



Information for solicitors who think a claim might be made against them

A professional negligence claim against a law practice distracts partners and solicitors from attending to the work of the law practice.

Dealing with a claim consumes time and saps energy. It may raise questions about the competence of the solicitor involved and about the law practice in general. It lowers morale and dents confidence.

Smart law practices ensure they have risk management systems in place to help avoid claims being made. Lawcover can help with this. But what should you do if, despite your risk management systems, a claim is made or threatened against your law practice?

1. Don't freeze

Many actual or potential claims can be managed successfully if they are dealt with quickly. Deal with the claim immediately. It may save you time and anxiety.

2. Seek help

It is not always possible or prudent to manage yourself out of every problem. Sometimes it is important to have an independent view. As soon as you become aware of an actual or potential claim, call Lawcover on 02 9264 8855 and ask to speak to a claims solicitor. We will be able to give you advice about issues such as whether you can continue acting for the client or should immediately refer them to another solicitor.

We may also be able to suggest ways of mitigating or avoiding a loss to your client.

A delay in notifying a claim can breach your policy and result in you facing another claim if the delay has prejudiced the conduct of the claim. Only you can notify Lawcover of a potential or actual claim against your law practice, and the notification must be in writing.

No claims loadings on notifications

Lawcover encourages the early notification of circumstances by law practices. This allows for early intervention which, in our experience, results in an earlier and more cost-effective resolution and potentially a more favourable claims history for the law practice. Circumstances that are not yet claims are never taken into account when calculating premiums. It is essential that law practices do not avoid notifying claims or circumstances through fear of gaining a claims loading.

3. Consider what can be done now to rectify the situation and do it

Agonising over a past mistake or error of judgment without doing anything positive to deal with it only make things worse. Quick action to rectify the problem will usually improve the situation. If you have made a mistake, or think you have, and want to know whether there is anything you or your client can do to try to avoid a loss being suffered, Lawcover's claims solicitors may be able to provide you with advice based on their experience in similar matters. They can often guide you and your client towards suitable counsel or experts to help you make the right decision in difficult matters.

You will not be charged any fee for any assistance that the claims solicitors are able to provide you.

4. Learn from the claim or 'near miss'

It is important to learn positively from an unpleasant situation in order to prevent it reoccurring. If the systems for processing work in your law practice are not reviewed and/or amended following an actual or potential claim, then a further claim may eventuate.

Take time to consider:

- Your client communication procedures
- Your complaint-handling procedures
- Your system for checking documents
- Your system for the regular review of all open files
- Your system for recording and reviewing critical dates
- Your engagement procedures, including the management of client expectations
- Your method of conducting client satisfaction surveys
- Your method of supervising the performance of partners and staff
- Your system for ensuring that all staff take leave each year
- The training and experience you and your staff have in effective practice management and implementing risk management strategies

5. Use Lawcover's services

Lawcover can assist you with all matters relating to claims or potential claims and information on how to avoid them and/or manage them when they occur. Many of Lawcover's services are available without additional cost to our insured solicitors.

For more information about Lawcover, please visit our website at [lawcover.com.au](https://www.lawcover.com.au) or contact us on (02) 9264 8855