



Lawyers for the Profession®

Our Lawyers for the Profession® group is devoted to representing and advising lawyers and law firms on all aspects of the "law governing lawyers." We focus on four broad areas: legal malpractice defense; ethics and professional responsibility representation and counseling; law firm organization and structure; and risk management services. We have 11 states well-covered and try lawyers' cases nationally wherever needed. Our lawyers anticipate and preempt professional problems, but when disputes occur we offer sound solutions or, where necessary, effective advocacy.

Our leading position as lawyers for the profession is further evidenced in the published works of our team, the professional appointments and bar association positions we hold, the frequency with which members of our group are invited to serve as expert witnesses, and the large number of lectures and presentations we are invited to give annually. In fact, we have chaired virtually every bar-related organization and committee concerned with legal ethics and professional responsibility and one of our partners served as President of the Association of Professional Responsibility Lawyers (APRL), a nationally prominent bar group.

Hinshaw has one of the largest and most respected professional liability practices in the United States, with more than 125 attorneys who have extensive experience in the defense of diverse professional liability claims. We offer lawyers a comprehensive suite of risk management services for law firms and lawyers to help manage the complexities of practicing law.

Lawyering Law is Hinshaw's risk management service for lawyers and law firms of fewer than 50 lawyers who are insureds of partner professional liability insurers. Lawyering Law provides access to on-demand CLE programs, an elibrary of proprietary risk management advice, and real-time risk management counselling. Hinshaw helps lawyers minimize—if not eliminate—the risks of potential claims by clients and non-clients, disciplinary proceedings, and even criminal prosecution. Consult with your insurance provider, broker, agent, or contact us to learn if you qualify.

News

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

Attorneys

Joseph J. De Hope, Jr.

Marissa I. Delinks

Patrick P. Devine

Matthew R. Henderson

Desmond J. Hinds, Jr.

Burke G. Lopez

Barry F. MacEntee

Terrence P. McAvoy

Filomena E. Meyer

Caroline A. Mondschean

Jill M. Munson

Michael P. Murphy

Matthew L. Pagano

Steven M. Puiszis

Katherine G. Schnake

Peter D. Sullivan

April K. Toy

Bradley M. Zamczyk

Michael Zhang

Related Services

Consultant/Coach for the Profession®

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Cyber Security for Law Firms

Law Firm Mergers & Combinations

Litigation Management

Litigators for the Profession®



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

Six Hinshaw Attorneys Contribute Chapters to the 2024 Edition of the "Dramshop Act Practice" IICLE Handbook February 16, 2024

Jennifer A. Patterson Appointed as Special Representative for the Supreme Court of Missouri Office of Chief Disciplinary Counsel (OCDC)

January 26, 2024

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

January 3, 2024

Hinshaw Recognized as "Distinguished in Litigation" in BTI Consulting's Litigation Outlook 2024 Survey November 16, 2023

Hinshaw Receives Recognition in 2024 "Best Law Firms" Directory November 2, 2023

Jess West Discusses New Rule From the California Supreme Court Requiring Attorneys to Report Misconduct of Other Attorneys

August 29, 2023

101 Hinshaw Lawyers Recognized in 2024 Editions of Best Lawyers in America and Ones to Watch August 17, 2023

PLUS Blog Reports on Matthew Henderson Panel Discussion on Lawyers Professional Liability Claims Trends May 12, 2023

David Grossbaum Named Among "2022 Top Lawyers" by Boston Magazine November 28, 2022

April Toy Selected to Milwaukee BizTimes 2022 Rising Stars in Law September 12, 2022

David Grossbaum Pens Law360 Byline on Potential Pitfalls Involved in Lawyer Fee-Sharing Arrangements June 23, 2022

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

JD Supra Names Scott Seaman and Joanna Storey as Top Authors in its 2022 Readers' Choice Awards March 7, 2022

