



Newsletters

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - January 2015

January 5, 2015

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- Application of the Sarbanes-Oxley Whistle Blower Provisions to Law Firms — Federal Preemption of the Ethics Rules Governing Confidentiality
- Waiver of Conflict of Interest — Attorney Disqualification
- Withdrawal of Attorneys — Engagement Letters
- The Scope of the Work-Product Doctrine — Attorney Sanctions — Failure to Disclose Documents

Application of the Sarbanes-Oxley Whistle Blower Provisions to Law Firms — Federal Preemption of the Ethics Rules Governing Confidentiality

Lawson v. FMR LLC, 134 S. Ct. 1158 (2014)

Risk Management Issue: What internal and client-related risks arise from the application of the whistle-blower provisions of the Sarbanes-Oxley Act to law firms?

Waiver of Conflict of Interest — Attorney Disqualification

Grovick Props., LLC v. 83-10 Astoria Boulevard, LLC, 2014 NY Slip Op 05627 (App. Div., 2d Dep't. Aug. 6, 2014)

Risk Management Issue: What amount of detail must be included in a waiver of a future conflict of interest for it to be binding on the client and enforceable by the attorney?

Withdrawal of Attorneys — Engagement Letters

Robbins v. Legacy Health Sys., Inc., 177 Wash. App. 299 (2d Div. 2013)

Risk Management Issue: May a lawyer withdraw from a matter when the client is unwilling to pay the costs associated with the engagement?

The Scope of the Work-Product Doctrine — Attorney Sanctions — Failure to Disclose Documents

Attorneys

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Cahaly v. Benistar Property Exchange Trust Company, Inc., 85 Mass. App. Ct. 418 (2014)

Risk Management Issue: May attorneys withhold information pursuant to the attorney work-product doctrine where the withheld information concerns a significant fact issue in dispute?

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