REPRESENTING THE CLIENT pdf

1: Representing the Elderly Client: Law and Practice | Wolters Kluwer Legal & Regulatory

Represent a Client Use this secure service to access tax information on behalf of individuals and businesses, including your employer. Choose from one of two ways to access Represent a Client.

For more information see, Represent a Client â€" Non-resident representative. How do I register for Represent a Client? Register with this service Register your business using your Business Number BN , yourself with this service and receive a representative identifier RepID or a group and receive a group identifier GroupID. Access individual or business information and services After you are authorized you can access information and services on behalf of individuals, businesses or your employer. For additional information, view our Frequently asked questions. Is there an overview available for Represent a Client? This overview provides step-by-step instructions on how to use the features in Represent a Client. Since it is possible to grant different roles and accesses, some menus may slightly differ form one user to another. For additional information, view the Represent a Client overview. How do I get authorized? Representatives are now able to send business authorization requests electronically at their convenience. With an active RepID, a representative can log into Represent a Client to send an electronic authorization request. For a request to be completed, representatives must provide all required information during the electronic authorization process, as well as scan and send a signed and dated certification page from their client. After the CRA receives the electronic authorization request and certification page, the information will be reviewed, validated, and processed within five business days. Business owners can go to My Business Account and enter your RepID to authorize you as an individual, a GroupID to authorize a group of representatives, or the BN of a business to authorize all its employees. They can also authorize you as a representative by completing Form RC59 Business consent for access by telephone and mail , and sending it to their tax centre. To prevent delays in processing, the business name you register with the Represent a Client service must match the business name on Form RC They can also authorize you as a representative by completing Form T, Authorizing or Cancelling a Representative , and sending it to their tax centre. Report a problem or mistake on this page Please select all that apply: A link, button or video is not working It has a spelling mistake Information is missing Information is outdated or wrong Login error when trying to access an account e. You will not receive a reply.

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2: Representing Clients Suffering From Chronic Pain - American RSDHope

Attorneys "often see people when they're at their worst. Once they're OK, you don't see them anymore." 1 Interacting with some clients may be exceptionally difficult or frustrating because of the client's behavior.

Already have an account? Page history last edited by PBworks 10 years, 11 months ago Representing the Whole Client By Ellen Hemley To provide the highest-quality representation to our clients, we need to deepen our understanding of the many dimensions of their lives and refine the skills necessary to relate to and represent increasingly diverse client communities. Our clients come to us with a range of life experiences and histories that inform how they approach problems and make decisions and how they relate to the legal system and to us as advocates. This notion implies that we are much more than the positions we hold at work; we arrive at our jobs with life histories and experiences that contribute to our effectiveness as advocates and influence how we relate to and interact with others. Advocates should reflect on their own beliefs and assumptions and how these may affect services to clients. For example, what are our assumptions about people who are poor? About women who are battered? About people from different cultures? About mental illness or chemical dependence? To what extent do our economic or cultural backgrounds influence how we see others? To what extent do these influences help us relate more easily to certain groups of clients or less easily to others? We encourage advocates to view their own wholeness as a resource to be nurtured and supportedâ€”both as a means of sustenance in the challenging work of legal aid advocacy and as a way to foster connections with clients. For example, if we draw from our own experiences as parents or young people or members of particular communities, we can make our clients feel more comfortable and trusting in their relationships with us. Working with Clients from Diverse Cultures Legal aid programs are serving new immigrants from all over the globe as well as long-standing communities made up of people from many racial and cultural groups. Representing the whole client requires us to be aware that people of differing cultures may perceive events and ideas in different ways and that misunderstood cultural differences may complicate communication and legal representation. We also ask advocates to identify the cultures and backgrounds of the clients they serve and the challenges or questions they have about working with people from these groups. For example, what have they noticed about how people from different cultural groups communicate? How might cultural identity inform how a client deals with domestic violence, divorce, health care, or education, and to what extent might this suggest the need to modify or adapt the approach to serving the client? Therefore, we must ask: What challenges or opportunities might these differences present for advocates? We must recognize that our very roles as lawyers and advocates not to mention our training tend to create a power imbalance and separate us from our clients. To the extent that one of our core values as legal aid advocates is to recognize the dignity and humanity of our clients and to work toward their empowerment and self-sufficiency, we need to be conscious of these issues of difference and work hard to overcome them. For example, how might Hmong people approach issues related to health care or child protective services? Cultural competence does not mean knowing the answers to all these questions in advance; rather, it requires that we know to ask the questions and be willing to find the answers. Culturally competent legal aid advocates should consider learning about some of the following: Becoming more culturally competent. Cultural competency training covers many of the areas described above. Advocates can also learn about different cultural groups by reading about them and by establishing working relationships with community-based organizations and others who serve particular cultural groups and communities. As a result, there are more clients with whom we are unable to talk directly even if we are fluent in one or more languages other than English; we must communicate through different kinds of interpreters. This activity, requiring repetition of exactly what the other person said, is not natural; rather, it is the product of training, concentration, and professionalism. Legal aid programs rely to some extent on professional interpreters e. More common, we rely on bilingual staff and other ad hoc interpreters such as family or community members. To work most effectively with ad hoc interpreters i. We must explain the need for accuracy and completeness and take greater control of the linguistic situationâ€”the exchangeâ€”by putting ourselves, rather than the interpreter, in

