

Looking on: The importance of supervision

Supervising staff is an integral part of running a law practice.

While good supervision is important, it's a skill that is rarely taught. Rather, for better or worse, supervision styles are often emulated from personal experiences.

The inadequate supervision of staff has been the source of many professional negligence claims against law practices over the years. A significant number of those claims resulted from either negligent drafting or a failure by inexperienced, and under-supervised, solicitors to properly advise clients.

When supervision is lacking

In the case of *Victorian Legal Services Commissioner v Olayemi (Legal Practice)* [2019] VCAT 1283, a young solicitor in a busy immigration law practice had carriage of a nomination and visa application for a client. Upon receiving a refusal letter and decision record from the Department of Immigration and Border Protection, he realised that he had made a mistake.

While completing the online application he had made an incorrect selection from a drop-down menu which, according to the evidence, was an easy mistake to make but fatal to the application.

The solicitor panicked and, instead of sending the client the original refusal letter and decision record, created fictitious reasons to cover up the mistake and falsified the documents. Only when the client accused the law practice of fabricating the documents did the solicitor confess the truth to his principal.

In the disciplinary proceedings which followed, and which resulted in a finding of professional misconduct, the principal gave evidence in support of his employed solicitor. In the principal's view, the solicitor's reaction to the visa application refusal spoke more about the pressure he was under than it did

about his character. The principal admitted that there were failures in the work environment and that he had placed unreasonable pressure on the solicitor without realising the stress he was under or that his supervision was lacking.

Practice tips for effective supervision

- ▼ Explain tasks in detail and set clear timeframes and expectations
- ▼ Conduct scheduled file reviews and monitor key dates
- ▼ Meet on a regular basis to discuss workloads and workflow
- ▼ Implement systems to monitor communications such as incoming and outgoing emails
- ▼ Use checklists to prevent oversights and provide reminders about next steps
- ▼ Provide frequent, balanced and specific feedback
- ▼ Invest in training to improve knowledge, skills and development
- ▼ Adjust your level of supervision for staff members according to their experience, personality and role.

Taking the time to review the effectiveness of your supervision practices, and recognising areas for improvement, can help to identify potential risks while creating a better working experience for everyone.

In August, Lawcover is releasing a complimentary supervision course which will be available on our Risk Online e-learning platform. Keep a look out for more information in your inbox.

Other complimentary eLearning courses include:

- ▼ Cyber claims in legal practice
- ▼ What to do when you discover a mistake

Visit [Risk Online to register](#).

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