



Newsletters

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - November 2016

November 30, 2016

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- [Aiding and Abetting the Unauthorized Practice of Law — Conducting a Due Diligence Background Check for Incoming Lawyers and Lateral Hires](#)
- [Waivable and Non-waivable Conflicts of Interest Involving Representation of Multiple Parties — Timely Identification of Conflicts and the Meaning of Adequate Disclosure to Support Waivers](#)
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Aiding and Abetting the Unauthorized Practice of Law — Conducting a Due Diligence Background Check for Incoming Lawyers and Lateral Hires

Commonwealth of Pennsylvania v. Kimberly Marie Kitchen, Case No. CR-74-15, Court of Common Pleas of Huntington County, Pennsylvania

Risk Management Issue: What due diligence should law firms undertake to verify that each incoming lawyer and lateral hire is licensed to practice law?

Waivable and Non-waivable Conflicts of Interest Involving Representation of Multiple Parties — Timely Identification of Conflicts and the Meaning of Adequate Disclosure to Support Waivers

State Comp. Ins. Fund v. Drobot, No. SACV 13-0956 AG (JCGx), 2016 BL 205454 (C.D. Cal. June 24, 2016); *US v. DeCinces*, No. SACR 12-0269(B)-AG (C.D. Cal. July 21, 2015); *Bryan Corp. v. Bryan Abrano*, Case No. SJC-12003 (March 8, 2016 - June 14, 2016)(slip opinion)(Mass.)

Risk Management Issue: What do firms need to do to avoid conflicts, and to obtain effective waivers for conflicts?

The Right of Law Firms to Assert the Attorney-Client Privilege when Ethical Issues Arise in Connection with a Client Engagement

Stock v. Schnader Harrison Segal and Lewis LLP, 35 N.Y.S.3d 31 (N.Y. App. Div. 2016)

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Risk Management Issue: Are lawyers and law firms protected by attorney-client privilege when advice is sought from and given by in-firm general counsel in circumstances when the advice relates to a continuing, current client of the firm?

Duty to Disclose Malpractice to Clients — Duty to Disclose Co-counsel's Malpractice

New York State Bar Association Committee on Professional Ethics Opinion 1092 (May 11, 2016) (Opinion 1092)

Risk Management Question: When lawyers become aware that either they themselves or their co-counsel have committed malpractice, what is the duty of disclosure to clients?

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