

Bar Counsel Report

In Re: LAURENCE MARC BERLIN
Bar No.: 3227
Case No.: 84919
Filed: 09/12/2022

ORDER IMPOSING RECIPROCAL DISCIPLINE AND SUSPENDING ATTORNEY

This is a petition for reciprocal discipline of attorney Laurence Marc Berlin pursuant to SCR 114. Berlin has been suspended from the practice of law in Arizona for six months and one day. He did not self-report the suspension to the Nevada State Bar.

Berlin's misconduct arises from his practicing law while on suspension from a previous disciplinary action in Arizona. He submitted documents and briefs on behalf of clients and his name appeared in the signature block in an administrative action. These actions violated Arizona Supreme Court Rules 33(c) (prohibiting the unauthorized practice of law) and 54(c) (making it a violation to knowingly disobey a court rule or order), as well as Arizona Rules of the Supreme Court, Ethical Rules (ER) 3.4(c) (fairness to opposing counsel), ER 5.5 (unauthorized practice of law), and ER 8.4(d) (misconduct prejudicial to the administration of justice). As a result, Berlin was suspended for six months and one day.

Under SCR 114(4), this court must impose identical reciprocal discipline unless the attorney demonstrates or this court determines that (1) the other jurisdiction failed to provide adequate notice, (2) the other jurisdiction imposed discipline despite a lack of proof of misconduct, (3) the established misconduct warrants substantially different discipline in this jurisdiction, or (4) the established misconduct does not constitute misconduct under Nevada's professional conduct rules. We conclude that none of the four exceptions weighs against the imposition of identical reciprocal discipline in this case. Thus, we grant the petition for reciprocal discipline.

Accordingly, we hereby suspend Laurence Marc Berlin from the practice of law in Nevada for six months and one day from the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

In Re: KYM S. CUSHING
Bar No.: 4242
Case No.: 84959
Filed: 08/19/2022

ORDER OF REINSTATEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's unanimous recommendation to reinstate suspended attorney Kym S. Cushing. As no briefs have been filed, this matter stands submitted for decision. SCR 116(2).

This court suspended Cushing from the practice of law for nine months based on violations of RPC 3.4(c) (fairness to opposing party or counsel: knowingly disobeying an obligation under the rules of a tribunal), RPC 8.1(1) (bar disciplinary matters: knowingly making a false statement of material fact), and RPC 8.4(c) (misconduct: engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation). *In re Discipline of Cushing*, No. 78367, 2020 WL 521905 (Jan. 31, 2020) (Order of Suspension). Cushing has completed the suspension and complied with the disciplinary order's conditions.

Based on our de novo review, we agree with the panel's conclusion that Cushing has satisfied his burden in seeking reinstatement by clear and convincing evidence. See SCR 116(2) (providing that an attorney seeking reinstatement must demonstrate compliance with certain criteria "by clear and convincing evidence"); *Application of Wright*, 75 Nev. 111, 112-13, 335 P.2d 609, 610 (1959) (reviewing a petition for reinstatement de novo). Accordingly, we hereby reinstate Kym S. Cushing to the practice of law in Nevada. Cushing shall pay the costs of the reinstatement proceeding, including \$2,500 under SCR 120, within 90 days of the date of this order, if he has not done so already.

It is so ORDERED.

In Re: WILLIAM A. SWAFFORD
Bar No.: 11469
Case No.: 84895
Filed: 09/12/2022

ORDER OF CONDITIONAL REINSTATEMENT

This is an automatic review of a Northern Nevada Disciplinary Board hearing panel's recommendation to reinstate attorney William A. Swafford with certain conditions. No briefs have been filed and this matter has therefore been submitted on the record. SCR 116(2).

