Poll #1 - Only 15% got it right!

"What do you think is THE top reason patent practitioners get sued?"
Andrew Jones, counsel to Lloyd's of London, asked the question and provides the real data below. He will be presenting on the topic of Malpractice Risk Reduction at NAPP's Annual Meeting & Conference (AMC), on Tuesday afternoon, July 22 in Alexandria.
Andrew Jone's Answer to the Question "What is THE top reason patent practitioners get sued?"(in Order):

- **(D) Substantive Errors (46.61%).** Almost half of all the claims we see have to do with making mistakes with the legal matter itself. Substantive errors can include not knowing the law, inadequate patent prosecution, planning or procedure errors, and other mistakes.

- **(B) Administrative Errors (28.63%).** These are mistakes that typically burden overwhelmed solo patent practitioners. Administrative errors can include problems with calendaring and deadlines, as well as losing documents, evidence, and other clerical errors.

- **(A) Intentional Wrongs (13.53%).** Unlike the other reasons to get sued for malpractice, intentional wrongs is likely brought by another party (as opposed to your own client). You can get sued for intentional wrongs such as malicious conduct, fraud, and defamation.

- **(C) Client Relations (11.22%).** Many patent practitioners simply take their clients for granted. Errors in client relations can include failure to follow client instructions and/or improperly withdrawing from representation.

As you can see, administrative errors and client relations are probably two of the easiest ways to avoid getting sued. By maintaining a good relationship with your client, explaining fees properly, and simply listening to your clients, you can reduce your chance of getting sued by 40%.
By way of analogy, numerous studies in the world of medical malpractice have revealed that most patients who sued their doctors would not have done so if their doctor simply utilized better bedside manner. There's a lesson there for patent practitioners.

[Speculative results from members and visitors to napp.org :

- 55% administrative errors
- 27.5% client relation
- 15% substantive errors
- 2.5% intentional wrongs]

(The next poll - Managing Client Expectations)