the center of the conversation. Ideally the interpreter is like a telephone through which advocate and client talk to each other. Use of this telephone line requires simplified speech, lowered expectations, and beginning with a few practice questions that establish the parameters of this new mode of communication. Most people find interpreting difficult, and many suddenly realize, when trying to do it, that interpreting is harder than it looks! Advocates who take control of the interview process can begin a real conversation with their clients but will find the conversation much simpler than one without an interpreter. An advocate working with an ad hoc interpreter should encourage the interpreter to repeat what the client says and use the first rather than third person e.

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3: Representing a Client the Lawyer Thinks Is Guilty | www.enganchecubano.com

Along with your Representing the Elderly Client three-volume print set, you'll receive a FREE CD-ROM containing word processing documents used in handling some of elder law's most complex concerns. Note: Online subscriptions are for three-month periods.

It seems like the most obvious of questions for a lawyer to ask: The answer is crucial, however, to establishing whether a lawyer-client relationship exists. And the creation of that relationship triggers a series of legal and ethical duties that the lawyer owes to the client on such vital matters as confidentiality and conflicts of interest. Sarbanes-Oxley provided for tougher regulations issued by the U. The Model Rules serve as the basis for the majority of state codes of professional conduct for lawyers. The revisions to Model Rules 1. Many states already follow rules incorporating provisions of the revised Model Rules. In particular, the articles focus on issues that arise in creating the client-attorney relationship, and for lawyers working in corporate, government and insurance defense settings. Moore The consensus in U. The ethics rules are not so clear, however, in the case of a person who contacts a lawyer to discuss the possibility of hiring the lawyer but never actually forms the client- lawyer relationship. A new rule that addresses duties to a prospective client was adopted in as part of a package of revisions to the ABA Model Rules of Professional Conduct developed by the Ethics Commission. It was less clear how conflict-of-interest rules applied to would-be clients. Moreover, with the increasing use of e-mails and fax machines, it was unclear whether unsolicited communications to a lawyer might force the lawyer to assume duties adverse to an existing client. Unlike the approach that Rule 1. Of course, as with former clients, adverse representation by either the lawyer or the firm is permissible if the appropriate parties give their informed consent. Recognizing that possibility, Rule 1. Moore is a professor at Boston University School of Law. Peter Moser Ethics rules offer a deceptively simple answer to the question of who the client really is when a lawyer represents a corporation. When conflicts of interest are apparent, informed consent of each affected client under Model Rule 1. Current Clients is required to permit the same lawyer to represent adverse interests. Lawyers also must reassess who it is they represent when control of the corporation changes. Recent corporate scandals put a new focus on the duties of a lawyer representing a company when wrongdoing occurs. As amended, Model Rule 1. This change would raise additional conflicts issues. Nearly as problematic is an alternative proposal that would require the lawyer to withdraw and the corporation but not the lawyer to disclose the withdrawal. Lawyers representing corporations must take care in determining who is actually the client. Lawyers also must remain alert to changed circumstances that alter their representational obligations. Bragg Insurance liability claims occur so frequently that one would think all the underlying legal and ethics issues involved in defending them would have been resolved long ago. Here is a typical scenario: Blue car and red car collide. Driver of blue car sues driver of red car. Most often, the defense lawyer takes direction from the insurance company and settles the lawsuit to the mutual satisfaction of the insurance company and its insured driver. Nevertheless, courts and scholars continue to grapple with a most fundamental question: Whom does the defense lawyer actually represent? Is it only the driver or is it also the insurance company? Most insurance defense lawyers warn against tinkering with practices that seem to have worked well for decades. In counterpoint, ethics scholars question whether such long-standing practices square fully with modern ethical rules. And they are reluctant to fashion special rules that would distinguish insurance companies from other third-party payors. Only when the legal status of the relationship has been defined do ethics issues crystallize. There is general agreement on one aspect of the relationship: The insured is a client of the lawyer. But at this point the road divides. Most decisions, however, have found that, absent a conflict of interest, the lawyer ordinarily represents both the insured and the insurance company. Jurisdictions that have adopted the single-client view must wrestle with a number of related questions. If, for example, the insurance company is not a client of the lawyer: And regardless of whether the jurisdiction recognizes the insurance company as a client, insurance defense lawyers should inform insureds about the relationship in accordance with Rule 1. From the moment the insurance company asks the lawyer to defend a lawsuit, the lawyer has to consider ethical obligations and to whom they are owed. But later on, in policy and management

