

WORKSHEET Q
INTRODUCTION TO MALPRACTICE INSURANCE

Worksheet Q is intended to facilitate a discussion about the benefits of carrying malpractice insurance and a lawyer's ethical obligations if they do not carry malpractice insurance.

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- Discuss a lawyer's obligation to act competently, work diligently, and communicate effectively with every client. See Prof. Cond. Rules 1.1, 1.3 and 1.4.
- Discuss the reasons for maintaining malpractice insurance and considerations for choosing the right policy.
- Discuss the best time to involve a malpractice carrier into a claim against you for malpractice liability or ethical misconduct.
- Discuss the natural concerns and fears that occur when allegations of malpractice or ethical misconduct are made and share ways to overcome such fears.
- If an attorney does not carry malpractice insurance, discuss their obligation to disclose this information to clients. See Prof. Cond. Rule 1.4.
- Discuss the impropriety of asking your client to sign a fee agreement which provides for arbitration in the event of a fee dispute, malpractice claim or ethical misconduct allegation. Discuss the propriety of settling claims for malpractice with your client. See Prof. Cond. Rule 1.8.