

## Develop the Engagement Habit

Starting with being sure about who you are acting for, over the next 3 weeks we will look at the key pillars of a comprehensive engagement process.

Lawyers get themselves into hot water when they neglect to go through a thorough engagement process. LPLC's **engagement decision tool** sets out the three crucial questions to ask yourself before agreeing to act in any new matter.

### It's okay to say no when it's not the right matter for you

Well run firms have a clear business strategy about what work they will and won't do. It's not in a firm's best interest to take on a wide range of work — particularly if it is outside the firm's area of expertise or experience. The complexity and fast pace of legal practice today means you can't know all the law and effectively practice across a large range of practice areas.

The right matter for you will be only those within your chosen areas of expertise. If you take on matters outside your areas of expertise, you won't have the systems and precedents to do the matter efficiently or effectively and you are more likely to miss important legal issues and give inadequate or incorrect advice.

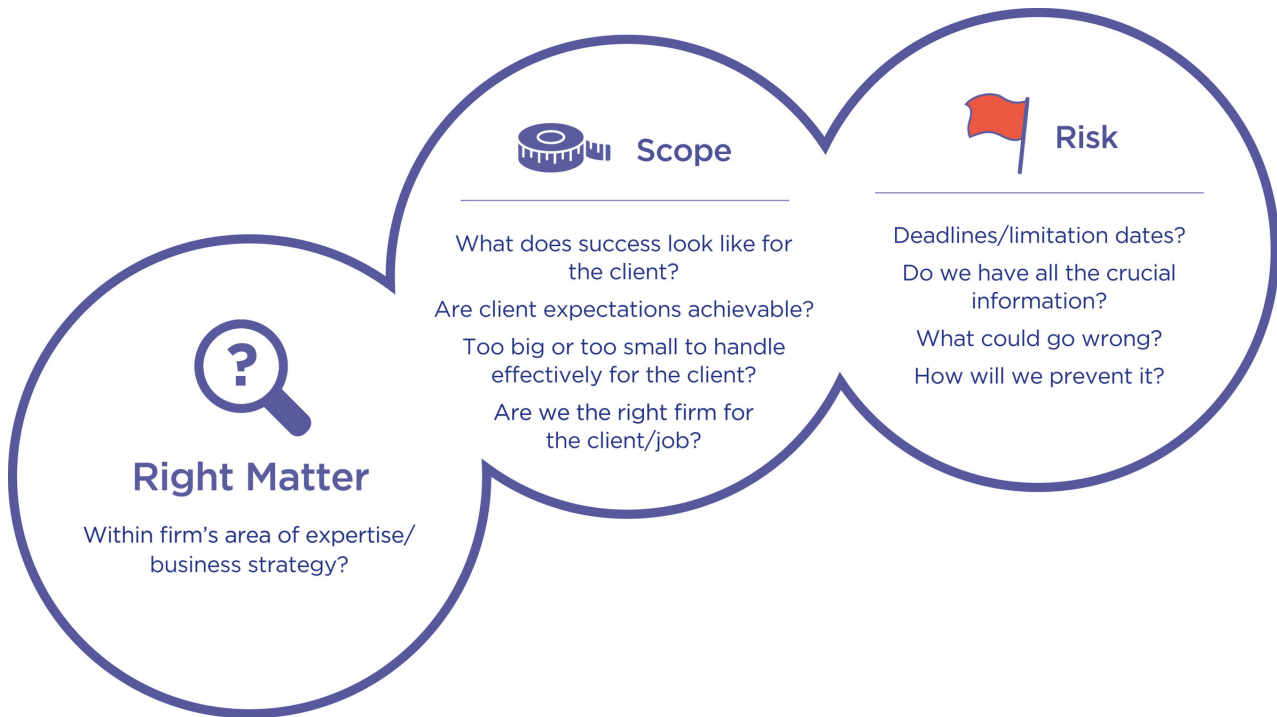
Decide what areas you will practice in and make sure you have good systems and precedents and you keep up to date with the changes in the law in those areas.



Even within your areas of expertise there are more questions to ask before you say yes.

- What is the scope of the matter?
- What is the client trying to achieve?

Do they want, for example, a quick settlement of the litigation to maintain a business relationship with the other party, or do they want to fight this all the way to the High Court? If so, can you really manage that for the client? Is it outside your experience in the area or is it too big a case for your firm to manage?



If the client's expectations are that you will be able to handle the sale of 500 units in their new development, is that realistic for your firm to manage? Sometimes the matter will be too small for a firm to handle at a realistic price, like a small debt collection matter for a large commercial firm.

Think at the start about what risks this matter might have.

- What are the time limits or deadlines?
- Are those achievable for you and the client?

Has the client got all the relevant information, especially in the litigation context? Is there enough information for you to be satisfied there is a proper basis to bring a claim or file a defence? Is the client only wanting to give you a limited retainer? What risks could that pose for your firm if you don't understand what is happening in the whole transaction? What else could go wrong?

Not every matter is the right matter. Sometimes it's better to say no to a client if the matter is not in your area of expertise, the client's expectations are unrealistic or there are warning signs.

Our [practice risk guides](#) identify and prompt you to think about the risks in your particular area of practice. Knowing what those risks are means you can ask the client the right questions at the start to assess them.