecution Claim Against Attorneys Governed by One-Year Malpractice Statute of Limitations

March 30, 2011

Lawyers for the Profession® Alert

## Architect Who Provided Limited Construction Management Services Had Duty to Injured Guests Based on Foreseeability

March 28, 2011

**Professional Lines Alert** 

## Florida Supreme Court Upholds Attorney-Client Privilege in Bad Faith Claims

March 23, 2011

Insurance Coverage Alert / Lawyers for the Profession® Alert

#### Mechanics' Liens Now Available to Design Professionals in Massachusetts

March 22, 2011

**Professional Lines Alert** 

## Expert Declaration Containing Conclusory Assertions Not Sufficient to Sustain Legal Malpractice Action

March 22, 2011

Lawyers for the Profession® Alert

#### Law Firm's Internal Loss Prevention Communications Are Privileged From Discovery by Client



March 17, 2011

Lawyers for the Profession® Alert

Accounting Malpractice Claim Time-Barred By Two-Year Statute of Limitations

March 15, 2011

**Professional Lines Alert** 

Supreme Court Broadens First Amendment Protection Against State Tort Claims

March 10, 2011

**Professional Lines Alert** 

Internal Law Firm E-mail Is Privileged From Discovery by Client in Securities Litigation

March 10, 2011

Lawyers for the Profession® Alert

Mediation Confidentiality Statutes Include All Evidence of Discussions Immediately Preceding, During and After Mediation

March 8, 2011

Lawyers for the Profession® Alert

Court Rejects Argument That Home Inspection Form Contract Was Contrary to Public Policy and Unconscionable

March 7, 2011

**Professional Lines Alert** 

Ninth Circuit Rejects Attorney-Client Privilege and Work Product Protection for Tax Appraisal File

March 3, 2011

Lawyers for the Profession® Alert

Court Balances Contract Law Principles With Legal Ethics in Fee-Sharing Case

March 1, 2011

Lawyers for the Profession® Alert

Lawyers' Professional Liability Update - February 2011

February 25, 2011

NY Appellate Court Manages Litigation Issues Stemming From Pilfered E-Mails

February 23, 2011

Lawyers for the Profession® Alert

Experienced Patent Lawyer Unqualified to Testify Regarding Standard of Care and Causation

February 15, 2011

Lawyers for the Profession® Alert

Texas Lawyers May Reveal Corporate Client's Fraud to Client's Creditors

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Lawyers for the Profession® Alert

Fifth Circuit Strikes Certain Rules Governing Attorney Advertising in Louisiana

February 8, 2011

Lawyers for the Profession® Alert

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - January 2011

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California Court of Appeal Holds Privilege Waived When Employee E-Mails Attorney on Employer's System

January 27, 2011

Lawyers for the Profession® Alert

Client's E-Mails and Blog Postings Regarding Conversations With Counsel Waive Attorney-Client Privilege

January 26, 2011



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Attorney Who Refers Matter For a Fee Has Duty to Act if Receiving Lawyer Commits Misconduct

January 20, 2011

Lawyers for the Profession® Alert

Prosecutors' Use of Undercover Informant Armed With False Subpoena Does Not Violate No-Contact Rule

January 18, 2011

Lawyers for the Profession® Alert

Federal Judge Sets Aside Magistrate's Controversial Corporate Attorney-Client Privilege Ruling

January 11, 2011

Lawyers for the Profession® Alert

Colorado Bar Differentiates Online Directories From Lawyer Referral Services

January 6, 2011

Lawyers for the Profession® Alert

Lawyers' Professional Liability Update - December 2010

December 28, 2010

FTC Issues Rule Governing Mortgage Relief Providers; Includes Lawyer Exemption

December 22, 2010

Lawyers for the Profession® Alert

Future Conflict Requires Knowledge of Specific Adversity or Particular Clients Who May Be Involved

December 15, 2010

Lawyers for the Profession® Alert

Insurance Agent Not Liable for Negligent Misrepresentations

December 15, 2010

**Professional Lines Alert** 

Course of Practice May Determine an Insurance Agent's Authority to Issue a Binder/Evidence of Insurance – AND – Finding of Bad Faith May Preclude an Insurer From Seeking Indemnity From an Insurance Agent

