

# WHAT TO DO WHEN YOU RECEIVE A THREAT OF LEGAL MALPRACTICE

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## Types of “Errors”

- No error;
  - Possibility of a cure;
  - Error is not curable, but no damages;
  - Error is not curable and caused damage;
  - Error caused damage, but not worth prosecuting
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## Initial Threat or Demand

- Demand by client to fix or make it right
  - Threat to report the attorney to the State Bar (e.g. grievance)
  - Demand for return of fees
  - Demand for money damages
  - Demand free work
  - Threat of a lawsuit
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## Initial Response

- Do not immediately fall on the sword
  - Do not make promises
  - Listen to their complaint
  - Let them know you will review or investigate and get back to them
  - Do not say “this is why I have insurance” or “I will send you my insurance information.”
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## Notify the Appropriate People

- Managing attorney at the law firm
  - Staff
  - Professional Liability Carrier
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## Hire an Attorney

- Counsel provided by your carrier or counsel you hire
    - If you have insurance, call your carrier before hiring counsel
  - Experienced in defending a legal malpractice claim
  - Listen to your attorney and heed their advice
  - Gather the file
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