**Policies and Procedures for Preventing Litigation**

**Prevention – 8 Strategies**

1. Litigation alerts
2. I\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ reports
3. Steps to a lawsuit
4. E\_\_\_\_\_\_\_\_\_\_\_\_\_a cleanup fund and process
5. Carry E&O insurance
6. Take N\_\_\_\_\_\_\_\_\_ R\_\_\_\_\_\_\_\_\_\_ Management classes
7. Dispute Resolution Agreement
8. It Takes \_\_\_\_\_\_

**Response to Threats of Litigation**

Cut out all r\_\_\_\_\_\_\_\_\_\_\_\_\_

Put all conversations in writing

Start a t\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Managing Lawsuits Checklist**

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**Strategies for Settling**

1. F\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the end
2. Fight and settle
3. Run up THEIR a\_\_\_\_\_\_\_\_\_\_\_\_\_\_ f\_\_\_\_\_\_\_\_\_\_\_\_
4. D\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ it out

Who pays legal expenses? \_\_\_\_\_\_\_\_\_\_\_\_

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**Autopsies** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**When You Sue** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Develop a relationship with a lawyer** b\_\_\_\_\_\_\_\_\_\_ you need them!

**Notes**

**The Challenge** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Conclusion** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Do’s** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Don’t** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Managing Litigation Downloads**

**Steps to a Lawsuit -** Lawsuits don’t just happen out of the blue. There are several steps that start out small and then can escalate into a full-blown lawsuit. This is a diagram of the steps they typically go through and a column for you to assign ownership of each step.

**Broker Issues -** There are certain things in a management company that the broker/owner needs to hear about as soon as they happen. Start with this list and make up your own as to issues that MUST be brought to the broker’s attention for counsel and advice. This list is a good start.

**Litigation Alert Training -** This is to get you thinking about what topics/incidents could trigger litigation so you can train your staff to be on the lookout. This list will grow as your experience grows. We used this list to help schedule training for our staff and hammered on it in every meeting like we did with Fair Housing and Safety.

**Options for Litigation Alerts -** We are constantly adding to the list of Alerts. Here are some other topics you might want to consider adding to Your Alert List.

**Incident Report -** When certain events arise, you should detail the event on a report and keep notes of the details and status in an attempt to help you prevent a lawsuit. This is an example of an Incident Report we used to keep all staff (but especially the owner/broker) informed on the status of various incidents. In our model, only the broker could drop an event when they decided it was resolved to their satisfaction.

**Autopsy -** A thorough investigation of a file/incident can help you dissect what went wrong and help you avoid it happening again. If you institutionalize a crash you can use it to train new staff and, hopefully, keep from happening again.

**Notes to File -** This is a way to manage a particular situation, tenant, property, owner, vendor, etc. Make a record of details as they transpire. Make this a record of emails, conversation and communication about a person or incident.

**Dispute Resolution and Non-Disparaging Agreement**

This document allows parties to the lease to lay out a plan to settle any/all grievances and disputes they may have with each other and agree to settle any dispute they have by the following the steps in this agreement.

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