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

Hinshaw Partner Jill Munson Named to Milwaukee BizTimes 2022 Notable Women in Law January 24, 2022

Hinshaw Partner Marissa Delinks Named to Massachusetts Lawyers Weekly 2021 Top Women of Law November 18, 2021

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

Joanna Storey Authors BASF Blog Post on California Legal Ethics Obligations of Third-Party Litigation Funding July 2, 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

Joanna Storey Provides Ten Best Practice Tips for Remote Appearances in CNA Insurance Publication March 9, 2021

Joanna Storey Authors BASF Blog Post on Lawyers' Data Breach-Related Duties February 9, 2021

Joanna Storey Authors Article Distinguishing Lawyers' Responsibilities as to Data Privacy Protection vs. Client Confidentiality or Privilege
January 5, 2021

Hinshaw Recognized in 2021 U.S. News – Best Lawyers "Best Law Firms" Directory November 5, 2020

Sixty-Five Hinshaw Lawyers Recognized in 2021 Editions of Best Lawyers and Best Lawyers: Ones to Watch August 20, 2020

Hinshaw Authors United States Chapter in Third Edition of The Professional Negligence Law Review August 5, 2020

Joanna Storey Authors BASF Blog Post on Requirements of California's Professional Conduct Rule 1.13 July 2, 2020

Client Success: Hinshaw's Donald Mrozek Provides Strategic Advice to New Chicago Law Firm Boutique February 18, 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

Hinshaw Submits Comments to California Attorney General Regarding Proposed California Consumer Privacy Act Regulations

December 17, 2019

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

Hinshaw Recognized Nationally and Regionally in 2020 U.S. News – Best Lawyers "Best Law Firms" Directory November 1, 2019



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

Tips for Law Firms on Limiting Exposure to Malpractice Risk of Lateral Hires September 24, 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

Cassidy Chivers Moderates Panel on the Updated California Professional Rules of Conduct January 25, 2019

Steve Puiszis Authors Comprehensive Overview of EU's GDPR Privacy Law in Journal of the Professional Lawyer January 24, 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

Steve Puiszis Addresses Cyber Risks Associated with Lawyers Making Their Email Addresses Public December 13, 2018

Cassidy Chivers and Joanna Storey Outline the Ethical Obligations of Law Firms Dealing with an Impaired Lawyer November 16, 2018

Steve Puiszis Cited in ABA Formal Opinion 483 on the Ethical Responsibility of Lawyers Following a Cyberattack November 12, 2018

Hinshaw Recognized Nationally and Regionally in 2019 U.S. News – Best Lawyers "Best Law Firms" Directory November 1, 2018

Illinois Supreme Court Appoints Adam Vaught to the Illinois Judicial Conference October 25, 2018

Steve Puiszis Discusses the MSBA Opinion in Light of GDPR's "Right to be Forgotten" in Bloomberg Law October 19, 2018

Hinshaw's Adam Vaught Named to Benchmark Litigation "40 and Under Hot List" July 20, 2018

Kate Schnake Appointed as Project Officer of the CBA's Young Lawyers Section July 9, 2018

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



Bloomberg Discusses Steve Puiszis' Panel Presentation on "Ethics of Data Breach Reaction" at ABA Professional Responsibility Conference

June 13, 2018

Tom Luetkemeyer Discusses Handling Impaired Lawyers at LMRM

March 9, 2018

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

February 19, 2018

Hinshaw's Tom McGarry Profiled as the IICLE Spotlight Author of the Month

February 16, 2018

Hinshaw Achieves National and Regional Recognition in 2018 U.S. News - Best Lawyers® "Best Law Firms" Directory

November 1, 2017

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

August 30, 2017

Steven Puiszis to Serve as Program Chair for the NFJE Judicial Symposium

July 13, 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

Hinshaw Team Authors Practical Law Q&A Guide on Regulation of the Legal Profession

May 17, 2017

Media Coverage of the 16th Annual Legal Malpractice and Risk Management Conference

