

HOW TO AVOID LEGAL MALPRACTICE

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Why Lawyers Get Sued

- They do dumb things
- They get lazy
- They make honest mistakes
- They have bad clients
- They are easy targets

15 Tips for Avoiding Legal Malpractice (Adapted to Business Lawyers)

1. Don't do dumb things

- You know what is dumb
- Mistakes
- Try the teenager test

2. Know who your client is (and make sure your client knows who your client is)

- Implied attorney-client relationships
- Express attorney-client relationships
- Organizational client
- Scope of engagement
- Lawyer for the deal
- Mission creep
- Family Law

3. Don't be afraid to turn down a client

- I hate lawyers
- 0 for 10
- Smell test
- Good client gone bad

4. Don't forget the small cases

5. Use effective retention agreements

- New clients and new matters
- Identify the clients and non-clients
- Identify the limited scope of work
- I am not your lawyer letters
- Termination letters

6. Manage your client's expectations

- Explain limitations of the judicial system
- Explain attorney judgment
- Provide updates

7. Return phone calls

- Clients want to be loved
- Common theme in malpractice cases
- No excuses in the digital age

8. Don't sit on your mistakes

- Talk to a confidant
- Talk to your client
- Malpractice can be compounded
- Lawyers become like clients

9. Think twice before suing to collect unpaid fees

10. Be diligent in billing and collecting fees

- Bill on a 30 day cycle
- Collect on a 90 day cycle
- Cut them off sooner rather than later

11. Write in your calendar, and then write it in another calendar

- Missed deadlines are most frequent cause of malpractice
- Look at your calendar every day

12. Look for conflicts, not away from them

- Most severe kind of malpractice
- Use a conflict system
- Update the conflict search with changed circumstances

13. Take time to chill

- Stress and substance abuse

14. Don't wear two hats

- Doubles your risk
- Divides your focus
- Easy target

15. It really could happen to you

- Buy insurance