

Wrong way, go back!

Discovering a mistake

Everyone makes mistakes, but for solicitors, errors can have serious consequences, not only for themselves but for their clients and their legal practice.

The steps taken after a mistake is discovered can have an enormous impact on the potential consequences.

So, what are some steps that can be taken if you discover a mistake?

Don't ignore it

Mistakes are made worse when they are ignored. The error will not just go away and appropriate action should be taken to rectify the error and minimise the impact.

More importantly, don't try to conceal the error. This can compound the problem and lead to a much worse outcome than originally anticipated.

Don't panic

It may be tempting, but losing your cool won't correct the mistake and it won't help you, the practice or the client. The facts of the situation will remain the same, regardless of how you feel about them. Focus on trying to rectify the situation and ask yourself:

- ▼ How bad is the mistake?
- ▼ Can it be fixed?
- ▼ Who can help me with it?

Asking yourself these key questions will help you ascertain the seriousness of the problem and formulate a path forward.

Don't keep it to yourself

If a junior solicitor discovers a mistake, it is vital that she or he talk to their supervising principal about what to do next. Seek help from a fellow solicitor - a problem shared is a problem halved and it is not uncommon for someone else to have made a similar mistake previously. This may help you solve the problem quickly with minimal impact.

Learn from it

Learn from the experience and put measures in place to minimise the risk of the mistake occurring again. Remember, while structure and risk management are important, it is equally important to cultivate a culture that encourages communication and early recognition of mistakes. Staff should feel that they can admit to a mistake and know that there is the support within the practice to remedy it.

Remember, everyone makes mistakes, but it's what you do after you discover the mistake that makes all the difference.

For more comprehensive information and guidance about what to do when you discover a mistake, Lawcover offers "When you discover a mistake" - a complimentary course available on our Risk Online eLearning platform. [Click here to register for the course.](#)

Candice Perriman
Rick Education Manager

