

## **Short Minutes Transcript: Making Assumptions**

In a recent Lawcover claim, the solicitor acted for a couple on the purchase of a property.

The solicitor had advised the purchasers that the property was subject to an easement for water drainage.

The purchasers wished to replace the existing residence with a larger one. The Council refused the development application for the planned new residence because it impacted on the easement.

The solicitor had assumed the couple would be living in the existing residence and there had been no discussion of the clients' intentions. The clients alleged that the solicitor had been negligent in failing to advise of the effect of the easement.

Solicitors often deal with matters of a similar nature on a daily basis. It can be easy to make assumptions about a client's intentions, particularly when the matter appears straightforward. However not all clients are the same, and there are simple, practical steps that solicitors should take with every client to minimise the risk of mistakes:

- Meet with the client in person
- Understand what the client wants and shape expectations
- Explain in clear, plain English what the legal effect and practical implications may be
- Define your retainer
- Keep the client informed of the progress of their matter
- Take detailed and contemporaneous file notes
- Confirm advice in writing

Taking the time and the right steps to understand what the client wants in every matter, from the outset, could mean the difference between success and a professional negligence claim.

I'm Jen McMillan