

13-2404. Legal malpractice; breach of fiduciary duty.

A lawyer has [a] fiduciary [duty][duties] to:
[have undivided loyalty to _____ (*name of plaintiff*);]
[treat _____ (*description of matters communicated by client and/or information regarding the representation*) as confidential;]
[_____ (*insert breach of any other applicable fiduciary duty to the case*)].
A lawyer who fails to do so breaches the fiduciary [duty][duties].

USE NOTES

This instruction should be used in a case in which an attorney's breach of a fiduciary duty or duties is alleged to have caused injury or harm. The instruction should be given with additional instructions that explain the applicable fiduciary duty or duties. See, e.g., UJI 13-2405 (Duty of confidentiality), UJI 13-2406 (Duty of loyalty); see also UJI 13-2411 (Rules of Professional Conduct).

If the case also involves a legal malpractice claim based on negligence, the instruction for that claim should be given. See UJI 13-2403 (Legal malpractice; negligence and standard of care).

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