

Off to the right start

Lawcover sees a number of professional negligence claims which stem from a failure to recognise an unsuitable client.

In a Lawcover claim, a firm took over the family law matter of a client with a costly and extensive litigation history who was unhappy with her previous solicitor. Eventually, the firm terminated their retainer citing difficulties in communication and by that stage there was over \$300,000 in outstanding fees and disbursements. The client was unhappy and asserted that the firm had been negligent.

Taking the time to conduct a thorough initial interview and obtain the right information about a prospective client is prudent practice. There are a number of key questions solicitors can ask to help flag potential problems:

- Why is the client unhappy with the previous solicitor? Was it really the fault of the previous solicitor?
- What does the client expect and is it reasonable?
- What is the matter or litigation history?
- Who is the client? Is there more than one?
- How will your fees be paid? Does the client fit within your practice credit policy?
- Is the matter appropriate for the size and scope of your legal practice?

By asking the right questions solicitors can make informed decisions about whether to take the client and the matter on. It can be very difficult to turn away a potential client, however getting off to the right start and properly pre-screening clients can help avoid the risk of taking on clients that are not a good fit for you and your legal practice.

In this case, although the negligence claim was successfully refuted, the firm took a heavy loss on its fees.

I'm Malcolm Heath

Lawcover resources:

[Lawcover's Client/Matter Instruction Check](#)