

# How to Avoid the Most Common Malpractice Claims

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Malpractice claims are shockingly simple to get. The most common claims are the result of simple laziness or bad record-keeping. Thus, the following are useful tips to help lawyers avoid these claims.

- **Be an Early Bird**

Missed deadlines are the most common source of malpractice claims. There are many ways to miss a deadline: you forgot, you had the wrong date, you procrastinated. Some lawyers make the mistake of thinking that working towards a deadline is the best practice. Not true. You are working for your client and you should do everything to meet their best interests. Solo and small firm lawyers should consider investing in a practice management software with a digital calendar with automated reminders. Therefore, you have an easy way to keep track of multiple deadlines so your workflow does not suffer. Also, you can check that everyone in your practice is keeping up with deadlines which makes everyone accountable.

- **Money, Money, Money**

Never get involved in a fee dispute with a client. All timekeeping, fees, transactions, and payment details should be clearly documented to avoid any conflict. You should never have to do unpaid work or sue your client for unpaid fees. Billing clients and keeping a record can be very simple work. Practice management software allows you to record and bill work. You can then create invoices so there is never any doubt about the work done or the fees to be collected. Finally, you should also set alerts so your client knows when they need to re-up their retainer and you never have to work for free again.

- **Know the Facts of the Case and the Client**

Even professionals can make mistakes. You should recognize who your client is, the details of their case, and the principles of the law. Some of the most common malpractice claims come from misinterpreting the law. Communicate with your clients and understand their expectations. Recognize if your client can even afford your services and if you can dedicate time to their case. You must be

able to promptly return their phone calls and emails and update them on the status of their case. By doing this, you can better understand their case and apply the best legal principles to the case. A good practice management software will help you manage client matters and the research you should do for each. Therefore, you always know how to best move forward with each matter and to alert the client when you do.

- **Keep a Paper(less) Trail**

Lastly, the seemingly menial work that comes with running a solo or a small firm is the most important. If you don't have a good system to manage your files you can miss deadlines or develop a poor relation with your client. You should not have to spend hours keeping track of or looking for files. Practice management software can help you store, back-up, and keep client information secure. The software will ensure you have a system to cross-check case information and always have it available. This can help you avoid miscommunication or stay protected if your hard-copies are ever lost. This is the best way to avoid a malpractice claim caused by the loss of important files, documents, or evidence. This can save you and your staff a lot of time that could be better spent serving your client (or relaxing on the beach).

In conclusion, malpractice claims can be an easy trap to fall in to, especially for solo and small firms. Technology is increasingly becoming an invaluable tool against malpractice claims. You can avoid these common traps if you follow the tips provided here.

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