positions, I struggled with it almost daily. I found it particularly hard to reconcile my duties to the client whoever it was under legal ethics rules with the statutory duties imposed on me as a government employee. Looking back, I can see that my difficulty was in confusing the ethics obligations of a government lawyer with the legal obligations of a government client. This confusion, unfortunately memorialized in the scope section of the ABA Model Rules of Professional Conduct, is a common source of trouble for government lawyers. The tendency to blur roles in public sector lawyering causes particular problems in deciding whether to disclose confidential information, how to resolve conflicts of interest, and what latitude government lawyers have to bring personal values to bear on their work. Government lawyers are not their own clients. Like all lawyers, they have an ethical duty to maintain a certain distance from their clients. And, like lawyers in the private sector, they have an ethical duty to know who the client is. Wolfenbarger, and the reasoning seems to apply as well to government. In short, the identity of the government client is a matter of law independent of any ethics precept or evidentiary rule. In the end, the government lawyers who had advised the president and Mrs. Clinton were compelled to disclose information that had been given to them in expectation of confidence because, under the applicable statutory scheme, the independent counsel had the final authority to speak for the United States in that criminal matter. Yet it provides a constant reminder that government lawyers are bound by the same ethics norms as lawyers representing private clients in deciding how to conduct themselves in an adversary setting and in making choices on behalf of the government client. The superseding role of statutes is recognized in the commentary to Model Rule 1. But government lawyers, as lawyers, do not have that duty. We need to focus our higher expectations on the government client, and let government lawyers find common ground with their private sector brothers and sisters. Identification of the government client is a civic duty for each of us. Margaret Colgate Love of Washington, D.

REPRESENTING THE CLIENT pdf

4: united states - Is a lawyer allowed to stop representing his client? - Law Stack Exchange

Represent a taxpayer before any office of the IRS. Sign an offer or a waiver of restriction on assessment or collection of a tax deficiency, or a waiver of notice of disallowance of claim for.

