

# Massachusetts Supreme Court Calls Foul on Departing Attorneys

“Lateral attorney transitions, particularly partner transitions, are often fraught with legal and ethical issues. While they are typically not as dramatic as the one described in *Governo Law Firm v. Kendra Bergeron, et al.*, SJC-12948 (Mass. Supreme Judicial Court), the opinion, released from Massachusetts’ highest court on April 9, 2021, could have wide implications for how courts view law firm partners who engage in misconduct on their way out the door,” write Trisha M. Rich and Trisha in *Thompson Holland & Knight’s Insights*.

“The facts of the *Governo* case are worth examining in some detail. The *Governo Law Firm* (GLF) was a Massachusetts firm that specialized in asbestos defense litigation. Asbestos defense is generally paid for by cost-conscious insurance companies that consider a firm’s efficiency when determining which one to hire. GLF, during the course of two decades, created a “treasure trove” of proprietary materials that were an important marketing tool because of the efficiencies that they created. This trove consisted of three basic types of information: 1) a research library that was developed over 20 years and contained more than 10,000 documents related to asbestos litigation, including witness interviews, expert reports and investigative reports; 2) databases that organized the research material into categories sortable by multiple criteria, including by legal theory or client; and 3) certain administrative files that included office manuals, an employee handbook, marketing materials and client lists.”

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