

Destabilising the supervision structure

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The importance of effective supervision of junior solicitors and paralegals is often overlooked in practice.

Not only is supervision a legal requirement (see Rule 37 of the *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015*), but when done well, supervision can have huge benefits in terms of the profitability, staff retention and risk management in your practice. However, it only works when all components – the culture and the systems - of a supervision structure work together.

Here is an example of a situation where the supervision policies were in place but the attitude of the supervising solicitor made the policies ineffective. A junior solicitor was instructed by a client to lodge a caveat over a property. The junior solicitor had never lodged a caveat before, had very little knowledge of property matters and quite appropriately sought guidance from her supervising solicitor - an experienced property solicitor. However, when approached, the supervising solicitor was too busy with other matters and simply responded with 'Well, you're a smart cookie, you can work it out'.

Left to her own devices, the junior solicitor completed and lodged the caveat but selected an incorrect description for the interest claimed and the client was exposed to a claim under Section 74P of the *Real Property Act 1900*.

In legal practice mistakes happen, however there are always underlying factors that contribute, and mistakes can often be prevented. While the junior solicitor lacked experience in the area, she did have the foresight to seek guidance from someone who did. But effective supervision only works if both parties are equally invested. The overall structure needs to be strong and that can only be achieved when the right attitudes and systems are in place.

The balancing act - Attitudes

As a supervisor it can be difficult to put time aside and stop what you are doing to help someone else, particularly if in your view, the answer to the problem is straightforward. However, a supervisor has the benefit of years of knowledge and inherent skills and it's important to remember that a supervisor was once a supervisee.

Personal attitudes play a significant role in encouraging and maintaining a strong supervisory relationship that includes open dialogue, approachability and mutual respect. This translates to good risk management; transparent communications, availability, and a commitment to the process from both parties. The great thing about effective supervision is that it can prevent mistakes and oversights, but it can also promote skill development, maintain quality and support new solicitors and paralegals.

The balancing act – Structure

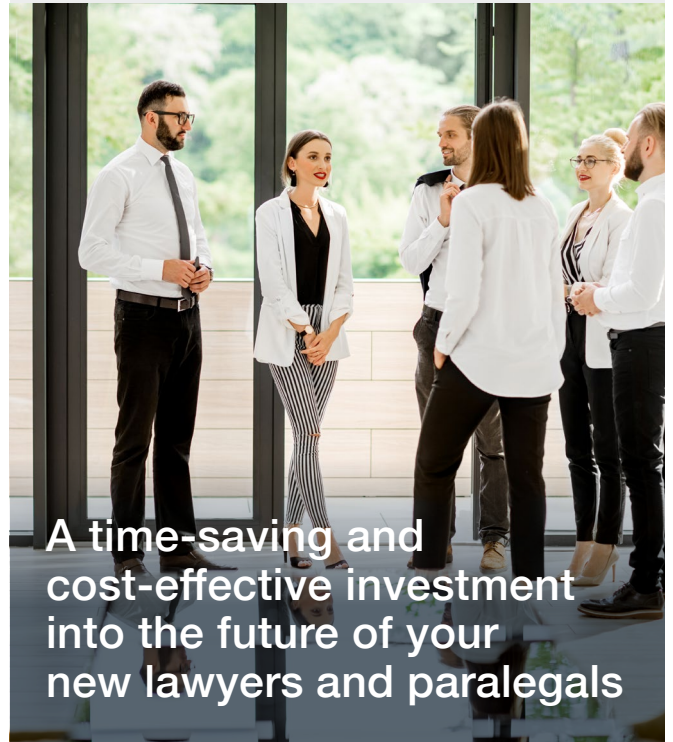
Supervision works best when good systems support good attitudes. Providing a structure and framework where supervision is supported broadly includes:

- Implementing reciprocal feedback
- Realistic task and goal setting
- Time allocation for one-on-one communications
- File reviews
- Education and training

By setting specific, measurable goals and providing ongoing feedback, supervisors can help supervisees track their progress, identify areas for improvement and manage risks.

It is important to remember that even with effective systems and good attitudes, a structure is only as strong as its parts. Even with good systems in place, without the right attitude and everyone working towards a common goal, it only takes one broken or flawed element to destabilise the whole supervision structure.

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