



Newsletters

The Lawyers' Lawyer Newsletter - Halloween Issue - October 2018

October 30, 2018

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- Conflict of Interest – Termination of the Attorney-Client Relationship – Avoiding the "Hot Potato" Rule – Former Client Conflicts
- Partners and Officers – Personal Liability – Tax Liability
- Attorney-Client Relationship – Termination of Representation – Implications of Assisting Successor Counsel
- Lateral Hires – Screening – Moonlighting – Due Diligence by Hiring Firm – Vicarious Liability because of Lawyer's Apparent Authority

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?

Partners and Officers – Personal Liability – Tax Liability

Alex Spizz v. USA v. Todtman, Case No. 15-CV-2361 (S.D.N.Y. December 4, 2017)

Risk Management Issue: When do officers and shareholders or partners of law firms bear personal liability for the firm's failure to pay trust fund taxes to the Internal Revenue Service?

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?

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Service Areas

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Lateral Hires – Screening – Moonlighting – Due Diligence by Hiring Firm – Vicarious Liability because of Lawyer's Apparent Authority

McFarland v. Niekamp, Weisensell, Mutersbaugh & Mastrantonio, LLP, 2017-Ohio-8394, 2017 Ohio App. LEXIS 4774 (November 1, 2017)

Risk Management Issue: When a law firm hires a lateral attorney, what due diligence must it undertake in connection with the business introduced by the lateral attorney?

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