

# **Everyday Strategies for Avoiding Professional Misconduct**

**By Scott Rothenberg  
Law Offices of Scott Rothenberg**

**University of Texas School of Law  
Continuing Legal Education  
34<sup>th</sup> Annual School Law Conference  
March 1, 2019 1:35 pm to 2:35 pm  
AT&T Conference Center, Austin, TX**

**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.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Everyday Strategies for Avoiding Professional Misconduct

Also available as part of the eCourse

[2019 School Law eConference](#)

First appeared as part of the conference materials for the  
34<sup>th</sup> Annual School Law Conference session

"Everyday Strategies for Avoiding Professional Misconduct"