



Newsletters

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

June 13, 2012

- Personal Interest Conflicts—Investment in Clients or Their Transactions—Malpractice Insurance Coverage—Policy Exclusions
- Engagement Letters—Implications of Failure of Client to Countersign Engagement Letters—Reliance—Suit for Fees
- Confidentiality—Law Firm General Counsel—Fiduciary Duties— Attorney-Client Privilege
- RPC 4.4—Receipt of Confidential Documents From Third Party— Motion to Disqualify Counsel

Personal Interest Conflicts—Investment in Clients or Their Transactions—Malpractice Insurance Coverage—Policy Exclusions

American Guarantee and Liability Insurance Company v. Flangas Mcmillan Law Group, Inc., et al., 2012 WL 628511 (D. Nev.)

Risk Management Issue: What are the special risks when lawyers invest in their clients, or their clients' transactions?

Engagement Letters—Implications of Failure of Client to Countersign Engagement Letters—Reliance—Suit for Fees

Asesores Y Consejeros Aconsec CIA S.A. dba Coronel Y Perez Abogados v. Global Emerging Mar-kets North America, 08 CIV. 9384 (MGC) (S.D.N.Y. 2012)

Risk Management Issue: How can a law firm confirm the details and scope of an engagement and protect its fee interest in matters where a client fails to countersign and return the engagement letter, and time is nonetheless of the essence?

Confidentiality—Law Firm General Counsel—Fiduciary Duties— Attorney-Client Privilege

Garvy v. Seyfarth Shaw LLP, —N.E.2d—, 2012 Ill. App. (1st) 110,115

Risk Management Issue: Are a law firm's communications with in-house general counsel and outside counsel privileged when a current client sues the firm for malpractice?

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RPC 4.4—Receipt of Confidential Documents From Third Party— Motion to Disqualify Counsel

Merits Incentives, LLC, et al. v. Eighth Judicial District Court of the State of Nevada, et al., 262 P.3d 720 (Nev. 2011)

Risk Management Issue: When an attorney receives confidential documents regarding a case from an anonymous source, what steps must the lawyer take in order to avoid disqualification and to comply with his or her ethical obligations?

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