Why would a court deny a lawyer permission to withdraw? For example, usually when a lawyer is present and the prosecution seeks to admit inadmissible evidence, the lawyer objects on the proper legal ground and the judge evaluates the objection and keeps the evidence out. Also, since there is a right to counsel for indigent defendants in criminal cases, when a lawyer withdraws especially for non-payment the court now has to determine whether or not the client is indigent which non-payment would typically support an inference of and if so, the court must appoint a new lawyer who would have to do lots of redundant work to get up to speed in a case. Failure to do so would be fertile grounds for potentially setting aside a conviction. This is particularly a concern when the only issue is nonpayment of fees, so nothing about the representation itself is fundamentally flawed. But, if a lawyer is not getting paid early in a case, for example, entering an appearance on an emergency basis around the time of an arrest and then seeking to withdraw a week or two later when the client fails to make a promised retainer payment, the lawyer will usually be allowed to withdraw by the court. Generally speaking, the closer the case gets to the trial date, the more likely it is that the court will refuse to allow the lawyer to withdraw. As noted before, there are circumstances when it is mandatory to do so see Rule 1. For example, nobody is going to fault a lawyer for withdrawing from a case because he contracted cancer a lawyer in my office suite had to do this, then returned to practice during a multi-year remission, and then had to withdraw again shortly before his death , or because a client has become non-responsive. It would be rare for a good lawyer to make it through a career without having to withdraw for a reason like this at least half a dozen times over a career. But, in general, good lawyers withdraw from representing clients, not exactly on a regular basis, but certainly many times during the course of an ordinary, highly reputable career. A typical, good quality, ethical lawyer with a busy practice will withdraw from representing a client in the middle of a case perhaps once every two to four years on average, and more often if the lawyer handles a lot of small cases and a high volume of clients. Put another way, a typical reputable lawyer probably withdraws from representing 0. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation. The lawyer may retain papers relating to the client to the extent permitted by other law. Ethical Reasons The Question First of all, to clarify, the question when asking about "ethical reasons" is asking about personal, not legally enforceable reasons based in personal morality that a lawyer might withdraw. This terminology can be a bit confusing because violations of legally enforceable rules of professional conduct for lawyers, are commonly called "ethics rules". The question says this about "ethical reasons": When they were hired the lawyer thought the client was innocent e. Nonetheless, you act based on that feeling even if there is no evidence that could prove this feeling to another party. The most esteemed lawyers are those who represent the clients who are charged with the most heinous crimes. That is the job of a judge and jury. Indeed, frequently, a lawyer will intentionally refrain from having a client tell the lawyer about the facts necessary to actually know if the client is guilty or not. Lawyers are not primarily in the business of getting innocent people acquitted. They are primarily in the business of getting people who are guilty of something, or are culpably engaged in activity that is arguably a crime and arguably not a crime, the best available outcome under the circumstances. This involves insisting that the prosecution do everything it is required by law to do in order to prove its case in a lawful manner, negotiating with the prosecutor over what particular crime is the most appropriate way to classify particular conduct, and pushing for the most lenient possible sentence. Arkansas Rule of Professional Conduct 3. A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established. The official comment number 3 to this rule, related to the criminal case exception states: The main ground for

withdrawing from representing a client for "personal" moral reasons is that from Rule 1. Your client was a burglar who was caught red handed for the burglary with items in his trunk and DNA evidence in the house, but your client lied and said that the wife was dead when he entered the house. A lawyer might conceivably limit how far he would be willing to go to point the blame at the husband even if the client wanted the lawyer to pursue that angle. Or, the victim might be a child who after being victimized had a frail emotional state. Or, the client might be on trial in a county with a lot of KKK members some of whom will probably lie about their biases and end up on the jury. But, the lawyer might not be willing to use that tactic.

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5: Who Is The Client?

Representing the Elderly or Disabled Client: Forms and Checklists with Commentary provides elder law attorneys with the forms, checklists, and legal commentary necessary to serve their elderly or disabled clients. The valuable forms and checklists cover areas that are vital to any elder law practitioner, including.

Representing the Elderly or Disabled Client: Forms and Checklists with Commentary - Begley, Jr. Client Interview Forms Chapter 2: Accelerated Death Benefits Chapter 5: Intrafamily Transfers Chapter 7: Medicaid-Related Trust Instruments Chapter 8: Evaluating Residences Chapter Medicaid and the Home Chapter Aging in Place Chapter Powers of Attorney Chapter Health-Care Power of Attorney Chapter Competency Evaluation Chapter Special Needs Trusts Chapter Wills Without Tax Planning Chapter Wills With Tax Planning Chapter Revocable Trusts Chapter Irrevocable Trusts [Revised Heading] Chapter Related Testamentary Forms Chapter Marrying Later in Life Chapter Guardianship and Conservatorship Chapter Estate Administration Chapter Law Firm Management Chapter Trust Administration Chapter Forms and Checklists with Commentary provides elder law attorneys with the forms, checklists, and legal commentary necessary to serve their elderly or disabled clients. The valuable forms and checklists cover areas that are vital to any elder law practitioner, including: Medicaid planning including Medicaid-related trusts Powers of attorney including health care powers of attorney Health plan problem solving including coverage of the Patient Protection and Affordable Care Act Intrafamily transfers.

6: Sample Attorney Representation Letter | Model Legal Documents

Representing a Client in Mediation. By Lawrence H. Hoover, Jr. Virginia Lawyer's Weekly, September 3, Virginia lawyers were introduced to mediation in the early 's as their clients began to use the process, primarily in the family law area. The growth was slow, and the lawyer's role consisted mostly of referring clients to mediation or reviewing mediated agreements.

