

# The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - January 2015 Edition

Lawyers' Lawyer Newsletter | 1 min read

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- [Application of the Sarbanes-Oxley Whistle Blower Provisions to Law Firms — Federal Preemption of the Ethics Rules Governing Confidentiality](#)
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## Application of the Sarbanes-Oxley Whistle Blower Provisions to Law Firms — Federal Preemption of the Ethics Rules Governing Confidentiality

*Lawson v. FMR LLC*, 134 S. Ct. 1158 (2014)

**Risk Management Issue:** What internal and client-related risks arise from the application of the whistle-blower provisions of the Sarbanes-Oxley Act to law firms?

## Waiver of Conflict of Interest — Attorney Disqualification

*Grovick Props., LLC v. 83-10 Astoria Boulevard, LLC*, 2014 NY Slip Op 05627 (App. Div., 2d Dep't. Aug. 6, 2014)

**Risk Management Issue:** What amount of detail must be included in a waiver of a future conflict of interest for it to be binding on the client and enforceable by the attorney?

## Withdrawal of Attorneys — Engagement Letters

*Robbins v. Legacy Health Sys., Inc.*, 177 Wash. App. 299 (2d Div. 2013)

**Risk Management Issue:** May a lawyer withdraw from a matter when the client is unwilling to pay the costs associated with the engagement?

### **The Scope of the Work-Product Doctrine — Attorney Sanctions — Failure to Disclose Documents**

*Cahaly v. Benistar Property Exchange Trust Company, Inc.*, 85 Mass. App. Ct. 418 (2014)

**Risk Management Issue:** May attorneys withhold information pursuant to the attorney work-product doctrine where the withheld information concerns a significant fact issue in dispute?

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