March 28, 2017

DRI Profiles Hinshaw's Steve Puiszis

February 17, 2017

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

February 7, 2017

DRI Professional Perspectives

Perspective on Managing a Law Firm Leadership Succession: Part II

January 13, 2017

Bloomberg Big Law Business

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

Hinshaw Garners More Than Thirty Rankings in 2017 U.S. News - Best Lawyers® "Best Law Firms" List

November 1, 2016

Steven Puiszis Appointed Chair of DRI's Center for Law and Public Policy

October 31, 2016

Terry McAvoy Authors DRI Article on Texas Supreme Court Malpractice Case

October 27, 2016



Hinshaw Launches New Consulting and Coaching Services Focused on the Business and Management of Law Firms October 17, 2016

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

Hinshaw Lawyers Advise Kenyon & Kenyon on Combination with Andrews Kurth September 23, 2016

Cassidy Chivers Quoted in Bloomberg BNA Article on Anti-SLAPP Law Coverage September 21, 2016

Thirty Hinshaw Lawyers Named to 2017 Edition of The Best Lawyers in America® August 15, 2016

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

Hinshaw & Culbertson LLP Announces New Managing Partner and Other Firm Leaders May 18, 2016

Hinshaw Names Four New Members of Management Committee May 18, 2016

Hinshaw Lawyers Rack Up Appellate Victory April 29, 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

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

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

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

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

Twenty-Eight Hinshaw Lawyers Named to 2016 Edition of The Best Lawyers in America August 17, 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

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



U.S. Supreme Court Upholds Ethical Rule on Judicial Elections: Hinshaw Lawyers Write Amicus Brief for the ABA in Support of the Rule

May 6, 2015

Hinshaw Attorneys Obtain Precedent Setting Opinion Concerning Venue in a Multi-Defendant Lawsuit April 30, 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

Law360 Profiles Hinshaw & Culbertson as a Law Firm "to Have on Speed Dial if Malpractice Trouble Hits" November 19, 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 Quoted in Chicago Daily Law Bulletin September 12, 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

Thomas McGarry Quoted in Chicago Daily Law Bulletin Article on ARDC and Rules of Professional Misconduct November 20, 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

Hinshaw Releases New Business Intake Solution November 14, 2011

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

Robert Buchholz and Matthew Henderson Recently Conducted an Interactive Presentation on Attorney Ethics and "What Not To Do"

June 21, 2022 Virtual Event



BASF Presentation: Joanna Storey to Review Legal Ethical Concepts in Fictional Attorney Scenarios May 12, 2022

21st Annual Legal Malpractice & Risk Management Conference

March 1 - 3, 2022

Joanna Storey to Discuss Civility and Communication in a Hybrid World

September 15, 2021

Virtual Event

Joanna Storey to Lead Interactive Presentation on Legal Ethics

August 28, 2021

Olympic Valley, California

Alyssa Johnson and Kate Schnake to Discuss How Lawyers Can Handle Difficult Client Dilemmas

July 28, 2021

Virtual Event

Joanna Storey to Discuss Issues Facing Women in the Privacy Industry

July 1, 2021

Virtual Event

Joanna Storey to Discuss Ethics Lessons Learned from Fictional Attorneys in BASF Presentation

May 11, 2021

Virtual Event

20th Annual Legal Malpractice & Risk Management Conference

An All New Virtual Experience

March 2 - 4, 2021

Virtual

Joanna Storey to Discuss Legal Ethics at Bar Association of San Francisco Webinar

January 26, 2021

Joanna Storey to Discuss Practical Tips for Lawyers to Mitigate Legal Risk When Videoconferencing

January 12, 2021

Virtual Event

Joanna Storey to Discuss Legal Ethics in a Remote World at California Lawyers Association Webinar

December 16, 2020

Alyssa Johnson and Mollie Kugler Explore the Impact of Gender Bias on Women in Law