December 9, 2010

Professional Lines Alert

Ninth Circuit Allows Immediate Appeal of Third-Party Discovery Order Involving Privilege

December 2, 2010

Lawyers for the Profession® Alert

U.S. Supreme Court Clarifies That "Policy or Custom" Requirement for Establishing Section 1983 Municipal Liability Applies to Claims Seeking Declaratory or Injunctive Relief

December 2, 2010

Professional Lines Alert

Attorney Cannot Recover From Former Client for Loss of Future Fees

November 30, 2010

Lawyers for the Profession® Alert

Careful Prior Consideration of Conflicts Issue Assists in Avoiding Discipline

November 23, 2010

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Lawyers' Professional Liability Update - November 2010

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Work Product Protection Applies to Plaintiff's Testing Data in Patent Dispute



November 18, 2010

Lawyers for the Profession® Alert

New York High Court Declines to Broaden Liability of Third-Party Professionals for Client Fraud

November 16, 2010

Lawyers for the Profession® Alert

New York Bar Allows Online Storage of Confidential Client Information With Third Parties

November 10, 2010

Lawyers for the Profession® Alert

California Court Strikes Malicious Prosecution Claim Based on Anti-SLAPP Motion

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Lawyers for the Profession® Alert

Ohio Supreme Court Recognizes Self-Protection Exception to Attorney-Client Privilege

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Lawyers' Professional Liability Update - October 2010

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The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - October 2010

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ABA Formal Opinion Emphasizes the Duty of Confidentiality in Responding to Ineffective Assistance of Counsel Claims

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The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - October 2010

October 21, 2010

ABA Issues Guidance on Ethical Issues Related to Lawyer Websites

October 19, 2010

Lawyers for the Profession® Alert

California Court Holds That Sellers Agents Must Disclose When Their Clients' Property Is Overencumbered by Debt

October 18, 2010

**Professional Lines Alert** 

No Privilege for In-House Counsel Communications in Europe's High Court

October 14, 2010

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Federal Court Recognizes Several Legally Cognizable Injuries Resulting From Firm's Conflict of Interest

October 7, 2010

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Lawyers' Professional Liability Update - September 2010

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Screening of Nonlawyer Employees Requires Formal Institutionalized Measures in Texas

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Eighth Circuit Invalidates Fee-Splitting Agreement Based on Technical Violations of Ethical Rule

September 28, 2010

Lawyers for the Profession® Alert

Uniform Bar Examination Gains Traction With Important Backing



September 23, 2010

Lawyers for the Profession® Alert

Ethical Rule Does Not Alter Unconscionability Analysis As to Fee Arrangement

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Lawyers for the Profession® Alert

Loss of Chance Doctrine May Apply to Legal Malpractice

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Lawyers for the Profession® Alert

D.C. Circuit Clarifies Scope of Work-Product Protection

September 14, 2010

Lawyers for the Profession® Alert

Attorney Cannot Agree to Arbitrate Without Client Consent

September 9, 2010

Lawyers for the Profession® Alert

Lawyer Avoids Malpractice Liability by Expressly Limiting Scope of Representation

September 7, 2010

Lawyers for the Profession® Alert

Newly Adopted ABA Model Rule 1.15 Offers Guidance to Client Trust Account Maintenance, Brings Lawyers Into Updated Technological Practices

September 2, 2010

Lawyers for the Profession® Alert

Ninth Circuit Holds Lawyer Has Duty to Investigate Source of Legal Fees to Avoid Constructive Trust

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Professional Lines Alert

Second Circuit Adopts Factors for Assessing Corporate Affiliate Conflict of Interest

August 27, 2010

Lawyers for the Profession® Alert

California Bar Recommends Adoption of a Conflicts Imputation Rule But Rejects a Related Screening Rule

August 25, 2010

Lawyers for the Profession® Alert

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management (Long Version) - August 2010

August 19, 2010

Sharing Documents With Litigation Financing Companies Waives Privilege for Those Documents

August 19, 2010

Lawyers for the Profession® Alert

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management (Abridged Version) - August 2010

August 19, 2010

California Statute Modifies Limitations Period for Certain Malpractice Claims Against Criminal Lawyers

August 17, 2010

Lawyers for the Profession® Alert

Federal Court Lacks Jurisdiction Over Legal Malpractice Claim Arising From Labor Negotiations



