

Short Minutes Transcript: Situation critical – key dates

Each year Lawcover receives numerous notifications and claims that arise from systems problems. Those problems largely stem from delay and ineffective management of critical dates.

Consider this:

Solicitor A acts for a plaintiff in a matter in the Supreme Court. The plaintiff's evidence is not filed in accordance with the Court timetable, Solicitor A fails to appear at the next directions hearing. The defendant succeeds in having the proceedings dismissed. The plaintiff suffers a loss and makes a claim against Solicitor A.

Or this:

Solicitor B's client held an option to purchase a property. The property was sold to someone else after Solicitor B failed to serve notice of the exercise of the option, within the time specified in the option deed. The client claims against Solicitor B for the loss of the property.

Ineffective management of critical dates can have significant consequences both professionally and financially, for both the solicitor and the client.

Having a process in place can minimise the risk:

- Use one diary system for your legal practice and stick to it - whether it's paper or electronic, it's important to be consistent in the way critical dates are tracked
- Conduct regular file reviews - this will help identify critical dates so that they won't be missed
- Manage client expectations and communications – explain when and why things need to happen and advise the client in writing
- Finally, establish contingency plans - what would happen if something unexpected occurred and you or another solicitor were unable to communicate or check on urgent matters?

No matter what area you practice in, managing critical dates is essential risk management. It doesn't have to be a complicated process, but it does need to be consistently applied.

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