

Tips for effective supervision

1. Treat supervision as the real and important work it is

There are innumerable business and personal benefits of correctly supervising employees so give supervision the time and priority it deserves. This may mean doing less direct legal work yourself.

2. Document office systems and processes

Having policies, processes and procedures documented gives clear direction to all staff about what is expected of them. Checklists also make it easier for staff to do what is required and for you to check that they are doing what is expected. See our Policies for law firms on the LPLC website under '[checklists](#)'.

3. Develop position descriptions for employees

Having clear position descriptions for all employees confirms everyone's responsibilities, duties and accountabilities with measurement criteria. The position descriptions ensure staff know what they can and can't do.

4. Use the practice management tools you have

Your practice management system should be able to provide you with items such as operator file lists, aged billing, WIP information and inactive file reports. These reports will help you oversee how your employees are managing their files. You can tell a lot about what is happening on a file if there is a lot of old WIP or unpaid bills or inactivity on files. These are often a sign a file or employee is in trouble.

Bear in mind that while this financial management information can be a good indication of how a matter is progressing, it's no substitute for actually talking to the operator at regular intervals.

5. Conduct regular file audits

Check that processes and procedures such as sending out engagement letters and making file notes are being done. It reinforces the firm's commitment to and expectation of quality. It also allows you to pick up things you might not have found for example that an employee is not coping and not progressing a matter. See our [Risk management audit checklist](#) on the LPLC website for ideas on how to conduct an audit.

6. Implement a process to capture complaints

Firms that have a well-documented and advertised complaints process are often able to identify warning signs that a matter is not progressing well for any number of reasons before they become a bigger problem. Tell clients you welcome feedback and how to express their concerns.

You should also encourage internal informal systems. Your support staff, especially your receptionist, may have a real sense of what is potentially going wrong. You can tap into that resource, especially if you have a culture where everyone understands the firm's values and expectations and works together to uphold them.

7. Adapt your approach to fit the employee

One size does not always fit all. You will need different strategies or approaches for employees with different experience levels as well as different personalities and no matter how experienced, even senior staff need some level of supervision.

8. Monitor ingoing and outgoing mail

Do you read all incoming hardcopy mail? Do you have a policy that only partners sign outgoing mail? These are difficult questions to answer and monitoring emails is even harder. Some firms have a policy that partners still have to approve any significant emails, some require anything of substance be a PDF letter attachment to the email and some require the partner be copied into the email. Whichever policy you adopt must be complied with and regular audits conducted.

9. Conduct regular supervision meetings

Be proactive about holding regular face to face meetings with your staff as they are a crucial supervision tool.

The frequency and structure of the meetings will depend on the practice area and the seniority of the employees as well as the work load. These meetings are not related to trust – **just because you trust a person implicitly doesn't mean you don't need to have these types of meetings**. They are about maintaining control of the business, complying with your professional obligations, adding value to the service provided to your clients as well as mentoring, training and giving valuable feedback to staff.

How to manage regular supervision meetings

- **Set regular times** – weekly, fortnightly or monthly.
- **Make them a priority** – don't cancel unless you absolutely have to.
- **Be prepared** – use your reports and data on the fee employee work to inform the meeting.
- **Aim to address each of the matters the employee has that you are responsible for** – don't just address the matters the employee wants to address.
- **Review any outstanding issues from the last meeting.**
- **Provide feedback on the work done** – positive or constructive.
- **Use the meetings as an assessment opportunity for development** – for example assess if the employee is coping with the workload and pressure, whether new or different files should be given to them and what training may be needed.

Additional resources

- *Guide to effective supervision in legal practice*, Queensland Law Society, 2010
- *Mills Oakley Pty Ltd v Huon Property Holdings Pty Ltd & Ors* [2012] VSC 39
- *Legal Practitioners Complaints Committee and Benari* [2005] WASAT 213
- *Kelly v Jowett* [2009] NSWCA 278
- *Edwards v Law Institute of Victoria (Legal Practice)* [2008] VCAT 1277
- *Legal Services Commissioner v Peacock (Legal Practice)* [2008] VCAT 983

- **Victorian Legal Service Board + Commissioner** [RRP 012 Supervised Legal Practice Policy – VI](#)

3.13 The Act does not define supervision, however when considering the issue of supervision, the Board will consider the position and experience of potential supervisors. An appropriate supervisor will:

- be appropriately experienced;
- not be subject to supervised legal practice restrictions;
- provide regular support and feedback sessions;
- have authority in respect of work performed by the supervised practitioner and be able to direct, amend, override or intervene in relation to the legal work performed; and ...

3.14 While the SLP requirement is imposed on the practitioner, supervisors should note that they are themselves subject to legal and professional obligations to act with all due skill and diligence.

Rule 37 – Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015

In Rule 37.1 a solicitor with designated responsibility for a matter must exercise reasonable supervision over solicitors and all other employees engaged in the provision of legal services.

The courts also expect practitioners to supervise their staff appropriately. They have said that in order to do so, supervision must be proactive.

Propositions derived from Malcolm CJ's reasons in:

[D'Alessandro and D'Angelo v Bouloudas \(1994\) 10 WAR 191 at 211-213](#)

- The obligation of the practitioner to supervise an employed clerk is imposed in order to ensure that the client receives an appropriate standard of advice and service.
- Failure to adequately supervise the work of the clerk may constitute unprofessional conduct.
- The nature and extent of the obligation to supervise will depend upon the particular circumstances in which the solicitor's practice is conducted.
- The level of supervision required will vary according to the level of competence and experience of the clerk, but it must remain supervision and not amount to complete delegation.
- The supervising solicitor should settle and sign all of the clerk's letters (except formal letters).
- There should be in place a system by which each file relating to a matter to which the clerk has the conduct is reviewed by the solicitors at appropriate periodic intervals.
- Proofing witnesses, discovery and inspection of documents must be carried out under the direction of and specifically reviewed by the supervising solicitor.
- So-called general supervision which relies on the clerk bringing any difficulty to the attention of the solicitor would not be sufficient.