

PRACTICE TIPS FOR LAWYERS

- Avoid clients who discharge attorneys or engage in fee disputes with prior attorneys;
- Do not ignore conflicts and proceed with the representation. Conflicts may include representing the driver and passenger, representing the closely held corporation and its principals, and finalizing an already agreed to deal between the buyer and seller of real estate or a business, or between future business partners;
- When considering an out of state case, formally retain an out of state lawyer to advise on statutes of limitations and repose. Don't just engage in an informal phone call with an out of state lawyer. Also don't engage in activities on out of state matters that could be deemed to be practicing in a state in which you are not licensed;
- Don't put in an email what you wouldn't put in a letter. Save emails;
- Implement a firm calendar/docketing system (centralized calendar system) that includes multiple people such as attorneys and secretaries;
- Don't plan to file within days of the deadline. File early to avoid deadline problems;
- Promptly notify uninsured and underinsured motorist carriers when retained, even if the case does not appear to be an uninsured or underinsured motorist exposure;
- Become familiar with shortened statutes of limitations (municipalities).
- Do not ignore testamentary capacity and undue influence issues in estate planning.
- Conduct detailed research into the Fair Debt Collections Practices Act.
- Don't let past due amounts get large. Frequently issue bills and follow up on unpaid amounts;
- Issue declination letters noting that there may be statutes of limitations and repose without providing dates. Advise to promptly consult with another attorney;
- Provide potential clients with a letter of understanding during the period in which the potential client or you are considering whether to enter into a formal retention. Consider statutes of limitations or repose expiring during this period;
- Issue engagement letters identifying the client represented, scope of representation, billing rates, expenses to be paid, and retainer terms if required. Include litigation hold directives and provide multiple party disclosures and waivers if applicable. Disclose firm document retention policies. Make sure engagement letters are signed by the attorney and the client;
- Issue disengagement letters to clients at the end of representation noting the conclusion of your engagement as of the date of the letter, and tasks accomplished per your engagement letter. Consider whether there may be potential statutes of limitations or repose on remaining claims;
- When referring cases, confirm the attorneys have professional liability insurance and check the ARDC website. Make sure the referral agreement is in writing and the client consents;
- Contact ISBA Mutual at 800-473-4722 to speak with a Risk Management attorney at no charge. Review the ISBA Mutual Risk Management emails to stay current on issues.

**This is not intended to be an exhaustive list or a guarantee against potential malpractice claims and disciplinary actions.
This list does not constitute the rendering of legal advice and should not be interpreted as such.**