December 15, 2020

Virtual Event

Joanna Storey to Discuss Ethical Risks of Video Conferencing for Lawyers

October 16, 2020

Virtual Event

Joanna Storey to Address Ethical Risks for Lawyers Working Remotely

October 14, 2020

Virtual Event

Susie Dent Addresses Ethical Issues Impacting LGBTQ+ Attorneys, Clients, and the Courts

June 25, 2020

Webinar



2020 Legal Malpractice & Risk Management Conference

March 3 - 5, 2020

The Ritz-Carlton Chicago

Joanna Storey to Discuss California Rules of Professional Conduct in BASF Presentation on Trust Accounting and IOLTAs January 23, 2020

BASF Conference Center | San Francisco, California

Noah Fiedler and Alyssa Johnson to Present NBI Seminar on the Legal Ethics of Client Communications December 27, 2019

Noah Fiedler and Alyssa Johnson to Present NBI Seminar on Attorney's Duty of Technological Competence

December 17, 2019

Holiday Inn Milwaukee Riverfront | Milwaukee, Wisconsin

Hinshaw's Steve Puiszis to Discuss Ethical Duty of Law Firms to Protect Client Data

December 3, 2019

300 N LaSalle Dr | Chicago, Illinois

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

June 7, 2019

Chicago, Illinois

Steve Puiszis to Discuss Implications of Evolving Technology on Legal Industry at ABA Young Professionals Event

June 6, 2019

223 South Wacker | Chicago, Illinois

NBI Rebroadcast of Noah Fiedler and Alyssa Johnson's Presentation on "Top Legal Ethics Oversteps and How to Avoid Them"

May 14, 2019

Webinar

Hinshaw's Cassidy Chivers to Present at ABA National Legal Malpractice Conference

April 5, 2019

Miami Beach, Florida

Rebroadcast of Noah Fiedler and Alyssa Johnson Discussion of the Legal Ethics of Client Communications

March 14, 2019

Webinar

2019 Legal Malpractice & Risk Management Conference

March 5 - 7, 2019

Westin Chicago River North

Steve Puiszis to Discuss GDPR and Data Privacy Laws at ABA TECHSHOW

February 28, 2019

Chicago, Illinois

Ed Donohue and Cassidy Chivers to Present on Professional Ethics Relating to Cyber Security and Diminished Capacity of a Client

February 7, 2019

Hyatt Regency | Santa Rosa, California

Cassidy Chivers to Discuss California's New Rules of Professional Conduct in DRI Webinar

December 6, 2018

Webinar



Cassidy Chivers to Discuss "Ethical Issues in Licensing" in PLI Legal Education Course

December 5, 2018

Webinar

Tom McGarry and Michael Ruff to Discuss the Professional Obligations and Qualities of Lawyers in CBA Presentation

September 21, 2018

CBA Headquarters | Chicago, Illinois

Hinshaw Attorneys Scheduled to Present at DRI Cybersecurity and Data Privacy Seminar

September 7, 2018

Loews Hotel | Chicago, Illinois

GDPR Compliance Roundtable

July 26, 2018

Chicago, Illinois

Steve Puiszis to Discuss Data Privacy Challenges Impacting the Legal Industry in Thomson Reuters Sponsored Presentation

May 23, 2018

Chicago, Illinois

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

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

Steven Puiszis to Speak at Law Bulletin Ethics 2016 Conference

June 7, 2016

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

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

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



Robert Romero to Present at PLI's California Trial Advocacy 2015 Seminar

August 5, 2015

PLI California Center, 685 Market Street, San Francisco, California 94105 or via Webinar

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

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

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

WEBCAST: Social Network Media - Will You Be My Facebook Friend?

