**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.]