In September 2016, this court suspended Swafford from the practice of law for six months and one day. *In re Discipline of Swafford*, No. 70200, 2016 WL 5819749 (Nev. Sept. 22, 2016) (Order of Suspension). The discipline order also required that, before seeking reinstatement, Swafford pay the costs of the disciplinary proceedings. *Id.* We again suspended Swafford for six months and one day in September 2017, to run consecutive to his previous suspension. *In re Discipline of Swafford*, No. 71844, 2017 WL 3996845 (Nev. Sept. 11, 2017) (Order of Suspension). The discipline order required that, before seeking reinstatement, Swafford had to obtain a fitness-for-duty evaluation from a licensed neurologist, participate in any fee dispute initiated by a client and pay any resulting award, and pay the costs of the disciplinary proceedings. *Id.* Swafford petitioned for reinstatement on September 20, 2021, having complied with nearly all of the requirements in the disciplinary orders. Shortly after the hearing on his petition for reinstatement, Swafford satisfied the final remaining condition (that he pay any client fee arbitration award).

Based on our de novo review, we agree that Swafford has satisfied his burden in seeking reinstatement by clear and convincing evidence. See SCR 116(2) (providing that an attorney seeking reinstatement must demonstrate compliance with reinstatement criteria “by clear and convincing evidence”); *Application of Wright*, 75 Nev. 111, 112-13, 335 P.2d 609, 610 (1959) (reviewing a decision on a petition for reinstatement de novo). We therefore grant the petition and reinstate Swafford to the practice of law subject to the following conditions:

1. Swafford must remedy any administrative suspension and become current on his CLE requirements.¹
2. Swafford must complete 5 CLE credits (3 ethics and 2 law practice management) within 90 days of reinstatement and report the completion of those credits directly to the Office of Bar Counsel.
3. Swafford must pay the reinstatement hearing costs pursuant to SCR 120(5) within 30 days of reinstatement.
4. For two years after the date of reinstatement:
 - a. Swafford is prohibited from solo practice and must be under the supervision of another attorney.
 - b. Swafford must continue to meet with appropriate medical providers and follow their recommendations.
 - c. Swafford must report every 90 days to the Office of Bar Counsel regarding his compliance with the first two conditions, including (a) the name of his supervising attorney and (b) the name of his medical providers, that he continues to undergo treatment, and that he continues to be fit to practice law. The quarterly reports must be counter-signed by the supervisor and the medical provider.

See SCR 116(5) (allowing for conditions on reinstatement).

It is so ORDERED.

In Re: SERGIO J. SIDERMAN
California Bar No.: 190889
Case No.: OBC21-0434
Filed: 09/08/2022

PUBLIC REPRIMAND

To Sergio J. Siderman:

On June 13, 2022, a Formal Hearing Panel of the Southern Nevada Disciplinary Board considered the above-referenced grievance. The Panel unanimously accepted the Amended Conditional Guilty Plea and concluded that you should be issued a Public Reprimand for violations of Rule of Professional Conduct (“RPC”) 1.3 (Diligence), RPC 1.4 (Communication), RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants), RPC 5.5 (Unauthorized Practice of Law), and RPC 7.2A (Advertising Filing Requirements).

You are the owner of the Law Offices of Sergio J. Siderman, which is registered with the State Bar of Nevada as a Multijurisdictional Law Firm. You have approximately seven (7) offices throughout California, Florida, and Nevada. Your Nevada office (hereinafter “Las Vegas office”) advertises and practices immigration law in Nevada.

On October 12, 2019, the Grievant (hereinafter “S.R.S.”) visited your Las Vegas office and met with you and/or another attorney. S.R.S. was interested in renewing her DACA status and completed an Immigration Record Questionnaire during the initial consultation. The DACA renewal process was explained to S.R.S. in detail. S.R.S. stated that she needed time to consider the information and to gather the necessary documentation for the renewal. On February 29, 2020, S.R.S. went back to your Las Vegas office and executed a retainer agreement after meeting with one of your paralegals.

On or about March 9, 2020, you reviewed the materials S.R.S. provided and determined that her DACA status expired more than three (3) years prior and that she was presently ineligible to renew her status. On March 26, 2020, S.R.S. spoke with your Nevada-licensed resident member attorney of your Las Vegas office regarding a status update. The Las Vegas resident attorney was not familiar with the details of S.R.S.’s file and informed her that he would need to speak with the senior attorney to get more information. After speaking to another attorney in the firm, the Las Vegas resident attorney confirmed that S.R.S. was not currently eligible for a DACA renewal but asked her to bring in hardship documentation regarding her child so that your firm could look for potential alternatives.

