

## Urgent steps for moving to remote working



Compliance with Stage 4 COVID-19 business restrictions announced by the Victorian Government on 3 August requires law firms in the Melbourne metropolitan area to close their offices from midnight on 5 August 2020 and work from home.

[Victorian Government Stage 4 Restrictions – Guide for Business](#)

[Stage 4 Restrictions – Law institute of Victoria FAQ's for the legal profession](#)

In this changed environment, is your firm ready to deal with client matters on a full remote-working basis?

If your office is still dependent on paper systems, diaries and processes, which files will you need to work on over the next six weeks of Stage 4 restrictions? How will you manage to attend to those matters from home? How will you ensure the risk of important matters are not left unattended with key dates potentially being missed?

We recommend you undertake the following key actions.

### Identify your commitments and contingencies

1. Review a full list of all open client matters currently held by your firm.
2. Identify any file on which there is a time-sensitive date arising in the period between now and mid-September. Examples of time-sensitive matters could include:
  - litigation files (e.g. personal injuries, contractual disputes or building disputes) with a looming limitation date for the commencement of proceedings
  - conveyancing matters approaching settlement or where dates in contractual special conditions might be triggered or lapse (e.g. finance special conditions)
  - files with dates for the exercise of an option to renew a lease and you need confirmed instructions whether the client wishes to exercise it or not.
  - commercial files where there are security interests to be registered on the Personal Property Securities Register
  - unfinished matters where you hold instructions for the preparation of a will
  - estate administration files where you hold instructions for the timely sale of assets

3. Identify and record who has control of every matter, the work to be completed and the critical dates to do it by.
4. If you are not personally handling the day to day aspects on a particular file, speak to the person who is, and confirm the relevant dates and their capacity to complete the work.
5. If you are operating with hard copy files, make sure you take home files with time-sensitive dates – do not leave a ticking time bomb in the office unattended during the Stage 4 lockdown.

### **If you can't get the work done**

6. Identify any files or time-critical work you cannot complete for any reason and contact the client to discuss and seek instructions to transfer their file to another law firm who can act. Make file notes and confirm matters in writing to the client. See our checklist [File transfer to another firm](#).
7. Facilitate the transfer of these files quickly. If necessary, preserve any lien for unpaid legal costs, but do not delay transferring time-sensitive matters.
8. If the matter is complex and/or you cannot locate another solicitor to take it over, the risk of important matters being left inactive still needs to be addressed. Contact LPLC and let us know if you are stuck – we, or one of our external panel solicitors may be able to assist in providing advice on triaging files and minimising the risk of a future professional negligence claim – phone us on 9672 3800 and we will do what we can to assist.

### **Ongoing supervision of existing work**

9. With people working remotely it's essential for principals to know exactly who has responsibility for each matter, where it's up to and that work will be completed before critical dates expire. Don't assume that matters are under control. Check on the progress of every file. See our [Tips for effective supervision](#) to help you supervise effectively.

For more information about managing potential professional liability risks in the pandemic, see our earlier article [Safe practice during the pandemic](#).