Volume 3 has two parts. They are not related.

The first part deals with reducing the risk of claims based on opinions and responding to those claims when they arise. The second part contains resources for opinion practice. These resources are referred to in various places in Volumes 1 and 2 as well as in Chapters 1, 2 and 3 of Volume 3.

Chapter 1 of Volume 3 deals with maintaining opinion practice standards, by using an opinion committee and/or in other ways. Maintaining standards is an ethical matter, as stated in ABA Model Rules 1.1 and 5.1. It is also a liability matter, based upon agency law principles.

Chapter 2 of Volume 3 deals with how the ethics rules have influenced customary practice and liability. Opinion practice should be visualized in the context of the ABA Model Rules of Professional Conduct and the various state adaptations of it. That is because the duty of the opinion giver to its client cannot be compromised by customary practice in dealing with third parties. Legal malpractice and insurance concepts and the related vocabulary are introduced.

Chapter 3 of Volume 3 deals with the difference between a claim and a potential claim and what planning is involved to cope with them. Human as well as analytical issues must be dealt with when a professional’s judgment is questioned, whether appropriately or not.

To facilitate access to the resource materials in the second part of Volume 3, they are grouped by both source and subject in the Appendices of Resource Materials. The resource materials are all in current use. Historical materials have not been included.

The Note on Reading Court Decisions and Bar Reports on Opinions (see Volume 1, following the Introduction) is useful in understanding: (a) the context in which the resource materials have arisen; and (b) the bar reports themselves.