



LNP 273 Trouble Ahead for LNCs

Debby Johnson's story of being taken in by a man she never met reminds me of the many ways people commit fraud. If you have not listened to Legal Nurse Podcast 272, you must do so.

This is Pat Iyer with *Iyer's Insights*.

In this podcast, I cover 2 ways you as a legal nurse consultant could get into trouble.

We'll start with romance scams, which is what Debby described, and is also called catfishing.

Your knowledge of how to spot this kind of scam could potentially save you or someone else heartache.

Romance fraud often takes place with online dating websites, but the initial contact could occur through social media, email, or phone calls. The characteristics of this type of scam include:

1. The scammer will express strong emotions for you in a short period of time. One guy who contacted me through Facebook sent me a message that my smile melted his heart like a Snickers bar in his pocket on a warm summer day. Yuck!
2. The scammer often claims to be from another country or working overseas and that is why he or she can't meet you.
3. The scammer asks you to continue to communicate through email or chat and takes you off social media to continue the contact.
4. Once you begin to trust the person, you'll start receiving requests for gifts, money, credit card details or bank account information.
5. The scammer may tell you he or she needs the money for an emergency – such as for a family member who needs medical treatment, or because the scammer lost a wallet or credit cards.
6. You might be asked to take intimate photos or videos of yourself (great for use with blackmailing later on).
7. Another common request is to ask you to buy electronics (a computer or phone) and send the item to another person. You might be asked to receive

money and send it elsewhere. These activities facilitate the crimes of the individual.

8. If you don't initially agree to send money or gifts, the scammer escalates the demands.

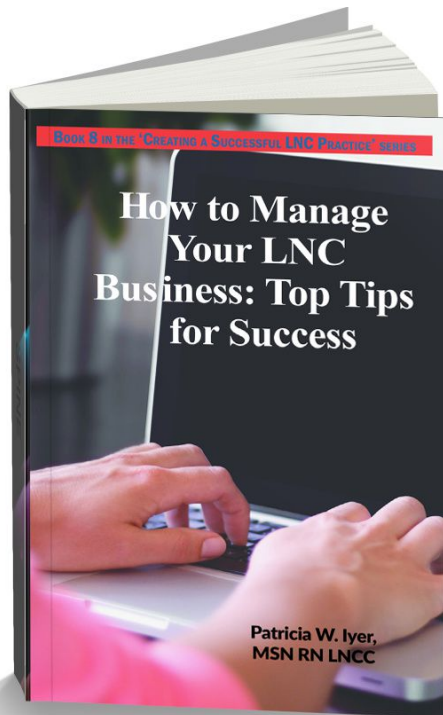
Here's how you can protect yourself.

1. Refuse to accept Facebook friend requests from people you don't know, particularly people of the opposite sex. For instance, I turn down all guys.
2. Never send money to someone you have not met in person. Even that is not a guarantee the request is legitimate.
3. Do an image search of your admirer. Ask to chat via face to face means and make a comparison.
4. Always consider the possibility that someone is seeing you as a big fat paycheck and trying to scam you, not matter how ardent he or she seems.
5. Be alert to grammar and spelling mistakes.
6. Look for inconsistencies in their stories.
7. Don't send intimate pictures or videos to anyone. How many people can you think of who've gotten in trouble for doing just that, even to people they were dating?
8. Don't give money, bank account information, credit card numbers, online account details or copies of important documents to people you don't know or trust.
9. Don't travel overseas to meet someone you've never met. Your safety is at risk.
10. Do not agree to transfer money for someone. This is a criminal offense of money laundering.
11. Be very careful about how much personal information you share with others, especially on social media sites. Identity theft occurs this way.

If you have been scammed

1. Don't count on getting any of your money back. If the scammer is not in your country, your law enforcement authorities don't have any jurisdiction.
2. Report the scamming to the website, social media site or app through which the scammer first approached you. Let them know the identity the scammer is using so they can stop others from being victimized.
3. If you've provided credit card or bank details to the scammer, report this to the financial institution involved.

Learn more about this by looking into the podcast called *Dirty John*, a nickname for a nurse who scammed a woman named Debra Newell.



Are you on top of all of the intricacies of running an LNC business? There is so much to keep track of.

And it is so easy to put your head down, work on cases, and postpone the business management and development activities that will sustain you.

In fact, the twin evils of perfectionism and procrastination will prevent you from being fully effective, and lead to sleepless nights.

You can reach a stressed-out state as a business owner.

In my book, *How to Manage Your LNC Business: Top Tips for Success*, I share tips for effectively and efficiently running your LNC business – ones I learned from running a multimillion-dollar independent legal nurse consulting business.

This book is part of a series designed to give you the essential knowledge you need to grow your business.

Don't learn things the hard way. Make a small investment with me and a big investment for yourself. Order my book, *How to Manage Your LNC Business*, at the show notes for this podcast. Use the code *Listened to* get a 25% discount.

Here's the second way LNCs get in trouble and this is admittedly a far more common issue than catfishing.

Attorney ethical violations were on my mind this week as I read about the parents who lied and cheated and bribed their children's way into admission to college.