May 10, 2013

Webinar

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

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February 16, 2011

2011 LMRM Conference Panel: Establishing a Fiduciary Breach

February 16, 2011

Publications

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®

Florida Bar Advisory Opinion 24-1 Gives Green Light to Generative Al Use by Lawyers – With Four Ethical Caveats

February 5, 2024

Lawyers for the Profession®

Lack of Proximate Cause Dooms Plaintiff's Appeal of Adverse Summary Judgment

February 2, 2024

Lawyers for the Profession®

Continuous Representation Rule Does Not Extend the Statute of Limitations in Legal Malpractice Claims

January 22, 2024

Lawyers for the Profession®

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®

Different Outcomes for Two Law Firms in Legal Malpractice Case Confirm That Lawyers Representing Estate Administrator Do Not Owe a Duty to Beneficiaries



September 12, 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

Appellate Court Affirms \$700,000 Judgment Against Lawyer in Malpractice Action, in Part, Because Defendant Failed to File Post-Trial Motion

February 16, 2023

Lawyers for the Profession®

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®

Sharing Fees Between Lawyers

June/July, 2022

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®

Legal Ethics Trend – Representing Clients with Diminished Capacity

May 3, 2022

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



In Unusual Ruling, Rhode Island Supreme Court Excuses Statute of Limitations Violation Because of COVID-Related Issues

April 5, 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®

Lawyers, Don't Be Willfully Blind to Suspected Client Fraudulent Conduct

March 1, 2022

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®

11 Legal Ethics Opinions You May Have Missed in 2021

January 4, 2022

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - November 2021

November 17, 2021

Practical Tips to Mitigate the Risk of Being Hacked by Fake IRS or Google Voice Scams

November 3, 2021

Law Firm Cyber Alerts

Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - Halloween 2021

November 1, 2021

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®

Property Owners Allege Their Own Lawyers Helped Initiate Ruinous Downzoning, Case Dismissed Due to Statute of Limitations

August 26, 2021

Lawyers for the Profession®

The California Lawyers Association Ethics Committee Provides Guidance on the Elements of Effective Ethical Screens August 6, 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®

Georgia Malpractice Judgment Reversed Because Trial Court Improperly Allowed Jury to View Complaint With Dismissed Claims

July 16, 2021

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Florida Supreme Court Holds Insurer May Pursue Malpractice Claims Against Defense Counsel Retained to Defend Its Insured

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Plaintiff's Claim Based on Threatening Statements Barred by Illinois' Absolute Litigation Privilege

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Florida Court Rules That Retainer Agreement Arbitration Provision is Enforceable and Severable From Agreement's Unenforceable Fee & Cost Shifting Provisions

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Florida Appellate Court Reduces Legal Malpractice Verdict From \$5M to \$250K Because Plaintiff Failed to Prove Underlying Judgment Was Collectible

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Defendants Entitled to Summary Judgment on Lack of Proximate Causation Because Plaintiffs' Expert Opinions were Conclusory

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Plaintiff's Successor Counsel Not Liable for Contribution Where Underlying Case Was "Irretrievably Lost" Before He Was Retained

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Florida Bar Advisory Opinion Holds New Jersey Lawyer Working Remotely From Florida Home Does Not Violate Unauthorized Practice of Law Rules



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Wisconsin Supreme Court Finds No Exceptions to Actual Innocence Rule

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Illinois Law Firm Recovers No Attorney's Fees After Trial Court Concluded The Firm Breached Its Fiduciary Duties

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Ninth Circuit Affirms Summary Judgment for Defendants Based on Plaintiffs' Failure to Present Expert Testimony

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Alabama Civil Appeals Court Holds Error in Judgment Rule Requires Expert Testimony to Establish Standard of Care

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Utah's District Court Dismisses Malpractice Action Against Florida Firm Based on Lack of Jurisdiction

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Beware of Fraudsters Posing as Government Investigators to Obtain Protected Health Information

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Attorney Has Immunity for Destroying Evidence When Acting Within Scope of Representation

