



PROFESSIONAL COUNSEL[®]

Advice and Insight into the Practice of Law[®]

2025 Lawyers Professional Liability Risk Control Resources

Introduction

This recap of 2025 CNA Lawyers Professional Liability Risk Control resources is compiled for your convenience. Topics include the universal issues of cyber, artificial intelligence, error disclosure, proper withdrawal from a client representation and the importance of beginning a client representation with the foundation of an engagement agreement. Current concerns of e-discovery exposures, success fees, cryptocurrency, transitioning to solo practice and clients crossing the line are also discussed in mitigating legal malpractice exposures in your practice.

Crypto Compensation: Navigating Ethical Payment Practices for Attorneys

Cryptocurrency, a digital or virtual currency that uses cryptography for security, has grown from a niche curiosity to a significant player in the global financial system. Bitcoin, the first cryptocurrency, introduced in 2009, paved the way for thousands of other digital currencies. These currencies are decentralized and typically operate on blockchain technology, a distributed ledger enforced by a network of computers. As cryptocurrencies become more mainstream, the legal sector is exploring their potential benefits and risks. This article delves into the ethical considerations attorneys must contemplate when accepting cryptocurrency as payment for legal services.

Access [Crypto Compensation: Navigating Ethical Payment Practices for Attorneys](#)

Law Firm Data Breaches: A Legal Snapshot

"It is not a matter of if, but when." That is the mantra related to cyber-breaches for businesses, including law firms. As such, law firms should have a plan in place for responding to a cyber-breach, know who to contact to investigate and when it is necessary to notify affected parties. Technology allows attorneys to save a great deal of time in representations. With the benefits of technology, there are new risks of client data being compromised, and law firms must take steps to protect and respond to a breach.

Access [Law Firm Data Breaches: A Legal Snapshot](#)

We Cannot Avoid AI: Practical Advice to Use AI and GAI Ethically

Is AI friend or foe to the legal profession? The answer is an evolving enigma. National headlines reveal that many attorneys do not understand the capabilities and challenges of using AI in their practice, resulting in sanctions from courts and damage to their reputation. One point of clarity is that AI cannot be ignored in the profession. Attorneys must understand the benefits and potential pitfalls of implementing AI into their law firms.

Access [We Cannot Avoid AI: Practical Advice to Use AI and GAI Ethically](#)

Success Fees: Unlocking the Future of Alternative Fee Arrangements

The concept of a “success fee” is rooted in the idea that a lawyer’s compensation is contingent on achieving a favorable result for the client. Originally, this type of fee, often referred to as a contingency fee, was a staple of certain areas of legal practice, particularly personal injury law, class actions, and other cases where clients may only be able to afford legal representation if they win or reach a settlement and have no financial responsibility if the case fails.

Access [Success Fees: Unlocking the Future of Alternative Fee Arrangements](#)

To Err is Human: A Guide for Attorneys on How to Manage Errors

Perfection is impossible in the practice of law. Mistakes are made and attorneys must be prepared to identify the error, assess the impact of the error and if it needs to be disclosed to the client. The CNA Error Guide provides information on how to respond when an error is discovered over the course of a client representation and how to mitigate or avoid a legal malpractice exposure.

Access [To Err is Human: A Guide for Attorneys on How to Manage Errors](#)

Top Lawyers Professional Liability Risk Control Resources

The first step in avoiding legal malpractice claims is to know where the exposures exist in the daily practice of law. In case you missed them, the most popular risk control resources for CNA-insured attorneys are provided here for your convenience. The resources cover the importance of engagement agreements, the challenges created by artificial intelligence and cyber breaches, considerations for responding to errors and avoiding billing blues.

Access [Top Lawyers Professional Liability Risk Control Resources](#)

Escrow Entanglements: Avoiding Assumptions and Malpractice Exposures

Funds held in escrow often represent more than just money – they embody the hopes and dreams of the client. Whether it’s the dream of purchasing a new home, seizing an investment opportunity, or starting a family, these funds are tied to significant life goals and expectations. In other cases, escrow accounts may be linked to the dissolution of marriages or businesses, carrying emotional weight of a different kind. For attorneys managing these funds, it is crucial that all parties – the attorney, the client, and any third parties – clearly understand the intended use of the funds. While many escrow arrangements begin with optimism and mutual agreement, it is essential to remain prepared for the complexities and challenges that may arise.

