



AFFINITY

4 Things to Do When Facing a Legal Malpractice Claim

Most attorneys focus on [avoiding malpractice claims](#), rather than what to do when faced with one. Although no attorney wants to face the possibility of disciplinary action or a malpractice claim, there are several steps that should be taken to minimize the damage and ensure that all ethical obligations are fulfilled:

Notify Your Insurer

Even if a malpractice lawsuit has not yet been filed, you should alert your lawyers' professional liability (LPL) insurance carrier to the possibility immediately, since failure to do so could result in a loss of coverage. Check your policy's requirements regarding notice, limits, deductibles, and review the provisions related to the selection of legal representation to defend you and your firm.

Hire an Outside Firm to Represent You

Lawyers' professional liability is a specialized area of law, and you need to hire counsel that understands the rules, procedures, experts, and standards regarding causation, and is familiar with your area of practice. Although the attorneys at your firm might be discussing the claim, there is no guarantee that this communication is protected by [attorney-client privilege](#), but hiring an outside firm helps protect the confidentiality of privileged information.

Preserve Information Related to the Case

Contact your firm's information technology department to ensure that all documents and electronic communications are preserved. It is also helpful to issue a gag order to staff and attorneys, directing them to avoid written and verbal

communications about the case, including email and social media, to avoid potentially damaging comments. This order should extend outside the office as well.

Remain Calm

Everyone makes mistakes – even lawyers – and unfortunately, legal mistakes sometimes result in malpractice claims. Try to find ways to relax, take a deep breath, and focus on finding a resolution to the situation.

Are you facing a legal malpractice claim and need guidance? [Contact](#) the professionals at USI Affinity today.