

Short Minutes Transcript: The Importance of Formal Review Systems

Do you have a system where every open file is regularly reviewed, ideally by more than one solicitor in the firm?

The Victorian Civil and Administrative Tribunal recently found a solicitor guilty of professional misconduct for failing to inform his client of a Calderbank offer.

The date for acceptance of the offer passed and the matter was ultimately settled on less favourable terms to the client.

The client claimed the loss from the solicitor and made a complaint to the Legal Services Commissioner.

The file had previously been handled by an employed solicitor who went on parental leave and the new solicitor inherited the file. The offer was not relayed to the client before it expired.

The solicitor was reprimanded, fined \$9000, and ordered to pay costs of \$11,000.

Having regular file reviews and formal handover procedures in place will minimise the risk of missing important dates and tasks. The system doesn't need to be overly complicated and may be as simple as allocating time to review the actual file with the employee working on it. Sole practitioners should also set time aside to formally review all open files.

Reviews need to happen at regular intervals and particularly when staff take leave.

When effective review systems become part of your practice culture, the likelihood of finding yourself in this type of situation is minimised.

A link to the case can be found below.

- [Victorian Legal Services Commissioner v Waters \(Legal Practice\) \[2016\] VCAT 1835 \(28 October 2016\)](#)

I'm Melissa Fenton