

Professional Negligence

Professional negligence exists where a professional fails to exercise reasonable care and skill, which leads to damage. Clients should receive a level of professionalism and standards which are commonly offered by those in the profession. However, the precise duty of care which a professional owes will vary in each context. These conflicts are typically complex and highly technical, with high values and significant reputational risks attached. In some circumstances, such negligence can also lead to criminal liability.

Moroğlu Arseven has extensive experience representing clients on both sides of professional indemnity conflicts. We support a full spectrum of professionals and their respective clients, including company directors and officers, architects, engineers, builders, surveyors, valuers, auditors, accountants, financial advisors, tax consultants, mortgage brokers, insurance brokers, doctors, IT professionals and lawyers, among others. We also regularly assist related or interested parties in this context, such as insurers or shareholder groups. For insurers, we support with policy coverage and wording issues, as well as offer pre-underwriting risk assessments for individual policies.

The firm's dispute resolution team works closely with lawyers who are subject matter specialists in topics such as tax, banking, real estate, M&A, insurance and IT. These teams also engage and coordinate expert witnesses to support our clients' negotiation positions, which can often lead to early-stage settlements. These cross-discipline teams develop tailored negotiation, settlement or litigation strategies to assist our clients to resolve professional negligence conflicts. A clear legal strategy is essential because it can be difficult to prove that a professional's actions or omissions reach the negligence threshold, or that the damages involved are sufficiently proximate.

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