There were 50 parents, including 2 prominent movie stars (Felicity Huffman and Lori Loughlin) and an attorney, in the round up.

Attorney Gordon Caplan, a Greenwich CT resident and now former co-chairman of the global law firm Willkie Farr & Gallagher LLP, was placed on leave by the firm a day after he was among 50 people indicted by federal prosecutors in a massive college admissions scam.

According to the government, Caplan paid a crooked college admissions consultant \$75,000 to ensure his daughter would get a higher score on the ACT, a standardized test some colleges use to rate students seeking admission. The money was wired into a bank account controlled by the FBI, unbeknownst to the parents.

Caplan's challenge now is staying out of prison. It seems unlikely he will get to practice law again.

Attorney ethical violations don't usually garner this kind of attention paid to the fraudulent actions of the parents. They are of a more common variety.

Do you know how you as an LNC can be caught up in an allegation with an attorney client?

First, some groundwork. According to Megan Zavieh, these are the three most common attorney ethical violations.

Rule 1.1 — Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. [American Bar Association Model Rule 1.1]

The attorney must know the area of law and be prepared for conferences, court and depositions.

Have you seen *My Cousin Vinny*? In this movie, the New York lawyer flies to Alabama to defend his cousin and friend who are accused of murder. Vinny has never tried a criminal case before and has little understanding of court procedure. Yes, it is Hollywood, and a very entertaining movie, and clearly illustrates his incompetence.

How can you get caught up in this attorney ethical violation?

Here's how. The attorney is suing a doctor and asks you to find a nursing expert witness to testify against the physician. You are inexperienced and don't realize the error in this approach. At the attorney's request, you find a nurse. The court disallows the nurse, and the attorney runs out of time to find another expert.

The client sues the attorney for legal malpractice. So, the attorney may bring you into the case as a defendant, pointing at your selection of a nurse expert.

2. Rule 1.3 — Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client. [ABA Model Rule 1.3]

The attorney needs to meet all deadlines associated with the case. Judges impose deadlines for discovery to end, and part of that is supplying reports or opinions of experts.

How can you get caught up in this?

You are an expert witness who missed a deadline to complete a report. The attorney misses the deadline to supply your report. The court disallows your involvement as an expert. The client sues the attorney. You get brought in as a defendant.

One of my clients missed a statute of limitation for filing a case. He contacted me after the deadline asking for a screen for merit. He said, "I don't think there is anything in this case, but the client wants to know." I'm not sure if he knew he missed the deadline.

Our physician screener found merit, and I kept notes of the conversations. When the plaintiff sued the attorney for missing the deadline, I was called to give a deposition. Unfortunately, I had to read my notes into the record. The attorney ultimately settled the case.

3. Rule 1.7 — Conflict of Interest: Current Clients

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. [ABA Model Rule 1.7]

The attorney must not represent a party who is adverse to the attorney's current clients. What sometimes happens is that the attorney takes on a case with a conflict of interest but does not know about it.

How can you get caught up in this?

This ethics violation is directly related to the attorney's practice, but you can run into a conflict of interest in your LNC practice. This can occur, for example, when you take on a case as an expert witness or non-testifying consultant that involves your employer or a facility within its system. It is also a conflict to take a case involving someone you know well – a friend, a personal physician. And it is a conflict to work on a case for opposing counsel after having worked on the case for the other side.

Avoid this last scenario by checking your database before discussing a case with an attorney. Attorneys expect you to be able to do this in seconds.

My story

I unknowingly got into a conflict of interest. My LNC business helped a plaintiff attorney who was representing a woman who delivered a baby. We logged the case in under the mother's name and found a nursing expert who declared there were multiple deviations from the standard of care. The case involved a ruptured uterus and devastating brain damage to the child.

A year later, the defense attorney contacted us about the case, and used the baby's name, which was decidedly very different from the mother's name, different last name, different ethnicity. We searched for a nursing expert to review the case.

When the first expert could not defend the case, the attorney asked for another, and another. Three nursing experts could not defend the nurses. Something triggered us to realize the mother and child were related. Horror struck, I called both attorneys, explained what happened, and apologized. I was deeply embarrassed. The attorneys were gracious.

As a result of this incident, I instituted an immediate practice of logging both the mother and baby's names on our case files for all labor and delivery cases.

My advice to you – have your own professional liability insurance. I've used Nursing Service Organization, Legal Nurse Consultant policy. They have a self-employed part time rate which is affordable. They offer an expert witness rider also for those who testify.

Make sure, if you supply expert witnesses, that they understand the crucial importance of not missing deadlines for filing reports.

Know when to say “no” to an attorney who is asking you to do something wrong. There is a lot at stake, and you’ve got to take the high road.

Be sure to order your copy of my book, *How to Manage Your LNC Business*, using the button on the show notes. You’ll find these in iTunes or at podcast.legalnursebusiness.com.

The LNC Academy.com is the coaching program I offer to a select number of LNCs. You get my personal attention and mentorship so that you can excel and build a sturdy foundation for your LNC practice. Are you interested in exploring the idea of coaching? Contact me to request a call – go to <http://LNC.tips/gethelp>.