On April 23, 2020, S.R.S. provided your Las Vegas office with medical/educational records regarding her child’s health. On November 3, 2020, a different attorney in your firm spoke with S.R.S. and explained

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again that under the regulations then in place she was not qualified for a DACA renewal, but that a Cancellation of Removal (42B) and/or Consular Processing (CP) might be potential alternatives. S.R.S. stated that she would continue to gather documents regarding her child's health.

On December 15, 2020, S.R.S. contacted your Las Vegas office asking if her eligibility status had changed following the decision in *Batalla Vidal v. Wolf*, 591 U.S. ____ (2020), that ordered the restoration of DACA. In response to her message, you reviewed S.R.S.'s file and concluded that she now qualified for DACA renewal and asked your paralegal to "schedule her in and retain."

On December 20, 2020, S.R.S. met with the same paralegal and executed an updated payment plan and attested to her DACA eligibility. On January 21, 2021, S.R.S. called your Las Vegas office and stated that she was ready to bring in all the documents except for those she requested from prior counsel but was unable to pick up due to COVID-19 conditions. On January 26, 2021, your paralegal called S.R.S. to schedule an appointment but was unsuccessful and unable to leave a voicemail. On February 16, 2021, your paralegal called S.R.S. again but the phone number was disconnected. On March 9, 2021, your staff spoke with S.R.S. and scheduled an appointment for March 19, 2021.

On March 19, 2021, S.R.S. met with your paralegal to review her DACA eligibility. Your paralegal informed S.R.S. that your office had determined that she no longer qualified for the DACA program and explained that a 42B was potentially an option. Although S.R.S. already provided the documents requested, your paralegal asked S.R.S. to provide additional health records for your office to evaluate her eligibility for a 42B hardship because she no longer qualified for DACA renewal.

S.R.S. requested a complete copy of her file along with all the documents submitted on her behalf and was also offered a refund of her retainer. The same day after the meeting, S.R.S. then memorialized their conversation by sending Ms. Perez an email, which stated:

Based on our meeting today and your information that you are unable to help me with my DACA renewal please prepare the refund you offered to me this afternoon along with a complete copy of my file and any related documents to my case. Please let me know how soon I can pick those up [sic].

On March 23, 2021, your staff called S.R.S. and left a voicemail but received no return phone call. On March 30, 2021, your staff spoke with S.R.S. to explain the cancellation process of her case with the firm. Over the next two weeks, S.R.S. exchanged emails with your employees, but no substantive action came of S.R.S.'s request for her file or a refund.

On April 20, 2021, your staff confirmed that the file was returned to S.R.S. and that a refund would be processed right away. On April 22, 2021, your Los Angeles office mailed S.R.S. a refund check. On April 27, 2021, S.R.S. retrieved her materials from your Las Vegas office and signed an acknowledgement to that fact.

RPC 1.3 (Diligence) states that a lawyer "shall act with reasonable diligence and promptness in representing a client." You performed little to no work on S.R.S.'s case and/or failed to file any documents to the immigration court(s) on S.R.S.'s behalf. Under ABA Standard 4.43, reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client. This type of ethical breach caused potential injury to S.R.S.

RPC 1.4 (Communication) states, in pertinent part, that a lawyer shall "[r]easonably consult with the client about the means by which the client's objectives are to be accomplished," "[k]eep the client reasonably informed about the status of a matter," and "promptly comply with reasonable requests for information." You failed to keep S.R.S. reasonably informed about the status of her matter and/or promptly comply with reasonable requests for information. Under ABA Standard 7.3, reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system. This type of ethical breach caused potential injury to S.R.S.

RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants) states, in pertinent part, that a lawyer "having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer." You failed to adequately supervise your nonlawyer assistants at your Las Vegas office. Under ABA Standard 7.3, reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as professional, and causes injury or potential injury to a client, the public, or the legal system. This type of ethical breach caused potential injury to S.R.S., the public, and/or the legal system.