Although you are just helping them with a specific legal matter, some clients are unable to manage their actions or emotions. The client with a substance abuse problem who stays clean in treatment, and then immediately relapses after and gets revoked on probation, may have unaddressed trauma that needs to be dealt with in order to heal long term. Client behavior can lead to feelings of frustration and powerlessness for even the most well-intentioned attorneys. In addition to dealing with interpersonal relationships with challenging clients, lawyers also experience personal and institutional pressure to produce results that many times are outside of their control. Everything you do could be wrong. Trauma can be so damaging to clients that it negatively impacts their relationship with the attorney. In turn, the attorney can feel worn down by the pressures of working with clients with challenging life situations and behaviors. Actively addressing the negative influence of trauma creates a space for healthy and constructive legal practice. Things Are Not as They Seem: Traumatic experiences shake the foundations of our beliefs about safety, and shatter our assumptions of trust. One of the key components of trauma is a persistent feeling of powerlessness, which can be manifested in a myriad of ways. There is a high likelihood that many of your clients are experiencing trauma that predates your legal interactions with them, or is the result of it. The difficulty in identifying trauma is exacerbated by how differently it manifests from one person to the next. Many traumatized clients avoid discussing traumatic events at all costs. Clients who have experienced trauma also have difficulty during trial preparation, exhibiting patterns of forgetfulness and avoidance. For example, the client may have difficulty remembering specific facts or incidentsâ€”either because he has blocked the events or because discussing the events forces him to relive the traumatic experiences, which the client wants to avoid. You may feel that their behavior is personally directed at you, or that they have personality problems or flaws. You may not know at first that your client suffered from a traumatic experience. Developing an attorney-client relationship with traumatized clients may begin even before you know their background and personality. Approaching new clients with the expectation that they are a potentially traumatized person may reduce your frustration when a client acts in unpredictable and upsetting ways. Empathetic Engagement Once you know that clients suffer from trauma, there are a number of things you can do to work effectively with them. It is important that the client feel emotionally secure when interacting with you. Avoid Re-Traumatization There are a number of strategies to avoid re-traumatizing your client. Be aware that retelling the events of a crime may be equally traumatizing for offenders as for victims. It may be as simple as giving the client power to make some decisions in the representation. Tell her you are going to talk about this matter and you know how difficult it is. Ask her when she would like to talk about it. Or, when she decides she is ready to talk about it, offer breaks to give her the opportunity to decide how she tells you about it, and how long the sessions are. The traumatic events that are experienced by clients affect the attorneys that they interact with. It is not a matter of whether traumatized clients affect the attorneys they work with but how. In one study, attorneys who were recruited from domestic violence and family law and legal aid criminal services experienced more symptoms of secondary trauma and burnout compared with comparison groups of mental health providers and social workers. For some, simply learning about a traumatic event carries potential for vicarious traumatization. The opposite symptoms may also appear, manifested as decreased sensitivity, cynicism, and a generalized sense of despair and hopelessness. A number of intersecting factors make attorneys susceptible to vicarious trauma, including personality, level of training, work environment, and supervision. Empathy, crucial to effectively working with clients, correlates to higher susceptibility for vicarious trauma. These factors contributed to secondary trauma. Strategies in Addressing Trauma in Work Emotional, interpersonal interactions are the cornerstone of much of legal work. Working to stay emotionally healthy is one of the most important ways to

