

13-2402. Legal malpractice; attorney-client relationship.

An attorney-client relationship arises when there is an agreement that the lawyer will act as attorney for the client. No formal contract is necessary to create the attorney-client relationship. Nor is it necessary that the lawyer be paid a fee for the lawyer's services.

To prove the formation of an attorney-client relationship, _____ (*name of plaintiff*) must prove that _____ (*name of plaintiff*) expressed _____'s (*name of plaintiff*) intent that _____ (*name of defendant*) provide legal services to _____ (*name of plaintiff*), and _____ (*name of defendant*) [either]

[agreed or appeared to agree to provide such services to _____ (*name of plaintiff*)] [or]

[knew or reasonably should have known that _____ (*name of plaintiff*) was reasonably relying on _____ (*name of defendant*) to provide such services].

USE NOTES

This instruction should be given in cases in which the plaintiff alleges that the defendant is liable for legal malpractice and the existence of an attorney-client relationship is a disputed issue of fact. The bracketed portions of the instruction should be given as warranted by the facts of the case.

[Adopted by Supreme Court Order No. 17-8300-013, effective for all cases pending or filed on or after December 31, 2017.]