



## Newsletters

### The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - May 2013

May 20, 2013

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- [Conflicts of Interest – Advance Waivers – Sufficiency of Disclosure – Who Is a “Sophisticated Client”](#)
- [Legal Fees – Suing for Fees – Engagement Letters – Account Stated](#)
- [Regulation of Advertising – Meaning of Confidential Information – “Blogging” About Client Matters – Need for Client Consent](#)

#### **Conflicts of Interest – Advance Waivers – Sufficiency of Disclosure – Who Is a “Sophisticated Client”**

*Galderma Laboratories, L.P. v. Actavis Mid Atlantic LLC* (N.D. Tex. Feb. 21, 2013)

Risk Management Issue: When are advance waivers of conflicts of interest valid and binding on clients, and what are the requirements that lawyers must meet in order for them to be enforceable?

#### **Legal Fees – Suing for Fees – Engagement Letters – Account Stated**

*Pryor Cashman LLP v. U.S. Coal Corporation*, 651908/11, NYLJ 1202588022493, at \*1 (Sup. Ct. N.Y. Feb. 4, 2013)

Risk Management Issues: Are engagement letters enforceable if not countersigned by the client? Is a client's failure to make a timely objection to a lawyer's bill a sound basis for suing the client for fees?

#### **Regulation of Advertising – Meaning of Confidential Information – “Blogging” About Client Matters – Need for Client Consent**

*Hunter v. Virginia State Bar, Ex Rel. Third District Committee*, --- S.E.2d ---, 2013 WL 749494 (Va. Feb. 28, 2013).

Risk Management Issue: May a lawyer write a blog post discussing public information relating to a client without the client's consent? If a lawyer blogs about cases he won, is this regulated attorney advertising requiring a disclaimer?

#### Service Areas

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