

FIRST DRAFT MALPRACTICE LETTER, 2/4/91

Addressees

PERSONAL

Dear Counsel:

Because of the obvious sensitivity of the subject matter, I write separately to suggest that you might consider obtaining written guidance from your clients and from their counsel in the insurance litigation in regard to the subject matter of the enclosed letter.

While it is unquestionably beyond my jurisdiction, professional courtesy compels me to alert you to the fact that the possibility of estoppel arguments appearing in other litigation, based on defendants' position in this case, necessarily makes the position of counsel extremely delicate. Legal arguments advanced in one case that force a litigant with numerous pending claims to forfeit some or even all damages may expose original counsel to malpractice claims.

I realize that this message is somewhat extraordinary. I hope, however, that you might ~~give~~ me similar courtesy should you ever see me entering a comparable situation.

Sincerely,

*extend*

CHARLES MCCREA, Sr.