

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

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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

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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