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

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According to Tenth Circuit, "Continuous Representation" Doctrine Does Not Toll Legal Malpractice Statute of Limitations Under New Mexico Law

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California Court Clears Way for Malicious Prosecution Claim Against Attorney for Cannabis Dispensary

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Lawyers Beware: California Court Applies Multi-Factor Test to Determine if LLC Attorney Inadvertently Formed an "Implied" Attorney-Client Relationship with Individual LLC Members

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Case Dismissed: Illinois Appellate Court Holds Legal Malpractice Claims Were Time-Barred and Corporate Adverse Domination Tolling Doctrine Did Not Apply

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Pro Se Lawyers Can Recover Attorneys' Fees Under Illinois Supreme Court Rule 137

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Judicial Error Doctrine Rejected as a Defense to Malpractice Claim Because Attorneys Failed to Appeal the Judgment in the Underlying Litigation

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Attorney's Discharge Before Statute of Limitations Expired Severed Any Causal Connection in Malpractice Claim

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Seventh Circuit Affirms: Attorney Personally Liable for Aiding and Abetting Mortgage Fraud Scheme

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California Supreme Court Holds Monster Energy Can Pursue Claim Against Attorney for Breach of Confidentiality in Settlement Agreement

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Minnesota Appellate Court Finds Litigation-Funding Agreement Void and Unenforceable



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Formal Opinion: Successor Counsel Must Notify Client in Writing of Predecessor Counsel's Claim on Portion of Contingency Fee

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Successor Legal Counsel Not a "Joint Tortfeasor" Under New Jersey's Joint Tortfeasors Contribution Law

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California Court Disqualifies Law Firm in Woolsey Fire Cases

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New Jersey Court Reaffirms Principle that a Plaintiff Must Establish "But For" Causation and Damages in a Malpractice Claim

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Federal Court in Texas Affirms Dismissal of Negligence and Breach of Fiduciary Duty Claims Against a Law Firm, But Revives Aiding and Abetting Claim

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New California Ethics Opinion Addresses Whether There is a Duty to Disclose Ethics Consultation to Clients

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Wisconsin Court of Appeals Discusses Wisconsin Supreme Court's MacLeish Decision

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Sixth Circuit Affirms that Expert Testimony is Necessary to Establish Attorney's Standard of Care and Breach

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Protect Yourself and Your Firm Against Password Spray Attacks

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Advocacy Statements Made by Attorney Cannot Later Be Used as Admissions in Legal Malpractice Action

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Fifty-Percent Owner of Partnership Has Standing to Seek Disqualification of Partnership Counsel to Protect Partnership Interests

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Wisconsin Court of Appeals Holds Judge's Undisclosed Facebook Friendship with Litigant is Objectively Bias and Violates Due Process

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Florida Court Holds Insurer Lacks Standing to Sue Defense Counsel for Legal Malpractice

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Owners of Apple Devices Like iPhones Advised to Turn Off FaceTime App Until Apple Issues a Patch

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No Harm, No Foul: Disqualification Not Warranted When City Attorney Obtained Privileged, But Irrelevant, Communications During Internal Affairs Investigation



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Fifth Circuit Affirms Broad Scope of Attorney Immunity Defense in Legal Malpractice Case

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Illinois Appellate Court Reaffirms Necessity of Proving "But For" Causation in Transactional Malpractice Claim

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Collateral Estoppel Slams Door on Malpractice Action Spawned by Another Malpractice Action

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Illinois Court Declines to Adopt "Continuous Course of Treatment Doctrine" in Accountant Malpractice Claims

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California Attorneys Must Obtain Client's Signed Understanding of Mediation Confidentiality, Effective January 1, 2019

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Law Firm Retained to Represent LLC Owes No Duty to Owner or Officer of LLC

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California Court Holds Plaintiff Must Only Prove Attorney Was "Substantial Factor" of Loss, Not "But For" Causation

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Avvo Shuts Down its Legal Services Product in Wake of Ethics Opinions Warning Attorneys Not to Participate