RPC 5.5 (Unauthorized Practice of Law) states, in pertinent part, that unless an exception applies, a lawyer shall not "practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction" or "assist another person in the unauthorized practice of law." You assisted your Las Vegas office staff to engage in the unauthorized practice of law. Under ABA Standard 7.3, reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system. This type of ethical breach caused potential injury to S.R.S., the public, and/or the legal system.

RPC 7.2A (Advertising Filing Requirements) states, in pertinent part, that a "lawyer or law firm shall file with the state bar (1) a copy or recording of all advertisements disseminated in exchange for something of value; and (2) written or recorded communications the lawyer causes to be disseminated for the purpose

of advertising legal services.” The Rule further states that “[s]ubmission shall be in a format provided by the bar within 15 days of first dissemination accompanied by a form supplied by the state bar and a filing fee, as established by the board of governors.” You failed to submit your radio advertisements to the State Bar’s Advertising Committee. Under ABA Standard 7.3, reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional, and causes injury or potential injury to a client, the public, or the legal system. This type of ethical breach caused potential injury to the public and/or the legal system.

DISCIPLINE IMPOSED

In light of the foregoing, you are hereby PUBLICLY REPRIMANDED for violating RPC 1.3 (Diligence), RPC 1.4 (Communication), RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants), RPC 5.5 (Unauthorized Practice of Law), and RPC 7.2A (Advertising Filing Requirements). In addition, pursuant to SCR 120(3), you shall pay a \$1,500 fee plus the hard costs of the instant proceedings. You shall make such payment no later than thirty (30) days after receiving a billing from the State Bar.

Re: DOUGLAS FERMOILE
Bar No.: 662
Case No.: SBN22-00015
Filed: 08/04/2022

LETTER OF REPRIMAND

To Douglas Fermoile:

A Screening Panel of the Northern Nevada Disciplinary Board has reviewed the above-referenced grievances and unanimously determined that a Letter of Reprimand be issued for violations of Rules of Professional Conduct (“RPC”) 1.4 (Communication).

GRIEVANCE

In late June 2021, two clients retained you to revise their estate planning documents for a flat fee of \$900.

You mailed the revised documents to the clients’ Arizona address. You asserted that mail was used because the clients do not use email. You assumed that the Priority Mail package was received by the clients because it was not returned as undeliverable. However, your clients did not receive the package.

In Fall 2021, the clients attempted to contact you multiple times to inquire about the status of the documents, which they had not yet received. They were

unable to reach you, or anyone else in your office, until November 2021. In November, your assistant returned the clients’ call and they informed her that they had not received the revised documents. In response, in late December 2021, you resent the documents, again by Priority mail. The clients confirmed, via email, to the State Bar that they received the December package. However, in the meantime, they had lost faith in your ability to perform the requested work and retained a new attorney.

VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT

Your conduct related to representation of the foregoing clients, violated RPC 1.4 (Communication).

RPC 1.4 (Communication) requires a lawyer (i) keep the client reasonably informed about the status of the matter and (ii) promptly comply with reasonable requests for information. You violated RPC 1.4 (Communication) by failing to (i) respond to the clients’ attempts to communicate between June and November 2021 and (ii) provide the requested documents in a timely manner.

APPLICATION OF THE ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS

ABA Standard 4.43 provides that “reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client.” ABA Standard 4.42 provides that “suspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or (ii [sic]) a lawyer engages in a pattern of neglect [and] causes injury or potential injury to a client.”

Your failure to timely provide the documents prior to November 2021 may have been negligent because you were unaware that the clients had not received them. However, your failure to respond to the client’s attempts to communicate between June and November was knowing and substantially contributed to the delay in the clients’ receipt of the requested documents. It is also concerning that once you knew the clients had not received the documents, you did not resend them for weeks.

In addition, your failure to adequately communicate with your clients caused them injury because they were delayed in their estate planning. The clients’ expressed “loss of faith” shows injury to the integrity of the profession.

