

The Lawyers' Lawyer Newsletter - Halloween Issue October 2017 Edition

Lawyers' Lawyer Newsletter | 2 min read

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- Client Intake — Due Diligence — Liability to Parties Other than Client — Holding Funds in Trust
- Attorney-Client Privilege — Waiver — Inadvertent Disclosure by Third Party — Disqualification for Use of Inadvertently Disclosed Privileged Information
- Representing Constituents of Entity Clients — Suing for Fees — Legal Malpractice Counterclaims by Non-Client Entities
- Technology Security — Protecting Client Funds From Outside Interference

Client Intake — Due Diligence — Liability to Parties Other than Client — Holding Funds in Trust

P&P Property Ltd. V. Owen White & Catlin LLP, et al. 2016 WL 05484797 (English High Ct. of Justice, Chancery Div. 2016)

Risk Management Issue: What steps should a law firm take to confirm the identity of a new client and the details of the underlying transaction? How can the law firm protect itself from liability to other parties in the transaction when the client or the transaction turns out to be fraudulent?

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?

Representing Constituents of Entity Clients — Suing for Fees — Legal Malpractice Counterclaims by Non-Client Entities

Exeter Law Group LLP v Wong, 2016 NY Slip Op 32425(U), 12/9/ 2016, Supreme Court, New York County

Risk Management Issue: To what extent may an ambiguous engagement agreement with the constituents of an entity client expose lawyers to malpractice and fiduciary breach claims by the non-client entity?

Technology Security — Protecting Client Funds From Outside Interference

Bile v. RPEMC, 2016 WL 4487864 (E.D. Va., Aug. 24, 2016)

Risk Management Issue: If a lawyer receives a suspicious email regarding the transmission of settlement funds, what steps should she take to protect herself, her client and any others with an interest in the funds?

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