ensure a successful outcome for yourself and your client. There are a number of techniques used in different fields that are targeted specifically for the enhancement of practitioner well being. Many of the techniques advocated in preventing and treating vicarious trauma overlap with stress management techniques. Many of the things that people recovering from or trying to manage vicarious trauma are asked to do is to start with the very basic parts of your daily life: Carers [including attorneys] have found that discussing cases with colleagues, attending training workshops, spending time with family or friends, having holidays, socializing, exercising, limiting workload, developing spiritual life, and supervision were most helpful Pearlman, Spiritual Practice A spiritual life in general, and mindfulness meditation in particular, are methods for enhancing clarity and increasing general relaxation for practitioners. Professional Boundaries Professional boundaries set by the legal professional prevent practitioners from vicariously taking on the experience of their clients. In turn, professionals themselves may suffer a range of physical, psychological, or legal assaults, whose scope is limited mostly by the creativity, scruples, and resources of the individuals launching the attack. Conclusion In the context of the legal profession, trauma is a code word for the emotional life of the client. Though not a formalized part of the legal process, the personal experiences of those most directly affected by the legal system infuse the entire system. Without real people with a huge range of emotional and psychic interests, the legal system would not exist. Ignoring the emotional aspect of legal practice is not only a disservice to clients and attorneys but may be dangerous to both. A constructive approach to dealing with traumatized clients must simultaneously take into account the needs of clients and attorneys. Surprisingly, the type of relationship that is beneficial to the client is the same type that is beneficial to the attorney as well. It could make the legal system a more inspiring, humane, and hospitable place for clients, lawyers, judges, and indeed society as a whole. The resulting trauma and powerlessness can make it very difficult to function, relate to other people, and feel whole. With awareness, attorneys can become more effective at protecting themselves and their clients from the negative effects of trauma. The legal relationship can even encourage growth and healing for clients. Competence and the Family Law Attorney. Art of Lawyering, p. Seamore, Captain Evan R. Quoting Professor Peters, p.

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7: Representing the Traumatized Client: the Case, the Client, and You | Voice For The Defense Online

Press Register button below for pricing. NYSBA Member: $ Representing the Client in a New York State Liquor Licensing Application. Friday, November 16,

Scope of Representation Representing Organizations Under Ethics Rules At first glance, the ethics rules appear to draw a clear line in entity representation. Unfortunately, a lawyer cannot talk to an entity. The lawyer must deal with the entity through its constituents. The disciplinary rules expressly dealing with representation of entities fail to address the issue of who is represented when the entity is in the formation process. At the time formation is in progress, the entity usually does not yet exist. The nature of this representation has been the subject of conflicting analysis by ethics commentators. The Options for a Representation Model When a lawyer is involved in forming an entity, a number of options for explaining the nature of the representation have been used. In one scenario, the lawyer represents one of the constituents of the contemplated entity, and then may represent the entity later. Another scenario involves representing all of the constituents during formation, and may involve representation of the entity later. Finally, some authority uses a model where the lawyer may disclaim representation of individual constituents completely, and only represent the entity both at the formation and later stages. Each of these models presents issues from an ethics standpoint, and complications when malpractice claims are made. Representing One Constituent It is not uncommon for a lawyer to represent one constituent in the formation of an entity. When a lawyer choose to do this, it is critical that engagement letters and contracts reflect who the client is. An attorney client relationship can be implied by the act of giving legal advice. As a result, if legal advice is given to unrepresented constituents, the lawyer may have an obligation to avoid conflicts. It is important that lawyers document, preferably by a signed acknowledgment, that unrepresented constituents are not the client and have not been given individual legal advice. If the lawyer represents a single constituent and then represents the entity after formation, there is a potential for conflicts of interest between the constituent and the entity. In such a situation, when the conflict is consentable, written informed consent should be obtained from the affected clients. In entity formation, there are several risks. The lawyer may receive confidential information from the constituent that the constituent does not want to share with other constituents who deal with the lawyer on behalf of the partnership. In general, the attorney client privilege does not apply between the parties to a multiple representation. The lawyer may be a witness in the event of a later dispute between the constituents, and may be unable to represent either the original constituent client or the entity. If the entity were ever to have a claim against the represented constituent, the lawyer may be prohibited from representing either the entity or the constituent. There is a significant advantage to the representation, however. The use of only one lawyer for formation and representation may significantly reduce attorneys fees. Detailing both the advantages and disadvantages of the joint representation in a written, acknowledged form will help avoid misunderstandings and claims. Representation of All Constituents Representation of all constituents in the course of entity formation is quite common. The ethical issues noted in the representation of a single constituent apply to representation of multiple constituents. In addition, the possibility of known differences between the constituents adds to the risks of representation. The Restatement provides discussion of a scenario involving partnership formation under Illustrations 4 and 5 of Section which notes conflicts requiring informed consent arising from different contributions to the partnership by the partners. It is also common for there to be unresolved differences that are subject to negotiation when a partnership is formed. Comment i to Section of the Restatement analyzes whether a lawyer can represent a long time client in a matter as well as a new client on a one time basis, and retain the ability to represent the long time client in the event of a dispute among the parties. The new client is called an accommodation client. The Restatement allows for this type of arrangement, if the new client is aware of the long time representation and does not expect the lawyer to keep confidences. This suggests that for accommodation client status to work in Texas, a lawyer needs to get such consent in writing before beginning representation. The difficulty in relying on accommodation client status is that nothing changes the basic conflict rule that the lawyer must able to adequately represent all of the clients.

