



## Jeff Geiger Counters

May 14, 2010

### [Pick Up the Phone!!](#)

By: [Jeff Geiger](#).

As the Spring Meeting of the Virginia Association of Defense Attorneys concluded today, I effectively handed over to Kelly Lippincott the proverbial gavel as Chair of the Professional Liability Section. Having been Chair for the past year, I have enjoyed meeting folks from throughout the Commonwealth of Virginia (and beyond) to discuss and debate issues regarding professional liability and, specifically, legal malpractice.

Our first panel today addressed questions surrounding the legal malpractice plaintiff's bar and included Ben DiMuro, Chris Hogge and David Duff. All three, accomplished practitioners, attested to the fact that they engaged in careful consideration when selecting clients to represent. Yet, even as they professed a desire to resolve matters sooner rather than later, I continue to be of the belief that (1) it is difficult to settle a malpractice case (or any case) before getting a grip on the facts, and (2) it is beneficial to be opposite an attorney who actually understands the law governing legal malpractice cases.

Our second panel addressed managing law firm risks and included Barbara Williams (Deputy General Counsel/Ethics Counsel for McGuireWoods and former Bar Counsel for the Virginia State Bar) and Paul Georgiadis (Assistant Bar Counsel for the Virginia State Bar). Interestingly, it appears that bar discipline is rising and, significantly, lawyers' reporting of purported misconduct during the course of litigation is increasing. But the take away has to be Ms. Williams' advice that lawyers reconsider (or at least breathe) before sending that flaming e-mail. To paraphrase a James Bond film, "Diamonds (E-mail) are Forever." At the end of the day, pick up the phone—you can use it to soothe hurt feelings, address discovery disputes, discuss potential ethics issues with a confidant and, critically, none of it is recorded or subject to misinterpretation.

<http://www.jeffgeigercounters.com/>

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