

No 1 Know the law

Ensure that every lawyer in your practice is well versed with the basic principles of law especially the law applicable in the type of case they are managing.

Basic knowledge of limitation periods, court procedures, conveyancing practices are essential. Avoid accepting cases in areas of law you are unfamiliar with. In addition you can conduct internal refresher courses within your firm to ensure that everyone is aware of the latest changes in the law or send your lawyers to courses conducted externally.

Holding weekly meetings within your firm does not have to be restricted to just discussing on-going cases, you can take just 15 minutes of that meeting to quiz your lawyers.

No 2 Keep track of timelines on active files

Having knowledge of the law alone is not sufficient. You may be well aware of the limitation periods but if you fail to diarise them you may be in trouble. At the beginning of all new briefs, research the relevant limitation periods and diarise the limitation period dates.

Under the Practice Management Guidelines issued by the Law Society of Upper Canada ("LSUC"), lawyers are advised to consider maintaining the following time planning and reminder systems:

- To do lists to set out what must be accomplished, listed in order of importance.

Best Practice Tips:

7 Steps to Avoid Costly Mistakes!

Risk Management or Best Practices, whatever you may call it within your firm is a double-edged sword. It improves the quality of your legal service by ensuring that you deliver the best to your clients, this gives you the edge over your competitors in this industry; and it helps you to avoid facing claims for professional negligence.

- Desk diaries or calendars to help lawyers plan their time and act as reminders for appointments, court dates, tribunals, submissions and crucial dates including limitation periods. Inculcate the habit to check that diary daily!
- Centralized tickler or reminder systems to assist lawyers by flagging limitation periods and deadlines, and steps that need to be taken in particular files.

Additionally, the LSUC also recommends that lawyers conduct periodic reviews or peer reviews of open files to ensure that work on all files are completed in a timely and cost-effective manner.

No 3 Supervision is key

The Queensland Law Society suggests that a senior partner be appointed as a mentor (or supervisor) and that they maintain a supportive culture to allow fee-earners in the firm to feel confident in approaching them about

challenges, concerns or mistakes. This should be in addition to common practices such as regular file audits, supervision meetings, complaint handling systems and other supervisory processes.

No 7 Notify It Immediately!

Notifying Insurers of a potential claim is not only your duty under Clause 13 of the 2014 COI but it is also an important step in a culture of good practice. Notifying Insurers early allows for a Panel Solicitor to be appointed to assist you in mitigating the risk of a claim materialising or escalating.

Many firms who have notified early have had the subject matter of the problem resolved by the Panel Solicitor without going to court!

No 6 Maintain A Proper System of Backing Up Files

Accidents happen. Occurrences such as fire, break-ins, floods etc do occur and may affect your practice. Ensure that your firm has a back-up of both existing and previously handled files. Your files should be backed up electronically and manually.

No 5 Stick with Stakeholding Terms or Seek Directions!

Adhere to the terms of the stakeholding agreement, protect yourself with written confirmations and remember your duty also extends to the other parties involved. If in dispute, seek directions from the Court.

In *Samat Din & Partners v Bank Pembangunan Malaysia Bhd* [1997] 4 CLJ 153, it was held that

where numerous claims are made of the stakeholder in respect of the subject matter of the stakeholding, the stakeholder should apply to the court by way of interpleader proceedings to seek directions as to what he should do.

No 4 Communicate and Confirm

You should always obtain written confirmation of your clients' instructions. This is even more so, when you receive instructions that conflict with the usual practice (eg delay filing a

caveat). Where you have been given instructions and you encounter difficulties carrying them out, you should immediately inform your client of that in writing.

Parts of the Best Practice Tips were taken from:

1. Time Management Practice Management Guidelines' (The Law Society of Upper Canada 2011) <<http://www.lsuc.on.ca/For-Lawyers/Manage-Your-Practice/Time-Management/Time-Management-Practice-Management-Guideline/>> accessed 04 June 2014.
2. Guide to Effective supervision in legal practice' (Queensland Law Society 2010) 6.