

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - September 2012 Edition

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Unauthorized Practice of Law — Federal Practice — Disclosure Obligations When Lawyers Practice in States Where They are Not Admitted

Attorney Grievance Commission of Maryland v. Jude Ambe, Misc. Docket AG No. 6, Sept. Term 2011

Risk Management Issue: In the context of federal practice, what constitutes permissible practice in locations where the lawyer is not admitted, and what constitutes the unauthorized practice of the law? Is the attorney required to disclose that his or her practice is limited to federal matters?

Lateral Movement — The Unfinished Business Rule

Development Specialists, Inc. v. Akin Gump Strauss Hauer & Feld, LLP, et al., No. 11-cv-5994 (S.D.N.Y.) (Mem. order granting defendants' joint motion to withdraw the bankruptcy reference and denying defendants' joint motion for abstention, filed Nov. 2, 2011)

Risk Management Issue: What are the special financial risks potentially faced by law firms seeking to hire lawyers laterally from firms that dissolve? What is the meaning and scope of the "unfinished business" rule? What can hiring firms do to manage the risks of the application of the rule in connection with attorneys whom they hire – and what can firms generally do to prevent the issue from arising?

Law Firms' Obligations When Personal Information in Their Control Is Hacked — Data Breach Legislation

Risk Management Issue: What are the implications if (when?) a law firm IT administrator discovers a security breach in the firm computer system such that hackers have accessed financial information of a number of firm clients? How is such a law firm supposed to protect itself and its clients and what must the firm do when it discovers that its computer system has been breached and confidential or personal information has been accessed by third parties?

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