



Newsletters

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - January 2018

January 4, 2018

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- Prospective Clients – Avoiding Communication of Confidential Information Except as Needed to Check for Conflicts of Interest
- Attorney-Client Relationship – Termination of Representation – Implications of Assisting Successor Counsel
- Conflict of Interest – Termination of the Attorney-Client Relationship – Avoiding the "Hot Potato" Rule – Former Client Conflicts

Prospective Clients – Avoiding Communication of Confidential Information Except as Needed to Check for Conflicts of Interest

Mt. Hebron Dist. Missionary Baptist Assoc. of Al., Inc. v. Sentinel Ins. Co., 2017 U.S. Dist. LEXIS 144510; 2017 WL 3928269, Mid. Dist. Alabama (Sept. 17, 2017)

Risk Management Issues: When meeting with a potential client, how much information can a lawyer obtain without risking later conflicts of interest and disqualification? Before meeting with prospective clients, what are lawyers' duties to alert the prospective clients about possible conflicts of interest?

Attorney-Client Relationship – Termination of Representation – Implications of Assisting Successor Counsel

Cesso v. Todd, 82 N.E.3d 1074 (Mass. App. 2017)

Risk Management Issue: What are the risks of continuing liability if a lawyer withdraws from representation of a client, but continues to work with successor counsel and the client on the matter?

Conflict of Interest – Termination of the Attorney-Client Relationship – Avoiding the "Hot Potato" Rule – Former Client Conflicts

Regal Cinemas v. Shops at Summerlin, 2017 U.S. Dist. LEXIS 149497 (E.D. Cal. Sept. 13, 2017)

Risk Management Issue: How can firms, through the proper structuring of engagement agreements and termination letters, protect their ability to take on new clients in matters related to the representation of former clients?

Attorneys

Robert M. Buchholz

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