August 13, 2010

Lawyers for the Profession® Alert

Contingent Fee Agreement Does Not Compensate Lawyer for Defense Against Potential Counterclaims

August 10, 2010

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**Professional Lines Alert** 

August 10, 2010

Ninth Circuit Holds That Legal Malpractice Claim May Arise From Activity Protected by Anti-SLAPP

August 6, 2010

Lawyers for the Profession® Alert

Court Disqualifies Firm, Despite Screening of Conflicted Lawyer, Because of Firm's Size

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Lawyers' Professional Liability Update - July 2010

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**Professional Lines Alert** 

July 28, 2010

Ninth Circuit Sanctions Lawyers in High-Profile Case

July 28, 2010

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Ninth Circuit Adopts Two New Attorney-Client Privilege Standards for Corporate Counsel

July 23, 2010

Lawyers for the Profession® Alert

In-House Attorney Not Protected by Whistleblower Statute Because Reporting Wrongdoing Was Part of His Job Duties

July 20, 2010

Lawyers for the Profession® Alert

Parent Company's Rejection of "One-Entity" Clause in Retainer Did Not Create Attorney-Client Relationship With

**Subsidiaries** 

July 13, 2010

Lawyers for the Profession® Alert

No Attorney-Client Privilege for Corporation That Failed to Confirm In-House Attorney's Licensure Status

July 8, 2010

Lawyers for the Profession® Alert

ABA Allows Mediators to Draft Divorce Settlement Agreements With Appropriate Party Consent

July 6, 2010

Lawyers for the Profession® Alert

Firm That Prosecuted Competing Patents Subject to Breach of Fiduciary Duty Claim, But Not to Conversion Claim

July 1, 2010

Lawyers for the Profession® Alert

New York Relaxes Privity Rule for Personal Representative's Legal Malpractice Claims

June 29, 2010

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New Jersey Supreme Court Rejects Two Potential Bars to Legal Malpractice Cause of Action

June 24, 2010



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Lawyers' Professional Liability Update - June 2010

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Arizona Enforces Hurdles for Multi-jurisdictional Practice

June 22, 2010

Lawyers for the Profession® Alert

Supreme Court Approves Amendments to Federal Rule of Civil Procedure 26 Limiting Discovery of Expert Witnesses

June 18, 2010

Lawyers for the Profession® Alert

Federal Circuit Lays Out Test for When Lawyer's Access to Opposing Party's Confidential Information May Be Used to Limit the Scope of Attorney's Representation

June 15, 2010

Lawyers for the Profession® Alert

New Jersey Supreme Court Elaborates on Meaning of "Substantially Related Matters" Under Former-Client Conflicts Rule June 10, 2010

Lawyers for the Profession® Alert

Maine Supreme Court Requires Party Seeking Law Firm Disqualification to Demonstrate Particular, Actual Prejudice From Alleged Ethical Violations

June 8, 2010

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Lawyers' Professional Liability Update - May 2010

May 27, 2010

Montana Supreme Court Finds Due Process Violation in Lawyer Disciplinary Proceeding

May 27, 2010

Lawyers for the Profession® Alert

Iowa Supreme Court Uses Equitable Power to Enjoin an Out-of-State Attorney Practicing Federal Law Under MJP Rules in Iowa, for Violations of the Iowa Ethics Rules

May 25, 2010

Lawyers for the Profession® Alert

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - May 2010

May 24, 2010

Federal Circuit Reverses \$4.4 Million Sanctions Award Against Patent Infringement Plaintiffs and Law Firm

May 20, 2010

Lawyers for the Profession® Alert

Client May Vacate Default Judgment Caused by Lawyer's Neglect Even Though Lawyer Was In-House Counsel

May 18, 2010

Lawyers for the Profession® Alert

Contract Lawyer's Conflicts of Interest Not Necessarily Imputed to Firm According to D.C. Bar

May 13, 2010

Lawyers for the Profession® Alert

Federal District Court Strikes Down Texas Criminal Restrictions on Professional Solicitations

May 11, 2010

Lawyers for the Profession® Alert

Illinois Supreme Court Holds That Ethical Rule Prohibiting Communication With a Represented Party Is Limited to the Same Matter, Regardless of Whether the Matters Are Factually Related



