

Delay

Delay is a widespread problem for lawyers and is a significant cause of complaints and claims.

Problem files

These are files which do not progress even though they are not necessarily difficult or complex. This is often because of a breakdown in the client/solicitor relationship, or a perception on the part of the fee-earner that the file is beyond their competence.

- Encourage staff to acknowledge problem files as soon as possible
- Provide opportunities for staff to discuss these files with their supervisor
- Consider appointing a troubleshooting partner to assist with problem cases
- Have regular team meetings to discuss difficult files
- If appropriate, ask for help from counsel or an expert
- Consider a file swap with another fee earner
- Draft a timetable for review of the file
- Make an appointment with the client to break the deadlock
- If there is a breakdown in the relationship with the client, consider whether you can continue to act in their best interests. It may be better for them to instruct another firm

Overlooked files

- Ensure that regular file audits are undertaken on all files including partners' files
- Use 'nil movement' and 'exception reports' to identify dormant files
- Ensure old matters are promptly closed and archived
- Use checklists to review files and ensure consistency of file management
- Encourage every fee-earner to review the contents of their filing cabinet regularly

Management of clients, experts and counsel

- Ensure that all parties are aware of any deadlines for reports or opinions and that they are provided in good time
- Advise clients in writing of all key dates, and remind them regularly
- Warn clients clearly of the implications of failing to respond to your requests for information or to put you in funds
- Keep clients fully informed of any developments in their matter

Ineffective time management

- Prioritise work by making realistic task lists
- Keep a tidy workstation
- Set aside specific times of the day for dealing with phone calls, emails and queries from colleagues to keep unscheduled interruptions to a minimum
- Turn off automatic email notification and forward your phone when working on a complex matter, so that you are not distracted

Unacceptably heavy caseload

- Implement a system for the appropriate allocation of new clients to fee-earners
- Supervise and support junior or inexperienced fee earners to avoid overload
- Conduct regular audits on all files – including partners' files – to identify and overcome delay
- Ensure that delegation is appropriate, and not resulting in unequal distribution of work (See Delegation Fact Sheet)
- Look at your complaints and claims record as this may reveal problem areas

Inexperience and taking on matters outside your expertise

- Do not dabble in unfamiliar areas of law however great the temptation or the client pressure – there will be delay while you familiarise yourself and you may make errors
- Monitor cases to check that unfamiliar areas do not become involved as a matter progresses
- Identify training needs at appraisal
- Assess all new matters to make sure they are within the firm's range of work, and within the individual fee-earner's ability
- Beware of taking on part-completed work from another firm
- If you cannot deliver a good service and fulfil your duty of care to the client, do not take it on

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