

# Don't Panic! What to do and what not to do when facing a claim

## Claims can happen to anyone

Solicitors can be perfectionists. We take our responsibilities to our clients, and the court, very seriously. We pride ourselves on the quality of our work and are very aware that a claim against us has considerable potential to damage our reputation or call our professionalism into question.

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It's understandable that when faced with a claim, a complaint, or a mistake which affects our client's interests, some of us may panic.

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Many solicitors facing allegations of negligent advice or work, by a client, speak of sleepless nights and feelings of anxiety. Some solicitors become hypervigilant to the point that concern about mistakes, complaints or claims becomes obsessive and compromises their mental health.

### **Claims can happen to anyone**

Even if you have been admitted for many years and practising in the same area, you could still be the subject of a claim brought by another party to the proceedings; someone you didn't even act for.

Some claims are completely fanciful, and some claimants are struggling with issues that result in a combative, litigious, and oppositional stance towards their solicitor.

It's important to accept that mistakes in your work can, and do, happen in every practice. We're all human, and especially during these uncertain times mistakes can happen and are a natural part of working life.

### **What to do when you receive a claim**

The first thing to do when you become aware of circumstances that may give rise to a claim or an actual claim from your client or another party alleging negligent legal work, is to contact Lawcover.

### **Call us**

They say that a problem shared is a problem halved, so don't hesitate to discuss your situation with us.

We have seen many kinds of claims and are happy to talk through your situation and decide the best course of action.

### **Notify us early**

Even if the claim doesn't proceed, it doesn't hurt to notify us. If the claim goes away, or never materialises, our file will be closed and there will be no impact on your policy. If the claim eventuates, you'll have a file, a reference number and a claims solicitor who is ready to help you.

### **Help us to help you.**

Your co-operation is essential in enabling us to manage a claim against your law practice. We aim to get the best outcome for you and your client. Your claims solicitor will let you know what documents or information is needed and you can help us by making all pertinent information quickly available.

### **Look after yourself**

Claims can be very stressful, and this can take a toll on your wellbeing. Look after your mental health and manage your stress in the ways that work best for you.



## DO

- ▼ Call Lawcover for a confidential discussion about your circumstances and how to proceed
- ▼ Notify Lawcover early – you can find our claim form and instructions on our website
- ▼ Provide us with the documents we need to help you
- ▼ Take care of yourself and get the support you need.



## DON'T

- ▼ Panic
- ▼ Blame yourself
- ▼ Ignore the issue and hope it will go away
- ▼ Wait to notify us while the situation deteriorates
- ▼ Disconnect from assisting us once you have notified the claim

Remember, solicitors make mistakes and claims can happen to anyone. Let Lawcover look after your claims, so you can concentrate on looking after yourself and your practice.

If you or someone you know is having trouble coping, having suicidal thoughts or just needs to talk, contact the Law Society of NSW Solicitor Outreach Service (SOS) – a dedicated and confidential counselling service for NSW Solicitors on 1800 592 296. Or contact LIFELINE on 13 11 14.

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