PSYCHE
the policy for psychology

PROTECTING YOUR CASE:
DOCUMENTATION AND PROFESSIONAL CONDUCT

When you are involved in a lawsuit, your records and professional behavior become central to your defense. It can be stressful to see your clinical notes examined in a legal context, but the best way to protect yourself is to maintain integrity, transparency, and professionalism throughout the process.

Good documentation along with your cooperation will strengthen your case and reflect your commitment to ethical practice.

1. NEVER ALTER OR RECREATE RECORDS

If you discover that your notes are unclear, incomplete, or difficult to read, do not make changes. Altering or recreating treatment records after a claim has been filed can seriously harm your defense and may even violate your insurance policy.

Changes can be seen as attempts to influence evidence and may make a defensible case nearly impossible to win. Instead, inform your attorney about any issues with your records and follow their advice. Your attorney can help clarify documentation concerns through proper legal channels.

2. KEEP YOUR COMMUNICATIONS CONFIDENTIAL

Once a lawsuit is underway, limit discussions about your case to your attorney and your Psyche claims representative. Conversations with friends, family, or colleagues are not legally protected and can become discoverable in court.

It may be tempting to seek reassurance or advice, but even casual conversations can later be used as evidence. Keep all case-related communication within your legal and claims team to preserve confidentiality.

3. DO NOT DISCUSS THE CASE WITH PATIENTS

If a current or former patient asks about the lawsuit, politely explain that you cannot discuss ongoing legal matters. Talking about the case with patients can be seen as a boundary violation and may create additional ethical or licensing problems.

Redirect the discussion to their care or, if appropriate, consult your attorney for language you can use to respond professionally.

4. TRUST YOUR ATTORNEY'S STRATEGY

Your attorney may choose not to share detailed case information with certain experts or may limit written communication for strategic reasons. This is intentional. In litigation, anything in writing can potentially be reviewed by the opposing party.

If you are unsure about the approach your defense team is taking, ask questions directly rather than reaching out to experts or witnesses yourself. Your attorney manages these relationships to protect your privilege and your case.

5. LEARN FROM THE EXPERIENCE

Even though lawsuits are stressful, they can provide valuable insights into your professional habits. Many clinicians use the experience to strengthen their documentation, improve communication, and reinforce professional boundaries.

Going forward:

- Keep records factual, timely, and easy to read.
- Avoid using unclear abbreviations or speculative language.
- Record treatment goals, informed consent discussions, and patient progress clearly.
- When in doubt, consult or document rather than guess.

Strong, consistent records are both good practice and strong protection.

6. MAINTAIN PROFESSIONAL CONDUCT THROUGHOUT

Your professionalism during the legal process matters. Be courteous, responsive, and patient with your legal team. Attend meetings on time, follow advice, and avoid defensive or emotional reactions in written communication.

Your calm, consistent cooperation helps your attorney represent you effectively and sends a positive message if the case reaches the trial stage.

PSYCHE'S GUIDANCE

Your Psyche policy covers both defense costs and potential damages, up to the limits stated in your policy. These limits are in place to protect your personal and professional assets. The cost of defending a case can be high, which is why timely reporting and cooperation are so important.

If at any point you are worried about exposure beyond your policy limits, your claims representative will discuss the situation with you and advise you on next steps.

KEY POINTS TO REMEMBER

- Your Psyche attorney represents you and manages your defense.
- Discovery takes time; be patient and stay in communication.
- Never alter your records after a claim is filed.
- Lawsuits can last months or years, but most end favorably.
- Your coverage includes both legal defense and financial protection.

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