CBC LEGAL MALPRACTICE CASE PROFILER

1. *Select one or more of your client’s legal malpractice claim(s)?*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | Failure to know or apply the law |  |  | Failure to Know or Deadlines |
|  |  |  |  |  |  |
|  |  | Planning error |  |  | Procrastination |
|  |  |  |  |  |  |
|  |  | Inadequate Discovery/Investigation |  |  | Failure to Obtain Client Consent |
|  |  |  |  |  |  |
|  |  | Failure to File Documents |  |  | Conflict of Interest |
|  |  |  |  |  |  |
|  |  | Failure to Calendar |  |  | Fraud |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | *Other - Specify* |  |  |

1. *Is this a complaint or counterclaim?*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | Complaint |  |  | Counterclaim |

1. *Who is the professional liability carrier?*

|  |
| --- |
|  |

1. *What is the policy’s limit?*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | <=$100,000 |  |  | >$500,000 and <$750,000 |
|  |  |  |  |  |  |
|  |  | >$100,000 and < $250,000 |  |  | >$750,000 and <$1,000,000 |
|  |  |  |  |  |  |
|  |  | >$250,000 and < $500,000 |  |  | >$1,000,000 |

1. *What are the ascertainable (non-speculative) damages?*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | <$150,000 |  |  | >$500,000 and <$750,000 |
|  |  |  |  |  |  |
|  |  | >$150,000 and <$250,000 |  |  | >$750,000 and <$1,000,000 |
|  |  |  |  |  |  |
|  |  | >$250,000 and <$500,000 |  |  | >$1,000,000 |

1. *Have you evaluated the damage documents and determined their validity?*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | Yes |  |  | No |

1. *Has a Ferreira Conference been held in which the Affidavit of Merit was granted?*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | Yes |  |  | No |

1. *If not, when will the conference be scheduled?*

|  |
| --- |
| *Enter your Ferreira Conference date* |

1. *What litigation stage are you emphasizing for funding your client’s retainer account?*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | Discovery |  |  | Expert Reports |
|  |  |  |  |  |  |
|  |  | Depositions |  |  | Trial Preparation |
|  |  |  |  |  |  |
|  |  | All of the Above |  |  |  |

1. *Enter the funding amount you anticipate for each stage.*

|  |  |  |
| --- | --- | --- |
| Discovery | $ |  |
|  |  |  |
| Depositions | $ |  |
|  |  |  |
| Expert Reports | $ |  |
|  |  |  |
| Trial Preparation | $ |  |

1. *Will the AoM affiant also write the expert report*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | Yes |  |  | No |

1. *If not, why not?*

|  |
| --- |
| *Enter your reason* |

1. *Will a damage expert be required to validate the damages?*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | Yes |  |  | No |

1. *How would you judge the strength of your client’s documents?*

|  |  |  |
| --- | --- | --- |
|  |  | Documents support the claims |
|  |  |  |
|  |  | Decent support but weak areas |
|  |  |  |
|  |  | Only verbal descriptions so far |

1. *How many depositions do you expect?*

|  |  |  |
| --- | --- | --- |
|  |  | 1 – 2 |
|  |  |  |
|  |  | 3 – 4 |
|  |  |  |
|  |  | >5 |

1. *What are the reasons you are applying for retainer funding?*

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Staying power for a stronger negotiating position | |
|  |  |  | |
|  |  | I want to minimize my firm’s receivables | |
|  |  |  | |
|  |  | Client doesn’t want to liquidate assets to pay bills | |
|  |  |  | |
|  |  | Client doesn’t want to take out a loan | |
|  |  |  | |
|  |  | Client will need to supplement with credit card balances | |
|  |  |  | |
|  |  | Client has insufficient cash flow for the legal budget required | |
|  | | |