



## Newsletters

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

January 31, 2011

- [Conflicts of Interest—Advance Waivers—Adequacy of Disclosure as a Predicate](#)
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#### **Conflicts of Interest—Advance Waivers—Adequacy of Disclosure as a Predicate**

*Brigham Young University v. Pfizer, Inc., et al.*, 2010 WL 3855347 (D. Utah Sept. 29, 2010)

Risk Management Issue: What constitutes sufficient disclosure in an engagement letter in order to obtain an effective waiver of future conflicts of interest and avoid subsequent disqualification?

#### **Conflicts of Interest—Imputation—Lateral Movement—When Ethical Screens Work**

*In re Columbia Valley Healthcare System, L.P.*, 320 S.W.3d 819 (Tex. 2010)  
*Kirk v. First American Title Ins. Co.*, 183 Cal. App. 4th 776 (2010)  
*Silicon Graphics, Inc. v. ATI Technologies, Inc.*, 2010 WL 3860374 (W.D. Wis. Oct. 5, 2010)

Risk Management Issue: Is it possible for a firm to erect an effective ethical screen? If so, what is required in order to avoid disqualification because of the existence of a conflict of interest where there is no provision for screening in the applicable ethical rules?

#### **Ethical Methods of Obtaining Information From Social Networking Websites—Use of Subterfuge**

*New York State Bar Association, Committee on Professional Ethics*, Opinion 843, Sept. 10, 2010  
*The Association of the Bar of the City of New York Committee on Professional Ethics*, Formal Opinion 2010-2, Sept., 2010

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Risk Management Issues: What social networking data may a lawyer access from an unrepresented party for use in litigation, either as possible impeachment of another party or against an unrepresented third party? What means may a lawyer use to obtain such information?

**Lawyer Advertising on the Internet—The Ethics of Lawyer Websites**

*ABA Standing Committee on Ethics and Professional Responsibility, Opinion 10-457 (Aug. 5, 2010)*

Risk Management Issue: What are the parameters of the ethics rules governing the content and features of lawyers' websites?

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