

Everyday Strategies for Avoiding Professional Misconduct

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**University of Texas School of Law
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**What are the three most
important takeaways from
this seminar topic?**

FIRST –

Why it is so important that you or your law firm have a comprehensive written representation agreement?

Isn't a handshake or simple agreement on an hourly rate and an initial retainer enough?

New breed of client.

Good news: very small % of client pool.

Bad news: potentially very dangerous.

Insists on winning at all cost, including going after your personal assets, firm assets, reputation, law license, livelihood and insurance coverage, all whether doing so is justified or not.

One of the most potentially dangerous allegations stated by clients in grievances, legal malpractice lawsuits, and fee forfeiture proceedings is, “I would not have gone forward with the representation if the lawyer had disclosed X.”

If a client is willing to testify that an attorney failed to inform him or her about something at the beginning of the representation, *and there is no documentation that the information at issue was provided to the client*, the matter becomes a disputed issue of fact.

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