

The Lawyers' Lawyer Newsletter - Recent Developments in Risk Management - August 2017 Edition

Lawyers' Lawyer Newsletter | 1 min read

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- Advising Clients Regarding Potentially Criminal Conduct – Assisting Clients in Connection with the Medical or Recreational Marijuana Industry
- Duty of Confidentiality – Marketing – Revealing the Identity of Current and Former Clients
- Attorney-Client Privilege – Waiver – Inadvertent Disclosure by Third Party – Disqualification for Use of Inadvertently Disclosed Privileged Information

Advising Clients Regarding Potentially Criminal Conduct – Assisting Clients in Connection with the Medical or Recreational Marijuana Industry

Rhode Island Ethics Advisory Panel Op. 2017-01

Risk Management Issue: In a state that has legalized marijuana, notwithstanding the federal Controlled Substances Act, how far are lawyers permitted to go when asked to advise a client in connection with the marijuana industry?

Duty of Confidentiality – Marketing – Revealing the Identity of Current and Former Clients

Wisconsin Formal Ethics Opinion EF-17-02

Risk Management Issue: Is it permissible to disclose the identity of a client for purposes of marketing the lawyer's or law firm's practices if the disclosure is harmless, or if the identity of the client is already a matter of public record?

Attorney-Client Privilege – Waiver – Inadvertent Disclosure by Third Party – Disqualification for Use of Inadvertently Disclosed Privileged Information

McDermott Will & Emery LLP v. The Superior Court, 10 Cal. App. 5th 1083 (2017)

Risk Management Issue: What are the obligations of an attorney who receives information inadvertently disclosed, which is later held to be attorney-client privileged, when the attorney reasonably believed that the privilege holder waived the privilege?

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