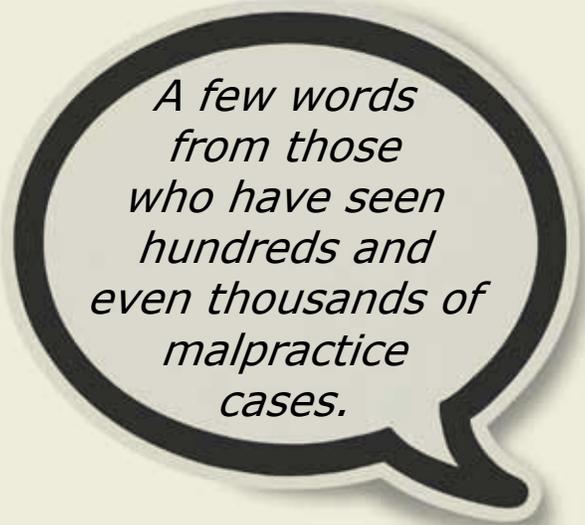


TOP MALPRACTICE AVOIDANCE TIPS



*A few words
from those
who have seen
hundreds and
even thousands of
malpractice
cases.*

“Know who your client is and ensure that they know who it is too. Do you represent the individual corporate officer or the corporate entity in a matter? Are you representing one partner or all of the partners in a partnership? Your duties flow from the client you actually represent.”

James Cartier, J.D., Claims Attorney
Attorney Protective

“Communicate with your clients in real time. Detailed summaries and evaluation letters are certainly necessary. But give your client a quick summary by email or phone call right after the hearing or deposition etc. It not only keeps the client informed, it keeps the client feeling a part of your team.”

George D. Jonson, J.D.
Montgomery, Rennie & Jonson,
Ohio

“Beware the client with unrealistic expectations. If you are unable to persuade the client to lower his or her expectations, then chances are the client will be unhappy with whatever result is achieved. Consider suggesting a change of counsel at that point. Happy clients do not sue their lawyers.”

John Drath, J.D., Shareholder
Bishop, Barry, Drath,
California

“Make the Sticker Shock Call - Right before a lawyer sent me a larger than average bill he called and walked me through the bill, telling me how the items he did during the month advanced my interests in the case. When the bill came it was approved by me in record time because I had every question answered.”

Sally Field, J.D.
Legal Professional Liability Leader
Attorney Protective

“Always send a termination letter once your representation is at an end. The letter should remind the client of how long you will retain the file, and include any other reminders or caveats, but make it clear that the matter for which you were initially retained has been concluded – that starts the statute of limitations running.”

John Drath, J.D., Shareholder
Bishop, Barry, Drath,
California

“Confirm, in writing, decisions made that limit your representation in any way either in terms of work to be done or changes in the client’s plan. And of course, if the client chooses action against your advice, you should confirm that in writing also. Lawyers cannot underestimate the value of documentary evidence when faced with a claim.”

Christine L. Mast, J.D., Attorney at Law
Hawkins Parnell Thackston & Young,
Georgia

“Always use written engagement letters, making sure you clearly state the fee arrangement and the scope of your representation. If multiple parties are involved, always make it clear which party or parties you are representing, and if necessary, which parties you are not representing.”

J. Calhoun Watson, J.D., Member
Sowell Gray Stepp & Laffitte
South Carolina

“In every instance, ensure your client has all the information necessary to make an informed decision. Make sure that the basis for the client being able to make that informed decision is properly documented. There should be no exceptions.”

Tony Ball, Claims Manager
Attorney Protective

“You can win a case and lose a client, and you can lose a case and keep a client. Communication. Dialogue. Empathy. Grounding a client relationship in these principles can spell a claim avoided rather than a claim made.”

Al Stephens, J.D., Partner,
Gallagher Sharp,
Ohio

“Resist the urge to help friends and family by giving informal legal advice. Often, this advice is “off the cuff,” and as a result, has not taken into account changes in the law since the last time the attorney researched the issue. Moreover, lawyers are often asked for information in an area that is not their expertise, so the advice is of poor quality. Finally, there has been an increase in cases disqualifying attorneys from a matter after it is shown that the attorney gave informal advice to an opposing party in an informal setting.”

Louise Hensleigh, J.D., Legal Counsel,
Attorney Protective