

The Lawyers' Lawyer Newsletter - Halloween Issue October 2016 Edition

Lawyers' Lawyer Newsletter | 1 min read

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Statements by Lawyer Relating to Investments — Liability to Third Parties for Negligent Misrepresentation

Chanin, et al. v. Machcinski, et al., 39 A.D.3d 490 (2016)

Risk Management Issue: Is a lawyer liable for representations made by the lawyer to a third-party investor who relies on the representations, thereby losing his investment?

Disqualification — Substantially Related Matters — Waiver of Conflict by Lack of Diligence in Seeking Disqualification

State of Minnesota, et al v. 3M Company, Hennepin County (Minn.), Court File No. 27-CV-10-28862 (Feb. 5, 2016)

Risk Management Issue: Does a client waive its former attorney's conflict of interest by failing to promptly seek disqualification after the conflicted attorney undertakes representation of a party adverse to the former client?

Disqualification — Overly Broad Scope of Engagement Creates Concurrent Representation Conflicts

M'Guinness v. Johnson et al., 243 Cal. App. 4th 602 (2015)

Risk Management Issue: What can counsel for a closely held corporation do to avoid disqualification in the event of shareholder disputes?

Motion to Withdraw — Meaning of Requirement to “Diligently Attempt” to Locate the Client

Caveman Foods, LLC v. Ann Payne’s Caveman Foods, LLC, Civ. No. 2:12-1112 WBS DAD

Risk Management Issue: When a lawyer or law firm wants to withdraw from an engagement in a matter involving litigation, what constitutes a “diligent attempt” to locate a client?

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