Access [Escrow Entanglements: Avoiding Assumptions and Malpractice Exposures](#)

What Can Lawyers Say in Motions to Withdraw?

The requirements for withdrawing from a client’s representation may vary significantly depending on a lawyer’s practice. For lawyers with counseling and transactional practices who decide to withdraw from clients’ representations for any of the reasons listed in Rule 1.16 of the Model Rules of Professional Conduct, the process is simple. In most instances, the lawyer need only communicate with the client and take care of the ministerial tasks that accompany the termination of a client relationship.

Access [What Can Lawyers Say in Motions to Withdraw?](#)

The Legal Leap: From Law Firm to Solo Practice – A Lawyer’s Guide to Ethically Launching a Solo Practice

For many attorneys, the decision to leave a law firm and start a solo practice is both exhilarating and daunting. Whether driven by a desire for autonomy, a more flexible schedule, or a specific vision for client service, the transition from firm life to solo practice involves more than just a change of address. It requires careful planning, a deep understanding of professional responsibilities, and a proactive approach to management of the law office and risk exposures.

This article explores the ethical, legal, and practical considerations lawyers must address when leaving a firm to start their own practice, with a focus on best practices and the relevant American Bar Association [“ABA”] Model Rules of Professional Conduct [“MRPC”].

Access [The Legal Leap: From Law Firm to Solo Practice – A Lawyer’s Guide to Ethically Launching a Solo Practice](#)

Understanding and Avoiding Liability in E-Discovery

E-discovery has become a universal and unavoidable part of litigation. With fewer and fewer records on paper, the need for appropriate guidance, procedures, and guardrails is all the more important when navigating the virtual landscape. But even as e-discovery has predominated modern trial practice, attorneys must ensure that both physical documentation and files, as well as electronically-stored information ("ESI"), is adequately investigated, collected, preserved, and produced to ensure compliance with their ethical obligations. Failure to establish and abide by the prevailing guidance and guardrails that are in place risk significant liability for both attorneys and their clients.

Access [Understanding and Avoiding Liability in E-Discovery](#)

When Clients Cross the Line: Ethical Exits and Safety Strategies for Lawyers

The attorney-client relationship is built on trust, communication, and mutual respect. However, not all client relationships are smooth. Some clients may become adversarial, refusing to follow legal strategy, filing disciplinary grievances, or even threatening the attorney's personal safety. These situations are not only emotionally taxing but also raise serious ethical and professional concerns. This article provides guidance for lawyers on how to manage clients who pose threats, challenge strategic decisions, or threaten disciplinary or legal malpractice actions.

Access [When Clients Cross the Line: Ethical Exits and Safety Strategies for Lawyers](#)

Lawyers' Toolkit 5.0: A Guide to Managing the Attorney-Client Relationship

Properly establishing an attorney-client relationship requires fundamentals. Attorneys should devote the necessary time with a prospective client to clarify what may and may not be accomplished through a representation. Clients should understand their responsibilities and expectations related to providing information, responding to attorney communications and payment for services. The Lawyers' Toolkit 5.0: A Guide to Managing the Attorney-Client Relationship provides sample language for various stages of the attorney-client relationship, from declination to closing matters letters, conflicts waivers and more.

Access [the CNA Lawyers' Toolkit 5.0: A Guide to Managing the Attorney-Client Relationship](#)

Don't Miss Out on Future CNA LPL Publications

If you wish to receive the CNA Lawyers' Professional Liability Risk Control monthly publications, you may register [here](#).

About CNA Professional Counsel

This publication offers advice and insights to help lawyers identify risk exposures associated with their practice. Written exclusively by the members of CNA's Lawyers Professional Liability Risk Control team, it offers details, tips and recommendations on important topics from client misconduct to wire transfer fraud.

For more information, please call us at 866-262-0540 or email us at lawyersrisk@cna.com

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