



## Dare to Repair: Understanding the Value of Pre-Claim Assistance Coverage

When confronted with a situation that might result in a malpractice claim, most lawyers, understandably, do not know what to do. They may be tempted to ignore the situation or try and fix the problem on their own. In many cases, a potential malpractice claim can be repaired. However, attempts by an attorney to “fix” an error on their own are usually not successful. These endeavors may ultimately result in the client finding out about the attorney’s error *and* a perceived cover-up, setting the stage for a malpractice claim. Taking the right steps upon discovering an error can go a long way toward correcting the problem, reducing its impact, and possibly preventing a formal claim from being made.

Insurance policies almost always include language requiring that the insured give prompt notice of a potential malpractice claim. This requirement enables the insurer, when possible, to mitigate or avoid a loss. If an attorney delays reporting a potential claim to their carrier, not only may the opportunity to repair the claim be lost, but they could be jeopardizing valuable coverage under their policy.

AttPro has a team of experts who can assist in “righting malpractice wrongs” and can often repair a seemingly impossible situation. This support and assistance can be invaluable in proactively crafting the appropriate course of action. Recently an AttPro insured utilized that claims repair assistance to successfully avoid a formal claim.

**Issue:** An insured lawyer failed to timely serve a complaint in a matter involving social security benefits. The attorney was then faced with dismissal of the client’s appeal of a Social Security claim denial.

**Claim Repair Solution:** The insured lawyer took advantage of the policy’s pre-claim assistance coverage and promptly reached out to AttPro to discuss claims repair options. In collaboration with the insured lawyer, AttPro engaged local defense counsel to research and draft a Good Cause Memorandum. Within 48 hours of the insured lawyer contacting AttPro, the Court granted the request for additional time to serve the complaint. The matter then proceeded in the usual course.

**Lesson Learned:** Many claims can be avoided by taking quick action to repair the damage when a problem surfaces. When you “dare to repair” you can save your firm from an embarrassing claim and your client from suffering damages. As an AttPro insured you can feel confident knowing that you have pre-claim assistance coverage as well as a team of seasoned experts by your side. While some solutions may appear obvious leveraging the expertise of a partner like AttPro does nothing but enhance the likelihood of the most favorable outcome.



Contact an L Squared agent for more information today.  
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