

## Ten Ways to Commit Professional Malpractice (And Avoid it!)



About the eBook This Chapter was originally presented in seminar format for lawyers from the authors perspective in defending legal malpractice claims for 18 years. However, in defending other professionals such as accountants, architects, engineers and financial professionals, many of the same concepts and pitfalls apply to those practices. This Chapter expands the legal malpractice/ethical considerations to a broader professional liability perspective. The author regularly consults with professionals on ethical liability issues on behalf of professionals as they arise. Having devoted a career to litigating the business disputes, unfair competition, fiduciary duty and general complex litigation matters on behalf of businesses and individuals as well as legal, accountancy, financial and engineering professionals themselves when they face exposure, the authors analytical view is from the trenches, not an idealistic academic standard. We approach this from the perspective of the exacting standards owed by professionals to their clients and urge caution, with recognition of the need to also be judicious with their use of time, cost effectiveness and defensive practice while achieving results for their clients and profitability for their own businesses. Quite literally, in litigated matters, we perform an autopsy on the prior representation to evaluate key defense strategies, and avoid exposure without undue reliance on the battle of experts between the plaintiff and defense experts on standard of care.[1] Many of the points herein are learned from those lessons. Certainly volumes have been written on behalf of each discipline of professionals; this is an effort to highlight the key aspects of the professional-client relationship and related issues with practical considerations.

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APCPractice Areas:Business and Commercial LitigationArchitect and Engineer Professional Liability LitigationCivil LitigationProfessional MalpracticePersonal Injury LitigationEmployment LawConstruction LitigationAccountants Liability LitigationLegal Professional Liability LitigationReal Estate LitigationInsurance Law Admitted: 1993, California and U.S. District Court, Southern and Central Districts of CaliforniaLaw School: California Western School of Law, J.D., 1993College: University of Virginia, B.A., 1988Rating: Mr. Noon and the firm are rated AV by the nationally-recognized Martindale Hubbell Law Directory, its highest rating for very high to preeminent legal ability; a reflection of expertise, experience, integrity and overall professional excellence for demonstrating the highest professional and ethical standards. Member:San Diego County (Past Chair, Legal Malpractice Committee) and American Bar AssociationsState Bar of CaliforniaSan Diego Defense Lawyers AssociationAssociation of Business Trial Lawyers of San DiegoFormer Chair, Professional Services Committee, Associated General Contractors, San Diego Chapter Acknowledgments:Best Lawyers in America for Professional Malpractice Law and Personal Injury Defense, 2012Super Lawyers in Business Litigation, 2007-2012San Diego Magazine Best Lawyers in San Diego, 2012San Diego Daily Transcript Top 25 Corporate Litigators, 2011Rated AV by the nationally-recognized Martindale Hubbell Law DirectoryRecipient, American Jurisprudence Awards, Legal Writing Lectures:Avoiding Legal Malpractice: Good Client Relations, The Foothills Bar Association, September 23, 2008, SpeakerAvoiding Legal Malpractice, Small Firm and Solo Practice Section of the San Diego County Bar Association, February 2008, SpeakerProfessional Liability for the Financial Advisor, Society of Financial Services Professionals, March 2004, PresenterWhat Every Lawyer Needs to

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