

What Conduct Forms A Lawyer-Client Relationship? *US v. Williams* (8th Circuit)

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Yesterday the U.S. Court of Appeals for the Eighth Circuit issued an interesting opinion about what conduct forms a lawyer-client relationship. In [United States v. Williams](#), Case No. 11-3437, 2013 WL 3466840 (8th Cir. July 11, 2013), Williams was prosecuted for his role in a marijuana conspiracy. He helped hire an attorney Haddock to represent a co-conspirator, Conway, who was actually cooperating with the government against Williams.

Haddock (and Haddock's client Conway) helped the government locate and prosecute Williams. Williams later challenged his conviction in part by claiming "**outrageous government conduct**," that the government had intruded into the lawyer-client relationship and turned his lawyer (Haddock) against him. Unfortunately for Williams, he was represented by other counsel, and there was a lot of evidence that Williams had not formed a lawyer-client relationship with Haddock and did not consider Haddock his lawyer.

The *Williams* decision has lots of interesting discussion about what interactions do and do not result in a lawyer-client relationship. Perhaps the best is:

Williams asked Haddock to, *inter alia*, (1) smuggle a cell phone and other contraband into the detention center for him in violation of detention center's policy and in furtherance of the marijuana conspiracy; (2) launder money for him; (3) receive money from various members of the marijuana conspiracy for the purpose of laundering; and (4) transport money for him in furtherance of the marijuana conspiracy. None of those activities "pertains to matters within [Haddock's] professional competence" as an *attorney*, as opposed to a criminal enabler.

If you are trying to assess whether conduct forms a lawyer-client relationship, it would be wise to consult *Williams* -- and not have a cooperating witness's lawyer smuggle a cell phone to you.

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