



## Short Minutes Episode 58 - Transcript

### Snowballing Mistakes

The actions taken after a mistake is made could mean the difference between a quick resolution and a catastrophic outcome.

In the decision of the *Victorian Legal Services Commissioner v Tan* a solicitor's simple mistake snowballed out of control. The mistake involved a failure to lodge an application for a liquor licence within time. Rather than admit the mistake, the solicitor told the client that the liquor licence had been approved and created a fake liquor licence to cover up the mistake.

Eventually, the solicitor was removed from the roll of practitioners. The court noted that the solicitor's conduct was unusual given that his dishonest actions seemed to be driven by a desire to avoid embarrassment for his mistakes.

Covering up a mistake can seem like a quick and easy option, but the situation can snowball into a bigger problem if not dealt with honestly. This decision serves as a reminder that trying to hide a mistake can be disastrous, no matter how small it may seem.

If a mistake or oversight occurs, remember:

- Don't panic – discuss the problem with your supervising solicitor or an experienced practitioner
- Always be candid and prompt with clients when a mistake has been made
- Never ignore or attempt to cover up a mistake
- Contact Lawcover and talk to a claims solicitor for advice. Your policy is there to respond when there has been a mistake.

I'm Malcolm Heath

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[\*Victorian Legal Services Commissioner v Tan\* \[2021\] VSC 692](#)