

CHECKLIST FOR COVID-WEARY LAWYERS

Taking steps to relieve fatigue and pressure as the year rushes to a close is good risk management.

This year, more so than any other, many lawyers will be staggering to the finish line of 24 December. Most people in the legal profession are feeling mentally and physically exhausted. That fatigue, coupled with the pressure to get matters resolved and completed before the end of the year, is a recipe for simple but costly mistakes.

We know that when people are distracted, tired or unusually busy the things they would normally tick off get missed, like taking good file notes, sending a confirming letter of advice, picking up a mistake in a contract, filing documents in time or calling and confirming bank account details in an email. Being aware of your own state of mind and those of your colleagues at these times is the first step to avoiding these mistakes.

Some strategies for avoiding mistakes at this time are set out below.

- **Capacity awareness:** If you are the principal of the firm, don't take on new work that will put too much pressure on you or your staff in the lead up to the end of the year. You have a professional obligation to do the work for existing clients to a high standard. Taking on new work when everyone is tired and stretched may result in a failure to meet that standard.
- **Checklists and reminders:** Use checklists or workflows on your practice management system to make sure you don't miss steps or important actions. Checklists should include making sure letters of advice or documents are sent, file notes are made and people are followed up. Don't rely on your memory when you are tired or distracted.
- **Stay up to date:** Keep your records in your practice management system up to date so anyone can step in and help if things get busy.
- **Reset your mind:** Try to clear your mind before doing detailed work like drafting or reviewing documents. Give yourself the time to focus and concentrate on the work at hand. If you have tried mindfulness practices before, now is the time to rekindle the practice. There are lots of good apps to help you including *Smiling Mind*, *Headspace*, *Calm*, *Stop Breathe & Think* and *Simply Being*.
- **Another set of eyes:** For documents you have drafted, ask someone else to proofread and "road test" the provisions, particularly residuary clauses in wills, rent review provisions in leases, schedules and definitions in any contracts to make sure they do what you intend them to do.

- **Check and double check time limits:** Don't rely on your memory if you are doing something you don't do often, particularly in light of the changes made to time limits by temporary COVID-19 related legislation and expiry dates for COVID-19 relief legislation. Go to the source and check the time limits in the relevant legislation. Examples of time limits that were changed, as part of the temporary COVID-19 reforms, include responding to statutory demands or bankruptcy notices in six months instead of 21 days. These changes were initially going to expire on 15 October and were then extended to expire on 31 December. It is important to keep track of when the temporary legislative changes end.

As many firms are planning a longer than usual shutdown at the end of the year for a well-earned break, make sure:

- everyone does a thorough review of their current files to identify correct time limits and critical dates
- you communicate with clients early about end-of-year closures and manage clients' expectations about contacting staff over the break. With working from home for much of this year, many clients have had access to practitioners more than ever, so managing expectations around availability over that period is important.

With these simple steps in place we can safely get to the end of a long year and have a much needed stress-free rest. ■

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

TIPS

- Don't take on new work your staff don't have capacity to do in the end of year rush.
- Use checklists and workflows to avoid simple oversights.
- Keep your practice management system updated.
- Give yourself space to focus when drafting and reviewing work.
- Ask someone else to proofread and road test your documents.
- Double check time limits, especially in the lead up to office closure and any changes arising from temporary COVID-19 related legislative amendments.
- Manage clients' expectations about office closure and staff availability over the break.

