Lawyers are trained to be effective researchers, writers and representatives of their clients. Lawyers tend to operate somewhat independently and often have difficulty in delegating work to others. Rarely do lawyers receive training on how to supervise and manage staff. Yet, in many situations a lawyer must rely on the work of other lawyers and staff in order for his or her case to be successful. Failure of the responsible practitioner to recognise responsibility for directing and double-checking the work of others can result in claim nightmares.

The importance of delegation and supervision to the management and development of the practice cannot be overlooked or underestimated.

At Law Claims we see the failure to effectively supervise result in claims. A couple of case examples include the following:

**Case 1**

The lawyers were engaged to provide advice with respect to documentation for use in sale of educational products by door to door. The partner asked a junior solicitor to review the documents and the relevant legislation and provide the information so the partner could advise the client. The partner did not check the research / advice of the junior solicitor. The advice in fact overlooked the requirement regarding font size. The advice was subsequently given.

The claim was settled on behalf of the insured in the sum of $35,000.00.
Case 2
The vendor client engaged solicitors to act in the sale of a property. The file was delegated to a junior member of staff. The necessary searches were not conducted within sufficient time to enable settlement to proceed or the Form 1 to be provided to the purchase following execution of the sale contract. This resulted in the contract for the sale of property being void with significant loss. The claim settled for $110,000.00.

The above cases illustrate that the failure to adequately supervise can expose practitioners to potentially costly claims.

Failure to delegate and supervise effectively can lead to missed deadlines, inefficient work practices, mistakes and errors, stress, miscommunication, unhappy clients and an unhappy work environment.

A few suggestions to assist in effective supervision include the following:

- delegate all work in a uniform manner by using standard forms or memorandum to confirm the action to be taken and deadlines to be met;
- explain the task itself and the results required;
- delegate the work with clear boundaries;
- ensure that there is a clear understanding of your expectations of the work;
- keep a record of all work delegated;
- the priority of the task is clearly defined;
- set time limits for the completion of all delegated work to enable fee earners to prioritise their work accordingly;
- allocate a supervising partner to each case;
- hold regular meetings with staff to discuss work in progress and any problems;
- monitor case loads of staff;
- check the dedicated work;
- use a diary system to ensure observation of time limits.

For any queries about this or other Risk Management Services offered by Law Claims, please contact the PII Risk Manager, Gianna Di Stefano on 8410 7677 or gdistefano@lawguard.com.au.