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Establishing Attorney's Breach of Duty Requires Expert Witness Testimony

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Florida Appellate Court Rules Arbitration Clause in Retainer Agreement is Unenforceable because Client was not advised to Consider Hiring Independent Counsel

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California Adopts New Rules of Professional Conduct

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South Carolina Supreme Court Holds that Insurer can sue Defense Attorney Retained to Represent its Insured

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Attorney Immunity Doctrine Defeats Claim by Non-Client

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Litigation Funding Company Loses Effort to Recoup Proceeds from Attorney after Client Fails to Repay

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Seventh Circuit Affirms Dismissal of \$1.5 Billion Malpractice Claim Filed by Lenders Against Borrower's Law Firm Because it Owed No Duty to Lenders

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Communications Between Public Relations Firm and Counsel Held Not Privileged March 20, 2017

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State Court Lacks Jurisdiction Over Legal Malpractice Claim That Required Court To Resolve Federal Issues Relating To Scope, Validity Or Infringement Of Patent

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Anti-SLAPP Applies to Concealment Claim



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Massachusetts Supreme Court Holds That "Self-Help Discovery" Is Protected Activity

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Supreme Court of Nevada Holds That Legal Malpractice Claim Was Impermissibly Assigned

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

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Plaintiff Who Could Not Afford to Pay for Arbitration Was Allowed to Pursue Her Malpractice Action in Court

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New York Recognizes Attorney-Client Privilege Regarding Consultations with Firm's General Counsel

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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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New York and North Carolina Take a Narrow Approach to Common Interest Doctrine

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Agent Had No Duty to Produce Additional Insurance Coverage For Lost Rent and Soft Cost Without a Specific Request

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Absent a Fee-Sharing Agreement Signed by Client, Referring Attorney Cannot Recover Fees From Receiving Attorney

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

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Texas Court Holds That Law Firm is Immune From Liability to Claims by Non-Client

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California Court Reluctantly Vacates Dismissal of Legal Malpractice Action

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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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Illinois Claim for Aiding and Abetting Client's Breach of Fiduciary Duty Time-Barred

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Oregon Supreme Court Limits Mediation Confidentiality

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Federal Court in New York Court Finds No Implied Attorney-Client Relationship

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Kansas Draws the Line Regarding Actual Innocence and Legal Malpractice Actions

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Illinois Legal Malpractice Action Barred By Res Judicata and Rule Against Claim-Splitting

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Legal Malpractice Action Time-Barred By Statutes of Repose and Limitations

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Future Conflict Waiver Allows Firm to Representation Adverse to Former Client

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Absolute Attorneys' Litigation Privilege Bars Claims By Non-Clients



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Time's Up: Limitations Period Began Running on Claim Once Insured Learned His Policy Had Expired

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Ethical Wall Does Not Preclude Disqualification of Firm

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California Court Extends Attorney-Client Privilege to Protect Attorneys' Invoices

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

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California Court Holds Unforeseeable Injury From Malpractice Supports Dismissal

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

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Illinois Appellate Court Affirms \$6 Million Judgment, But Also Upholds Jury's Rejection of Claim for Lost Profits

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Virginia Supreme Court Recognizes Judgmental Immunity (or "Error-in-Judgment" Rule), But Collectability Is an Affirmative Defense of Attorney Defendant

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Collateral Estoppel Defense to Malpractice Claim Rejected and Derivative Claims Addressed

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Mediation Confidentiality Precludes Inferences of Malpractice

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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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Paralegal's Mistake Costs Lender (JPMorgan Chase) a \$1.5 Billion Security Interest in Loan

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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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California Court Upholds In-House Counsel Privilege

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

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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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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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Exoneration Rule Is Alive and Well in Texas

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

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Illinois' Statute of Repose Is Not Limited to Claims Asserted By Client

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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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Causation Expert Required in Case-Within-a-Case

