



CLAIMS CORNER

Oh, No! A Claim Has Been Made Against Me: What Happens Now?

By Sarah Troutt

You have probably wondered — perhaps even worried — about what happens if someone makes a professional liability claim against you. This article answers some of the initial questions you likely have and explains part of the claims process.

What should I do if someone is alleging a claim against me?

If you learn that someone has made a claim against you or against another attorney at your firm, either by demanding compensation or by filing a lawsuit, you should immediately notify the PLF. You can begin the process of reporting a claim in several ways: (1) call the PLF receptionist at 503.639.6911 or 800.452.1639; (2) call an individual PLF claims attorney; or (3) call the PLF's Director of Claims, Matt Borrillo. You can also report a claim on our website at <https://osbplf.org/claims/reporting-a-claim>.

What happens after a claim is reported to the PLF?

If a claimant files suit against you or if the PLF receives notice of a malpractice claim against you, we will open a claim file and begin the process of evaluating the claim and seeking to resolve it.

When a claim is reported to the PLF, we assign a claims attorney to work with you throughout the claims process. The claims attorney assigned to the claim will contact you and may ask for a written narrative. Under your PLF Coverage Plan, you have a duty to provide a

narrative if requested, as well as a duty to cooperate with our efforts to investigate and evaluate the claim. Usually, we will need a copy of your client file and any other relevant documents. We will also gather information from the claimant or claimant's counsel concerning the specifics of the claim.

If the claim has merit, we might attempt to negotiate a settlement or, at our discretion, retain substitute counsel to attempt to repair the problem. If appropriate, we will deny the claim, informing the claimant or claimant's counsel in writing. If a claimant files a lawsuit, we will hire defense counsel to defend you. In some cases, we may also hire defense counsel to assist us in evaluating a claim. We will consult with you about these decisions.

What obligations do I have if a claim is made against me?

As a general matter, you have a duty to promptly report the claim to the PLF. You are also required to assist and cooperate in our handling of malpractice claims. It is important to review your obligations under the applicable PLF Primary Plan and any applicable excess coverage you may have, either with the PLF or with a commercial carrier. Failure to comply with the duties and conditions under your applicable coverage plan or policy can affect your coverage. For duties of covered parties under the current PLF Primary Coverage Plan, see Section VIII. Similar duties under the current PLF Excess Plan appear in Section IX of that Plan. You can view and download the PLF Primary and Excess Plans on our website (<https://osbplf.org>).

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