Considering the minimal nature of the injury and what appears to be isolated instance of misconduct, it is appropriate to issue a reprimand sanction instead of a suspension. In Nevada, a reprimand can be a Public Reprimand or a Letter of Reprimand with the letter being the lowest form of discipline available. Taking into consideration your absence of prior discipline in the last seven years, the Panel finds that the lesser of the two sanction [sic] is appropriate.

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REPRIMAND

Based upon the foregoing, you are hereby REPRIMANDED for your negligent violation of RPC 1.4 (Communication).

Finally, in accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of \$1,500.

In Re: FREDERICK D. WILLIAMS
Bar No.: 5165
Case No.: SBN21-99238
Filed: 08/04/2022

LETTER OF REPRIMAND

To Frederick D. Williams:

A Screening Panel of the Northern Nevada Disciplinary Board has reviewed the above-referenced grievances and unanimously determined that a Letter of Reprimand be issued for violations of Rule 1.7, Rule 1.4, and Rule 4.3 of the Nevada Rules of Professional Conduct (“RPC”).

UNDERLYING FACTS

A client engaged you to prepare a quitclaim deed for his mother’s signature while she was hospitalized. The mother did not execute the quit claim deed before she died. After his mother died, the client returned and retained you to accomplish a streamlined probate process to benefit him and his siblings. You met in-person with the client and his brother.

The client, and not the brother, executed a Retainer Agreement and his sister forwarded you the \$3,200 advance funds retainer. The funds were paid from the mother’s account. The express purpose of the representation was to review, analyze, investigate and draft appropriate documents to settle the real estate that was part of the mother’s estate, and to pursue, as necessary, prosecution of a civil claim and cause of action pertaining to the administration of the mother’s estate. The siblings did not understand that they were not included as clients in the representation.

The client’s siblings were included in the client’s communications to your office and believed themselves to be included as your clients. The siblings requested information directly from you relating to the anticipated petition and expressed frustration with delays in proceeding. You did not sufficiently clarify to them that you only had one client and that you were not representing them.

You did prepare the necessary documents for the anticipated estate matter, but were never instructed by the client to file them.

Ultimately, the client and his siblings lost confidence in you proceeding with the estate matter and sought other counsel. The other counsel opened the estate matter with the court.

VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT

You negligently violated RPC 1.7 (Conflicts of Interest: Current Clients) when you failed to disclose the potential risk that the representation would be limited by responsibilities to third parties/prospective clients—the siblings—and obtaining informed consent to proceed.

You negligently violated RPC 1.4 (Communication) when you failed to adequately explain to the client and his siblings the limitations of our representation of him alone and/ or the siblings in total.

You negligently violated RPC 4.3 (Dealing with Unrepresented Person) when you failed to (i) initially inform the three siblings that you represented only the one sibling and were not disinterested as among them, (ii) make reasonable efforts to correct the other siblings’ misunderstanding of the scope of your representation in the probate matter, and (iii) advise the other siblings to secure counsel.

APPLICATION OF THE ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS

Standard 4.33 of the ABA Standards for Imposing Lawyer Sanctions provides that “reprimand is generally appropriate when a lawyer is negligent in determining whether the representation of a client may be materially affected by the lawyer’s own interests, or whether the representation will adversely affect another client, and causes injury or potential injury to a client.” In this instance your negligent failure to identify the ways in which the siblings’ interests might adversely affect your ability to represent the one sibling caused injury by creating confusion and anxiety for the siblings and their loss of confidence in the profession.

In Nevada, a reprimand can be a Public Reprimand or a Letter of Reprimand, with the later [sic] being the lowest form of discipline available. Taking into consideration your absence of prior discipline over an almost thirty-year career practicing law, the Panel finds that the lesser of the two sanction is appropriate.

REPRIMAND

Based upon the foregoing, you are hereby REPRIMANDED for your negligent violation of RPC 1.7 (Conflict of Interest: Current Clients), RPC 1.4 (Communication), and RPC 4.3 (Dealing with Unrepresented Person). Finally, in accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of \$1,500.

