

RISK MANAGEMENT INTENSIVE 2019

FULL-DAY RISK MANAGEMENT SEMINARS FOR VICTORIAN LAWYERS



Engagement and managing the client retainer

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CPD units: 1 Professional skills

Practitioners need to develop an engagement habit with a routine process to access every client and every matter before you agree to act. Identifying the client, scoping the work, considering your capacity to do the job and identifying the risks should be done before you accept the engagement.

Before you accept instructions to act think:

Right client

Right matter

Right time

Right client

Identify the client.

- Multiple clients or multiple roles.
- Unrepresented parties.
- Call it out - who you do and don't act for - confirm in writing.
- Client capacity and authority to give instructions.
- Is there a potential conflict?

Is this the right client for you?

- Are there any red lights or warning bells?
- Are they family or friends?

- What are the client's service and cost expectations, and can you meet them?
- Are unpaid fees the only risk factor?

Video:

A family affair

Right work

How do you get the law right?

- Define your areas of work in detail.
- Write down the areas of work you will and won't do.

Learn the law.

- Do you know the law in your defined areas of practice?
- Identify what you need to know.
- Learn the law in the areas you accept instructions.
- Keep up to date, focus your study.
- Is it about CPD or competency?

Get all relevant facts.

- Get information at an early stage of the process.
- Checklists and prompts.
- Clients must make informed choices.

Scope the work.

- What work needs to be done?
- What are the client's expectations for the work?
- Can you meet the client's expectations?
- Are you the right fit for this client?

Identify the risks.

- Identify critical dates and time frames.
- Do you have the experience and resources to do the work?
- What other risks are there?
- Blind spots - discuss with a colleague.
- The risks of limited retainers.
- Can you manage the risks?

Right time

Is this work at the right time for you and your team?

- Your personal situation.
- Your team and the firm's capacity.
- Do you have the support required to do this job?
- Control your workload.

The decision

Engagement requires a conscious decision.

- If yes - confirm the full scope and any exclusions in writing.
- If no - confirm in writing that you don't act.
- Do non-engagement letters to close off potential clients.
- Always confirm in writing and leave nothing in doubt.

Managing the retainer

- Proactive management.
- New issues arise.
- Terminate ethically if necessary.
- Declare completion.

Video:

We can do that

It's OK to say 'NO'

Reasons we don't say no.

- Relationships.
- Referral networks.

Action

List three things you can implement into your daily practice to improve your engagement habit and reduce your risk of a professional indemnity claim.

1. _____

2. _____

3. _____