

EFFICIENT HABITS CUT RISK

Doing legal work well requires a good work habit.

Last year LPLC ran a campaign on developing the engagement habit to ensure you only took the right client, in the right matter, at the right time. The next step LPLC is focusing on this year is the work habit to ensure you do the work effectively, efficiently and safely.

How good is your work habit? By this we mean how you go about actually doing the work for the client. What are your systems, processes and precedents like? How good are you at maintaining them? These questions are relevant for every firm, from sole practitioners to the largest practices. Firms we visit and claims we see show there is lots of room for improvement.

Our fast-changing environment makes good work production systems and processes essential for efficiently producing quality work. You can't keep multiple client matters and multiple deadlines in your head at once and produce quality work in the timeframes required today. Simple mistakes that cost a lot of money can and do happen for want of a better system, process or precedent. Every firm needs to establish safe and efficient ways to do the work or they won't survive.

We see claims where the property precedent letter sent to the client didn't include a copy of the title plan or recommend the client check the boundary measurements. In other cases the precedent letter did have that advice in it but was not sent to the client. Regularly reviewed precedent letters and a workflow checklist to make sure they are used is all part of a good work habit.

Many of the claims involving solicitor's certificates, family law financial agreements, litigation and more are difficult to defend because there were no file notes recording the advice that the practitioners say they gave and there were no letters sent confirming the advice given. These are basic things that should always be created for every matter and in many cases a precedent version can be prepared beforehand and then adapted for the particular circumstances. LPLC has a template file note available on its website for use in giving advice to borrowers or guarantors that can be downloaded and adapted to suit your needs. What other template file notes do you need, and can you develop?

The framework for a good work habit

Start by defining and writing down the work you do and then you can develop the tools, precedents and procedures to accurately and efficiently produce that work. With defined areas of work, you can build on the following framework.

Systems

Firms need systems that include a practice management system (PMS) fit for your practice to keep information and precedents in one place and allow efficient oversight and access. A shared diary system to ensure no date is missed and a system to ensure all oral dialogue with the client is recorded in some way is necessary.

Precedents

Precedents are a major part of a firm's intellectual property and should include workflows, checklists, letters and documents. These need to be reviewed and updated regularly to take account of the changing legal landscape and continual learning by staff on how to do things better.

Process

The process starts with the policies of the firm to set expectations for staff and then are articulated in procedures that link to both the systems and the precedents. These set clear direction for a good work habit.

These things take time to set up and maintain but are essential for legal practice today. The time you invest will be recouped in efficiencies and improved quality of work. You will reduce the risk of complaints and claims while enhancing your reputation as a professional legal practitioner and firm.

Developing workflow and precedent documents is also a good opportunity to involve others in the firm, harness the wealth of experience and create a collegiate environment.

Now may be a good time for some firms to turn their minds to reviewing and developing work habits. You will be hearing more from us over the coming year about the work habit. ■

This column is provided by the **Legal Practitioners' Liability Committee**. For further information ph 9672 3800 or visit www.lplc.com.au.

TIPS

- Having a good work habit is essential for firms today.
- It creates efficiency, quality and reduces risk of claims.
- The work habit framework is:
 - systems
 - precedents
 - processes.