

# Ahead of the Curve

## Risk Management for Lawyers



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RISK CONTROL



CNA is proud to add "Ahead of the Curve" to its list of lawyers' professional liability risk control programs. To learn more about schedules for live presentations of this program, please contact your broker. For more information about viewing this program on demand via CNA's Online School of Risk Control Excellence ("SORCE"), please visit [www.westlegaledcenter.com/link/cna](http://www.westlegaledcenter.com/link/cna) or contact your broker for more information.

### Managing Legal Outsourcing Risk

What is legal outsourcing? In simple terms, legal outsourcing is the delegation of legal work to individuals outside the firm. Law firms outsource work for various reasons, including convenience, financial considerations or lack of available resources internally to address a particular task.

In recent years, law firm use of legal outsourcing has expanded, and this trend is expected to continue. This program covers the types of work that law firms frequently outsource, as well as the potential benefits of outsourcing. Outsourcing implicates several important ethical duties of lawyers, including confidentiality, communication, and the duty to refrain from aiding the unauthorized practice of law. The presentation will assess outsourcing in the context of ethical guidelines and recent ethics opinions. Outsourcing can also lead to malpractice liability if not properly managed. It also reviews various theories of liability that potentially can arise from outsourcing. Finally, the presentation offers some risk management tips for managing and avoiding legal malpractice claims that may arise through outsourcing.

### Data Security and Privacy Risks for Law Firms

By this time, most lawyers are aware of recent cyber breaches involving industries such as retail and healthcare. However, lawyers may be less aware that law firms also have become targets for cyber criminals as well.

This program discusses the growing information security risks law firms face today and the various business and legal factors contributing to law firm decisions to implement more stringent data security practices.

Lawyers should be cognizant of their obligation to protect firm data – a duty that emanates from various sources, including ethical rules, common law, and state and federal statutes and regulations. The discussion includes the potential consequences to attorneys and law firms ensuing from a data breach.

Also addressed are information security best practices to help minimize attorney and law firm risk of experiencing a data breach.

## Client Files and Document Retention

In order to provide effective legal representation, lawyers require an organized means of accessing relevant documents and information in an efficient manner. Instituting a Records Management Plan for client files helps law firms to better serve their clients. In this digital age, however, the threat of unauthorized disclosure of client file materials has never been greater. In addition, disputes over client files can impair attorney-client relationships. In support of this presentation, you are provided with materials that discuss the creation of an effective Records Management Plan, ownership of the client file, and techniques for analyzing a lawyer's duties and obligations with respect to client files.

## Cautionary Case Law

Cautionary case law covers some of the legal malpractice cases that have been adjudicated in courts throughout the U.S. over the past few years. The cases represent various areas of practice – Business Transactions, Wills, Trusts & Estates, Legal Malpractice, Financing and many more.

The relevant facts of each case, the alleged damages and the applicable rules of professional conduct are discussed. Risk control measures that may have helped to mitigate or defeat the allegations of legal malpractice in each matter also are presented.

The goal of this program is to learn from the legal malpractice cases of others and use the lessons learned in the daily practice of law to improve both client relationships and representations.

For more information, contact your broker or visit [www.cna.com](http://www.cna.com).

