

Safe practice during the pandemic



1. Working remotely still requires access to practice management tools, doing all the steps in a matter and not being distracted
2. Stay alert to cyber risks
3. Plan what to do if staff are unavailable
4. Review files and record what needs to be done where someone else can action it if required
5. Keep clients informed
6. Take time to think and plan for the risks ahead

We are all facing disrupted working arrangements during the COVID-19 pandemic. This disruption means we are having to do things differently and may be distracted or be juggling more commitments than usual and for many people it will be very stressful. So here are some critical issues to keep in mind to do your work safely.

Working remotely

Many of us are working remotely for the first time. This means more than taking your mobile phone home and accessing your emails.

To manage the risks of practice you will still need access to all the tools, systems, precedents, information and files necessary to complete the job. If you do work with hard copy files put protocols in place for how they are to be handled such as scanning a copy of any documents being taken from the office by staff so that you have a backup copy. Give guidance on how to protect files outside the office including not leaving files in a car unattended.

Resist any urges to cut corners. You still need to do conflict checks, establish a clear retainer, scope the work, provide costs disclosure, check the law, confirm advice in writing, make file notes and do all the things you would normally do when working in the office. Your standard of care has not changed.

Supervising staff and checking work before it goes out still needs to happen even if people are working remotely. Documents and correspondence can be shared electronically for review and discussions can take place with technology like Zoom, GoToMeeting,

WebX, Microsoft teams, Skype, WhatsApp and others. Try doing a search of the term 'best video conferencing software' to choose the right software for your needs

Discussing client matters or sharing a difficult issue with colleagues, are helpful processes for most practitioners. Try to keep that communication flowing by encouraging use of regular phone or video group meetings where people can discuss what they are working on and raise issues for everyone's input.

It's important to not let yourself be distracted when working remotely. Take time to proofread your work, check the email recipient's name before you press send and check deadlines and action steps on files to make sure they are done.

Cyber risks

It's critical that practitioners and staff remain vigilant and aware of cyber-risks during this time. [COVID-19 scams](#) are now in the mix of cyber-scams facing lawyers and law firms and your cyber vigilance has never been more important.

To help you stay alert to the risks follow the steps set out in our [Cyber Security Guide for Lawyers](#). Most importantly, ensure you have implemented multifactor authentication for all devices and cloud-based systems. If you or your staff are using home and personal devices to work remotely check that such devices are updated with current security and software, so you are not exposing the firm to a compromise through those links.

Look at the security of any video conferencing software you are using and ensure the privacy settings are appropriate.

Most cyber-fraud affecting legal practitioners happens because someone's email account was compromised. The compromise often occurs when the account holder is tricked by a phishing email. With people working remotely, communicating via email more, and otherwise distracted in the current uncertain environment this risk is likely to increase. Every email must be carefully looked at to test its authenticity and unknown attachments or links should not be opened. As always, it's critical that you don't rely solely on the information in an email for the payment of client funds. Always confirm the details by calling the client before making the payment.

People away

There will be disruption to staffing arrangements during the pandemic, so it is important to think through different staffing scenarios and the associated risks. It may be manageable if either you or your assistant are away because you both know the files. What if you are both unwell?

Do you have access to your colleague's calendar if they are away? If one person in the office does critical tasks like PEXA or trust account transactions can someone else step in if they are away? It is difficult to cover all scenarios, but some planning will help you manage the risks associated with staff dislocation. For example, you can contact the Legal Services Board and discuss giving trust authorisation to a staff member.

Start with what are the key things that need to be done in your firm. For most it will be to meet deadlines in client files, pay money when it is due, manage staff and keep client's informed. Who are the key people to do these things? What is the back up if those key people are unavailable? To help you plan the LIV have developed resources, available for everyone, for [contingency planning in this COVID-19 environment](#).

Review your current files

Review all current instructions to establish what needs to be done and when, including details of critical dates such as the statute of limitations date, hearing dates, filing dates, and subject to finance dates. It's important to share the dates so others in your firm have access. If you are working solo make sure someone you trust knows where to locate the information. Be prepared and record the key pieces of information so someone can pick up your work if required.

Client communication

Effective communications with clients is an important part of your role and critical to risk management. Keep your clients informed about their matter, any changes to your work arrangements and how they can contact you. Using video technology referred to earlier can help communication with clients. See our [bulletin on video conferencing](#) for the uses and limits of this technology.

Risk management plan

In this uncertain time, it is good risk management to take a step back and think about where your risks lie and put steps in place to manage those risks. Don't hesitate to contact a risk manager at LPLC (lawyersrisk@lplc.com.au) if you would like to talk through those risks and how to approach minimising them.