Practice Health Check

Use Lawcover's Risk Management Practice Health Check to evaluate your practice's existing procedures.

This check is intended to highlight common risk management issues and areas, and help you identify and analyse potential problems within your law practice that require remedial attention. It is intended to be used as guide only, for you to self-assess whether you are maintaining a healthy practice.

New Matters

Client Identification Check

- [ ] Do you always identify your new clients?
- [ ] Do you file your identification documents or scan them for permanent retention?
- [ ] The Lawcover Client Identification Check is recommended

Conflict of Interest Check

- [ ] Is there a procedure in place for identifying conflicts of interest?
- [ ] Is there a procedure in place for when a conflict of interest is identified or arises during the course of a matter?
- [ ] Are conflict checks conducted before confirming instructions to the client?
- [ ] The Lawcover Conflict of Interest Check is recommended

Retainer

- [ ] Does the law practice have a policy in place which determines who is authorised to take instructions?
- [ ] Do you only accept matters in areas of law in which you have the necessary expertise?
- [ ] Is there a procedure in place to establish your client's capacity if that capacity is in doubt?
- [ ] Do you use an appropriately qualified interpreter if your client finds it difficult to understand English?
- [ ] Do you set aside sufficient time for the initial client interview?
- [ ] Do you consider the achievability of your client's expectations?
- [ ] Does your law practice always comply with the Legal Profession Uniform Law (NSW) with respect to Costs Disclosure and Costs Agreements?
- [ ] Does your Costs Agreement clearly and fully set out the agreed scope of work including what work is specifically excluded?
- [ ] Does your Costs Agreement specify how and when your client will pay your fees?
- [ ] Is your client's acceptance of the Costs Agreement in writing?

continued overleaf...

Client Communication

- [ ] Are your client's instructions documented clearly and accurately?
- [ ] Do you confirm your instructions in writing?
- [ ] Does your written confirmation contain the following:
  - [ ] Client deadlines?
  - [ ] Applicable time limits, limitation periods and the consequences if the limits are missed?
  - [ ] A summary description of the scope of the work?
  - [ ] An estimated time frame for completion of the work?
  - [ ] The client's responsibilities?
- [ ] Do you keep your client informed at regular intervals?
- [ ] Do you copy to the client all significant documentation?
- [ ] Do you confirm in writing variations of the retainer?
- [ ] Do you return client calls in a timely manner?
- [ ] Do you respond to client correspondence and emails in a timely manner?
- [ ] Do you document all client communication?
- [ ] Does your staff document all client communication?

File Management

Diaries

- [ ] Does the law practice have a diary system incorporating details of all:
  - [ ] Conferences and meetings?
  - [ ] Court dates?
  - [ ] Settlements?
  - [ ] Exchanges?
  - [ ] Limitation periods?
  - [ ] Other deadlines?
- [ ] Do all relevant staff have access to the diary system, particularly if a staff member is absent?

Review systems

- [ ] Are all open files systematically reviewed at appropriate intervals by the person with carriage of the file?

Records management

- [ ] Are your files structured, orderly and up-to-date?
- [ ] Do you put copies of emails on the file?

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File Management

Supervision

- [ ] Is incoming and outgoing mail and emails to staff monitored by a supervisor?
- [ ] Do you take the time to explain and check that your delegated instructions are understood?
- [ ] Do you hold regular meetings with your staff and keep a record of the issues discussed?
- [ ] Do you delegate work to staff with reference to workload and capability?
- [ ] Do you regularly review files conducted by your staff?

Checking Documents

- [ ] Are all draft documents checked by the author?
- [ ] Are draft documents also checked by another solicitor where possible?
- [ ] Does the law practice use software incorporating version control, document compare and track changes?

Closing the Matter

- [ ] Is there a procedure in place for closing files?
- [ ] When closing the matter do you:
    - [ ] Inform your client in writing that the matter is completed?
    - [ ] Clearly indicate to your client that your law practice will not be undertaking a future action (eg: exercise of an option)?
    - [ ] Render a trust account statement?
    - [ ] Inform your client of the client's rights to dispute your costs?
    - [ ] Advise on outstanding issues?
    - [ ] Advise on any limitation issues?
- [ ] Does your law practice take a paginated copy of the file if it is transferred to another solicitor or is taken by the client?
- [ ] The Lawcover File Closing Check is recommended

File Notes

- [ ] File notes are made by all staff following:
    - [ ] Conferences and meetings (client and others) both in and out of the law practice office
    - [ ] Telephone calls (including leaving a message)
    - [ ] Court appearances
- [ ] All file notes include the following details:
    - [ ] Full date (including year)
    - [ ] Time start and time finish
    - [ ] Parties present
    - [ ] Authority of parties (power of attorney/director/spouse)

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File Notes

- ☐ Type of attendance
- ☐ Place of attendance
- ☐ Information received
- ☐ Questions asked and responses
- ☐ Advice given

☐ All file notes are:

- ☐ Contemporaneous
- ☐ Legible (typed wherever possible)
- ☐ Comprehensive

☐ Does your law practice have its own standard file note template?

Complaints and Claims

☐ Do you have a documented client complaint or claim procedure?

☐ Is there one person responsible within your law practice for the management of client's complaints and claims?

☐ Does your law practice carry out an analysis of complaints, claims or "near misses" to identify the direct and underlying causes?

Financial Management

☐ Does your law practice have a standard costs basis for each area of law?

☐ Does your law practice have an annual budget (income and expenses)?

☐ Does your law practice review its financial performance on at least a monthly basis?

People Management

☐ Do all employees have employment agreements?

☐ Do all employees have job descriptions?

☐ Does your law practice have a formal written induction procedure for new employees?

☐ Does your law practice have a formal policy on training for its employees?

☐ Does your law practice formally review the performance of its employees?

☐ Does your law practice have regular staff meetings?

☐ Does your law practice have a written grievance procedure for its employees?

☐ Does your law practice have written policies and procedures/office manual?