



## Newsletters

### The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - November 2012

November 13, 2012

- Lateral Movement – Another Take on the Unfinished Business Rule
- Responsibilities of Co- and Local Counsel – Liability for Acts of Primary Counsel, Including for Malicious Prosecution – (“Hear No Evil, See No Evil, Speak No Evil” Doesn’t Work)

#### Lateral Movement – Another Take on the Unfinished Business Rule

*Geron v. Robinson & Cole LLP, et al.*, 2012 WL 3800766 (S.D.N.Y., Sept. 4, 2012)

Risk Management Issue: What are the special financial risks potentially faced by firms seeking to hire lawyers laterally from firms that dissolve? What is the meaning and scope of the “unfinished business” rule? What can hiring firms do to manage the risks of the application of the rule in connection with lawyers whom they hire – and what can firms generally do to prevent the issue from arising? What are the implications of opposite decisions from the same court on the future of the unfinished business rule – and how should firms deal with the risks while the uncertainty continues?

#### Responsibilities of Co- and Local Counsel – Liability for Acts of Primary Counsel, Including for Malicious Prosecution – (“Hear No Evil, See No Evil, Speak No Evil” Doesn’t Work)

*Cole v. Patricia A. Meyer & Associates, APC* (2012) 206 Cal. App. 4th 1095 (June 8, 2012)

Risk Management Issue: What is the scope of the duties and responsibilities of co-, associated or local counsel towards clients and third parties for the acts of primary counsel? May associated counsel of record insulate themselves from exposure to malicious prosecution liability by doing nothing or knowing nothing about a case?

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