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

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Lawyers for the Profession® Alert

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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Legal Malpractice Claim Is Assignable in the Context of a Commercial Transaction

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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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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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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 Action

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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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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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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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Law Firm Owed Various Duties Stemming From Investigation Into Insider Wrongdoing

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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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Lawyers for the Profession® Alert

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

August 8, 2012

Lawyers for the Profession® Alert

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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Lawyers for the Profession® Alert

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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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

May 16, 2012

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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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Lawyers for the Profession® Alert

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

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Lawyers for the Profession® Alert

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

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Lawyers for the Profession® Alert

New York Appellate Court Adopts Zubulake, Imposes Spoliation Sanctions

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Lawyers for the Profession® Alert

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

February 15, 2012



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

February 1, 2012

Lawyers for the Profession® Alert

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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Lawyers for the Profession® Alert

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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Lawyers for the Profession® Alert

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

January 5, 2012

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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

Testimony Required

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

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Lawyers for the Profession® Alert

New York Law Office Requirement Held Unconstitutional

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Lawyers for the Profession® Alert

Federal Circuit Upholds Advance Conflict Waiver in Joint Defense Agreement

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

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Firm's Agreement With Opposing Party Creates Unconsentable Conflict



October 26, 2011

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Lawyers May Influence Their Clients' Communications With Represented Parties

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Lawyers for the Profession® Alert

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

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

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Lawyers for the Profession® Alert

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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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

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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

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

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

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

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

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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



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

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California Federal Court Allows Screening of Conflicted Lawyer

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

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

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

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FDCPA Does Not Apply to Misleading Communications Directed at Judge

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

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

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

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

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Insurance Coverage Alert / Lawyers for the Profession® Alert

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

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

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

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Lawyers for the Profession® Alert

Mediation Confidentiality Statutes Include All Evidence of Discussions Immediately Preceding, During and After Mediation March 8, 2011



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

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

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

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

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

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Fifth Circuit Strikes Certain Rules Governing Attorney Advertising in Louisiana

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

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

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

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

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Lawyers for the Profession® Alert

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

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Colorado Bar Differentiates Online Directories From Lawyer Referral Services

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FTC Issues Rule Governing Mortgage Relief Providers; Includes Lawyer Exemption



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

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

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Attorney Cannot Recover From Former Client for Loss of Future Fees

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Careful Prior Consideration of Conflicts Issue Assists in Avoiding Discipline

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

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

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

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Lawyers for the Profession® Alert

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

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

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

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ABA Issues Guidance on Ethical Issues Related to Lawyer Websites

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



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

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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

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Uniform Bar Examination Gains Traction With Important Backing

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Lawyers for the Profession® Alert

Ethical Rule Does Not Alter Unconscionability Analysis As to Fee Arrangement

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Loss of Chance Doctrine May Apply to Legal Malpractice

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

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Attorney Cannot Agree to Arbitrate Without Client Consent

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Lawyer Avoids Malpractice Liability by Expressly Limiting Scope of Representation

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

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

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Second Circuit Adopts Factors for Assessing Corporate Affiliate Conflict of Interest

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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

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

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

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Lawyers for the Profession® Alert

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

August 10, 2010

Lawyers for the Profession® Alert

California Supreme Court Limits the "Stray Remarks" Doctrine in Discrimination Cases

August 9, 2010

Labor & Employment

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

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Lawyers for the Profession® Alert

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

August 3, 2010

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Lawyers' Professional Liability Update - July 2010

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Ninth Circuit Sanctions Lawyers in High-Profile Case

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

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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



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

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Lawyers for the Profession® Alert

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

Lawyers for the Profession® Alert

Montana Supreme Court Finds Due Process Violation in Lawyer Disciplinary Proceeding

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Lawyers' Professional Liability Update - May 2010

May 27, 2010

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

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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

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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

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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

Lawyers for the Profession® Alert

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

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