ENDNOTES:

1. Swafford was administratively suspended for failing to pay membership fees and failing to comply with CLE requirements. See SCR 93(12); SCR 212. He therefore must comply with SCR 93(13) and SCR 213 before resuming the practice of law.

A woman with curly hair and glasses is giving a thumbs up. The image is split vertically: the left side is a dark blue overlay with white text, and the right side is a black and white photograph of the woman. The woman is smiling and wearing a white ribbed sweater. The background is a solid light green color.

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TIP

FROM THE BAR COUNSEL

‘Doctors, Lawyers, and Bears, Oh My!’

Do you remember having a good conversation led by your doctor before the first few surgeries that you had? Do you recall them sitting down and meaningfully explaining the risks, benefits, and alternatives to a procedure suggested by you or to you? Did you remember to interject to ask what the latest literature said about the types of possible complications with their corresponding risk percentages, along with advance recommendations to increase your recovery time? Oh, you didn’t ask.

Perhaps you were a little nervous, and the office already scheduled the procedure? Did you recall asking if there were any less-invasive alternatives on the horizon while you were contemplating a major surgery? How about if the procedure itself should be changed if you reinjured yourself while awaiting the procedure? Did the doctor’s office provide you with a cost estimate or payment options before making your decision, or did they just ask for proof of “coverage?” Was that your experience? Our medical colleagues might refer to a patient’s decision on treatment with a coined phrase we lawyers gave them – “informed consent.”

Modern authorities apply this medical principle directly to legal practice. [Legaldictionary.net](http://legaldictionary.net) puts it this way: “Informed consent is the act of agreeing to allow something to happen, or to do something, with a full understanding of all the relevant facts, including risks, and available alternatives. That full knowledge and understanding is the necessary factor in whether an individual can give informed consent. This type of consent applies to many situations in life, including making decisions about medical care and legal issues, as well as entering into contracts.”

Consider our black letter practice rules if any doubt remains. Nevada Rule of Professional Conduct (NRPC) 1.2(a) directs in part: “... [A] lawyer shall abide by a client’s decision concerning the objectives of representation and as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued ...” [Emphasis added]. In this vein, NRPC 1.4(b) completes the 1.2(a) directive by explaining: “A lawyer shall explain a matter to the extent reasonably necessary to permit the client to *make informed decisions regarding the representation.*” [Emphasis added].

Ascertaining and explaining cost-effective and alternative “means” for and to our clients who actually direct us to what their “objective” can be challenging enough. Our clients form a “legal expectation baseline” based upon our initial advice. Our initial legal impressions are formed solely on the accuracy of abbreviated, incomplete, and non-objective information that our client initially presents us with. Our initial advice is premised upon the immediate client needs and vulnerabilities we perceive, our knowledge of applicable case law, local court expectations, practice area customs, and our best estimate of cost. Our practice rules place the burden squarely upon us.

Once representation is underway, one must ask, is client consultation an event or a process? The text of NRPC 1.4(b) contemplates that there are a series of client decisions that are forthcoming from a representation course. This process is likely ongoing, long after the initial visit, and is best led by us as professionals. The client’s expectation baseline will change as they undergo the representation process that includes unfamiliar experiences such as depositions, court appearances, and opposing counsel’s communications throughout their exposure to our legal representation. Further complicating initial variables presented are the frequent fluctuating emotions and life circumstances actively affecting our clients over the representation course. This course nearly always lasts far longer than a singular outpatient or in-patient medical procedure. A family law client’s objective of a divorce and child custody matter could be complicated by a new pregnancy. A personal injury client’s objective of a settlement can be convoluted by lingering medical after-effects causing extreme financial strain, or a poor surgical result from a subsequent surgery. The objectives of a trust drafted years before can become confused by a client’s new demands that appear to us as being compromised by age-related diseases and increasing influence of interested family members.

Doctors and lawyers have the legal kinship of informed consent or informed decision-making. As licensed professionals, the responsibility lies with us. Like many of us facing unexpected and emotionally laden issues, our clients “Don’t know what they don’t know.” Documenting the client file throughout our client’s legal journey can go a long way in rebutting specious grievances from first or third parties against the unwary practitioner.