Introduction to Loss Prevention at Aon

“Loss prevention” is the process of identifying and avoiding or minimizing the liability and professional responsibility risks threatening law firms. There should be no doubt that loss prevention is critical to law firms. Even where allegations against a firm are found to be groundless, or the amount in controversy is relatively insubstantial, a firm’s or lawyer’s reputation may be compromised, or a client relationship jeopardized.

- In the past two decades there have been dozens of publicly-reported settlements by, and verdicts against, large and sophisticated law firms exceeding US$20 million;
- In the past few years there have been numerous publicly-reported settlements by, and verdicts against, law firms in the US$3-19 million range, and six-figure verdicts and settlements abound;
- Many fine law firms and lawyers have been disqualified in representations because of conflicts and potential breaches of confidentiality; and
- Partners and associates too numerous to number have been exposed to professional discipline and criminal prosecution for all manner of offenses.

Aon is the only broker with a dedicated, comprehensive loss prevention approach. Aon Risk Solutions’ Professional Services practice focuses on the specific needs of professional service firms. We have long been committed to assisting our law firm clients in their loss prevention efforts. Our services are provided exclusively to our clients at no cost to them. Our loss prevention efforts are carefully tailored to our clients' needs based on our team's substantial experience. The team is comprised of former partners in large law firms with years of experience in loss prevention, ethics advice, and professional liability law.

Loss Prevention Services

Our loss prevention efforts are proactive rather than reactive, and we work cooperatively with our clients to help them achieve their goals. Key service components include:

- **Telephone Consultation.** If a client has a question or concern relating to a potential conflict of interest, professional responsibility issue of any type, professional liability problem, or any other risk management matter, a representative of the firm may call our team to discuss the situation in confidence.

- **“In Person” Consultations / Firm Reviews.** Our team routinely travels to client firms to consult on sensitive liability and ethics issues affecting the firm or its lawyers, or to review a firm’s loss prevention policies and procedures and, if necessary, suggest refinements or enhancements.
**Programs and Presentations.** Our team is regularly asked to speak to clients on ethics and loss prevention subjects. Our presentations routinely qualify for CLE credit, including special ethics or professional responsibility credits. Representative loss prevention programs and presentations include:

- Confidentiality
- Client fraud and misconduct
- Common causes of claims
- Conflicts of interest
- Attorney-client privilege and work product immunity
- Multijurisdictional practice/unauthorized practice of law
- Litigation and negotiation ethics
- Lawyers serving on boards
- Opinion letters: ethics and risk factors
- Ethics for supervisory and subordinate lawyers
- Ethics of hourly billing and other common billing arrangements
- Ethics and liability issues in transactional practice

**E-mail Bulletins.** When we learn of an important and timely ethics or loss prevention development, or identify subjects that we believe warrant updating, we send e-mail bulletins.

**Quality Assurance Review.** The Quality Assurance Review is our journal of significant loss prevention, insurance and practice management issues. It is published three or four times annually.

**Case Studies.** From time-to-time, we learn of interesting cases that hold great educational value. Where possible, we distribute copies of important documents from the case coupled with explanatory memoranda based upon our conversations with participants and observers. The memoranda typically discuss key aspects of the case and offer lessons to be learned for our clients.

**Monographs.** We have, on average, distributed one book-length monograph per year. Examples of recent monographs include *The Attorney-Client Privilege and Associated Confidentiality Concerns in the Post-Enron Era*, *Litigation Ethics*, and *Lawyers’ Professional Responsibilities and Liabilities in Negotiations*. Because our monographs are exhaustively researched, they are valuable reference materials.

**Forms and Policies.** We maintain model forms and prototype policies for clients covering a multitude of topics and issues. We also maintain a library of prototype letters, such as engagement letters, disengagement letters, expert witness retention letters, and the like.

**Symposium and Regional Meetings.** Every October, Professional Services hosts a two-day symposium for client firms addressing a wide variety of timely loss prevention topics. The speakers include leading practitioners and scholars. We also host regional meetings to discuss timely ethics and loss prevention issues, and to foster communication among loss prevention partners and general counsel at client firms.

For more information, please contact:

Doug Richmond
doug.richmond@aon.com
t +1.312.381.7121

Harry Bryans
henry.bryans@aon.com
t +1.610.834.2251

www.aon.com/professional-services

As at February 2013