May 6, 2010

Lawyers for the Profession® Alert

Trio of Recent Decisions Address Lawyer Mobility

May 4, 2010

Lawyers for the Profession® Alert

Lawyers' Professional Liability Update - April 2010

April 30, 2010

U.S. Supreme Court Strictly Limits Enhancements of Attorney Fee Awards Above Lodestar Amounts

April 29, 2010

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U.S. Supreme Court Holds That the Bona Fide Error Defense in the Fair Debt Collection Practices Act Does Not Include Mistakes of Law

April 27, 2010

Lawyers for the Profession® Alert

State Appeals Court Adopts U.S. Supreme Court's Recent Mohawk Industries Holding: Privilege Ruling Not Subject to Interlocutory Appellate Review

April 22, 2010

Lawyers for the Profession® Alert

Second Circuit Splits on Authority of Magistrate Judge to Impose Rule 11 Sanctions Absent Consent of the Parties

April 15, 2010

Lawyers for the Profession® Alert

Court Rejects a Mandatory Disqualification Rule for a Law Firm's Current-Client Conflict of Interest, and Denies Motion to Disqualify the Firm

April 1, 2010

Lawyers for the Profession® Alert

Ninth Circuit Reverses Prior Decision Based on a Subsequent Statutory Charge and Holds That Lawyer Cannot Discharge in Bankruptcy the Costs Owed to Bar Assessed in Disciplinary Proceeding

March 31, 2010

Lawyers for the Profession® Alert

Expert Witness Work Leads to Conflict of Interest, Imputed Disqualification

March 25, 2010

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Lawyers' Professional Liability Update - March 2010

March 24, 2010

Pennsylvania Supreme Court Splits on Rationale for Subject Matter Waiver; Avoids Decision on Scope of Privilege for In-House Counsel-to-Client Communication

March 23, 2010

Lawyers for the Profession® Alert

Second Circuit Strikes Down Certain of New York's Attorney Advertising Rules; Upholds 30-Day Solicitation Moratorium in Personal Injury and Wrongful Death Matters

March 18, 2010

Lawyers for the Profession® Alert

U.S. Supreme Court Weighs in on Applicability of 2005 Bankruptcy Law to Attorneys' Advice and Advertising

March 16, 2010

Lawyers for the Profession® Alert



### South Carolina Attorney Ad Tests Bounds of Advertising Rule

March 9, 2010

Lawyers for the Profession® Alert

## The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - February 2010

February 26, 2010

# City of New York Bar Issues Formal Opinion That Jointly Represented Clients May Not Waive the Right to Approve Aggregate Settlements

February 25, 2010

Lawyers for the Profession® Alert

#### Lawyers' Professional Liability Update - February 2010

February 24, 2010

#### Statutes of Repose Do Not Shorten Bankruptcy Trustee's Period to Pursue Legal Malpractice

February 23, 2010

Lawyers for the Profession® Alert

# New Jersey Supreme Court Sets Clear Conditions That Would Allow a Company to Pay Attorney Fees for Employees Who Are Targets and Potential Witnesses in a Grand Jury Proceeding

February 18, 2010

Lawyers for the Profession® Alert

### California Class Action Lawyers Must Help Class Members Enforce Judgment

February 16, 2010

Lawyers for the Profession® Alert

## Lawyers May Solicit Lay Organizations to Lecture on Legal Topics, But Limits Apply

February 8, 2010

Lawyers for the Profession® Alert

#### Discharged Firm May Still Collect Contingency Fee

February 4, 2010

Lawyers for the Profession® Alert

#### Narrow Interpretation of Spoliation of Evidence Tort Offset By Potential Ethical, Criminal and Other Civil Liability

February 2, 2010

Lawyers for the Profession® Alert

#### Lawyers' Professional Liability Update - January 2010

January 29, 2010

### Joint Defense Agreements Give Rise to Unique Conflicts and Imputation Issues

January 28, 2010

Lawyers for the Profession® Alert

#### FSA Lenders Not Subject to State UPL Laws

January 26, 2010

Lawyers for the Profession® Alert

### FTC Lacks Authority to Regulate Lawyers Under the Fair and Accurate Credit Transactions Act

January 21, 2010

Lawyers for the Profession® Alert

#### Lawyer Suspended for Representing Ward and Conservator

January 12, 2010

Lawyers for the Profession® Alert