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Representation of Only the Entity A few cases and commentators have suggested that a lawyer can represent only the entity from the start. The author has found in discussions with law firms that this is a model commonly used by lawyers in entity formation. The best exposition of this model of representation is found in Arizona Ethics Opinion The Arizona opinion analyzes rules very close to Texas Rules 1. Because partnership and incorporation statutes permit ratification of actions prior to formalization of the entity, the opinion reasons that a lawyer may represent the entity only if the forming constituents are notified and they ratify pre-formation actions of the entity after formation of the entity. Interestingly, the opinion does not address who the client is in the event that the entity is not ultimately formed. The Arizona opinion details how the lawyer should deal with constituents. Besides the requirements of notifying the constituents that they are not the client and subsequent ratification of pre-formation actions, the opinion notes that all of the constituents should be warned that confidential information must be shared with other constituents, though not with others outside the organization. The opinion also indicates that the lawyer should regularly remind the constituents that the organization is the client, rather than each of the constituents individually. As one would expect with an ethics opinion, the details of potential liability with regard to this model are not discussed. Missing from the opinion is any discussion of how the lawyer may be subject to liability for an implied attorney client relationship despite the existence of the documentation regarding the organization as client. The practical issue in many situations is how the lawyer can avoid giving legal advice to constituents when forming an entity. Consider whether answering the following questions, which may be raised in the course of working with constituents in forming an entity, could constitute individual legal advice: What is my potential liability under the entity alternatives? What are the tax implications? What are my options if I want to withdraw from the entity? It may be difficult for a lawyer to repeat at all times necessary that she or he represents only the entity. Lawyers who rely on this model should understand the follow through necessary to make certain that they represent only the entity. Conclusion Regardless of the model representation chosen, it is clear that entity formation requires documentation that explicitly identifies the client or clients and identifies potential conflicts of interest. If some constituents are not represented, the lawyer should document that those constituents are not represented and may seek other counsel. Further, the constituents must be told about the nature of confidentiality in the formation process and afterwards once representation of the entity begins. When disputes arise among the constituents, the lawyer must re-evaluate whether he or she can adequately represent the entity.

8: Representing the Client in a NYS Liquor Licensing App

Where more than one client is involved, whether the lawyer may continue to represent any of the clients is determined both by the lawyer's ability to comply with duties owed to the former client and by the lawyer's ability to represent adequately the remaining client or clients, given the lawyer's duties to the former client.

9: Represent a Client - www.enganchecubano.com

A defendant may have done the act in question, but the client may have a valid defense that would exonerate him. For these reasons, among others, defense lawyers often do not ask their clients if they committed the crime.

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Konica minolta bizhub c252 user manual Copy from protected Thermodynamics and an introduction to thermostatistics 2nd edition Birth Asphyxia and the Brain AS/400 data warehousing Simple Pleasures Of Tea (Simple Pleasures) Santa Fe wagon boss Advanced management accounting ca final notes Chocolate base recipe The cowman says it salty Mathematical statistics with applications solutions wackerly Arabic broken plurals list Opus one: the sleepwalker Increasing womens political awareness and consciousness On the quantification of horror : notes from the field Patrick Ball Mental efficiency Physics 101 problems and solutions Introduction to heating, ventilation, and air conditioning Iit jee 2012 question paper 1 with solutions Don Breckons Great Western Railway The Super-Duper Sleepover Party (Full House Michelle) Journal of the first voyage of Columbus [Las Casas abstract, tr. from Navarrete] Alesis trigger io manual Evolutionary journey Universal grammar in second language acquistion Land Rights of Indigenous Peoples in Africa Mr. Bumble brings bad news Trails of the Tiger Manual Endourology Raine miller the passion of darius Are we compatible? 6. The Parade Came Marching The boy who lived with the seals Conclusion: The European Union between values and rights Helene Sjursen. Directive principles, jurisprudence, and socio-economic justice in India Clinical Management of Anxiety (Medical Psychiatry, 5) The Storytellers Craft The challenge of the divine human Jesus The small business start up kit Beowulf part 1 summary