



Newsletters

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - August 2011

August 31, 2011

- [Attorney-Client Privilege—Electronic Communications](#)
- [Inadvertently or Improperly Received Communications—Use of Wrongfully Procured Documentary Evidence](#)
- [Termination of Engagements—Need for Disengagement Letter to Commence Limitations Period](#)
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Attorney-Client Privilege—Electronic Communications

Holmes v. Petrovich Development Company, LLC, 2011 WL 117230 (Cal. App. 3d Dist. Jan. 13, 2011)

Risk Management Issue: How should lawyers address the problem that communications sent from their clients' employer-provided e-mail addresses, or communications originating from employer-provided technology, may not be protected by the attorney-client privilege?

Inadvertently or Improperly Received Communications—Use of Wrongfully Procured Documentary Evidence

White v. Withers LLP and Marcus Dearle, [2009] EWCA Civ 1122 (27 Oct. 2009)

Risk Management Issue: What are the duties of lawyers who receive documents from their clients which the client has (or may have) obtained improperly?

Termination of Engagements—Need for Disengagement Letter to Commence Limitations Period

Hipple v. McFadden, No. 398028II, 2011 WL 1653194 (Wash. Ct. App. Apr. 28, 2011)

Risk Management Issue: What actions must a law firm take in order to ensure that representation of a client has been terminated, in order for the statute of limitations on potential malpractice claims to begin to run?

Former Client—Meaning and Scope of Duty of Loyalty

Oasis West Realty LLC v. Goldman, 51 Cal. 4th 811 (2011)

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Risk Management Issue: What policies and procedures are required if law firms are to avoid breaches of the duty of loyalty to former clients?

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