



Newsletters

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

September 25, 2013

Download or read the complete newsletter here: [The Lawyers' Lawyer Newsletter - September 2013](#)

- [Conflicts of Interest – Advance Waivers](#)
- [In-Firm Privilege – Requirements for Creation of Attorney-Client Privilege for Communications With Law Firm General Counsel](#)
- [Inadvertently Received Privileged Documents – Applicable Law and Rules When Documents Come From Third Party – Operation of Crime/Fraud Exception](#)

Conflicts of Interest – Advance Waivers

Macy's Inc., v J.C. Penny Corporation, Inc., 2013 N.Y. App. Div. LEXIS 4798; 2013 NY Slip Op 4891 (June 27, 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

In-Firm Privilege – Requirements for Creation of Attorney-Client Privilege for Communications With Law Firm General Counsel

RFF Family Partnership, LP v. Burns & Levinson, LLP – 465 Mass. 702 (July 10, 2013) and *St. Simmons Waterfront, LLC v. Hunter, Maclean, Exley & Dunn*, --- S.E.2d ---, 2013 WL 3475328 (Ga. July 11, 2013)

Risk Management Issue: What are the requirements for establishing attorney-client privilege for in-firm communications between law firm attorneys and a law firm's in-house counsel in connection with matters relating to a client after wrong-doing is alleged?

Inadvertently Received Privileged Documents – Applicable Law and Rules When Documents Come From Third Party – Operation of Crime/Fraud Exception

State Bar of California Formal Opinion 2013-188

Risk Management Issue: When an attorney receives from a nonparty a confidential written communication between opposing counsel and opposing counsel's client, the receiving lawyer is subject to the same ethical obligations

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as if he or she received an inadvertently produced document in discovery. This obligation applies even where the attorney believes that the communication may not be privileged because of the crime-fraud exception to the attorney-client privilege.

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