



GUIDANCE NOTES FOR LEGAL PRACTICES

Communication within your practice

Communication should be a two-way process. When it isn't, there is considerable scope for confusion and misunderstanding. Standard procedures will help to ensure that internal communication is effective.

Where problems may arise

- Within departments
- Between departments
- Between staff and management
- Between offices or different floors in offices

Within departments

- Watch out for procedural changes as well as client related matters
- Changes implemented during someone's absence (particularly a long absence such as maternity leave) may be overlooked when they return. How do you ensure that such changes are communicated to that person on his or her return?
- Use your intranet site or regular meetings to keep staff updated, but ensure that your core reference sources such as the office manual are also brought up to date
- Hold regular departmental meetings to make sure that communication is two-way and not just downward
- If it is not appropriate for support staff to attend all meetings, consider involving them at some stages in the process

Encourage a culture in which staff:

- Can approach others for help
- Discuss their problem files openly
- Share knowledge and information (for example, new case law or legislation)
- Highlight working practices or procedures which may be improved

Between departments

- Files are often transferred between departments, for example when a non-contentious matter becomes contentious
- Check to see whether cost or other pressures prevent the early transfer of such matters. Delay could damage the client's position
- Lawyers in different departments or with different specialisms may be required to work on the same matter, for example a large corporate acquisition or a major property development. Files may need to be passed between departments. Encourage a culture in which staff share knowledge and information

In these situations, it can be helpful to use standard form instructions which specify:

- The files and documents being transferred
- Other relevant files or documents and where they may be found (in paper or electronic form)
- Background information on the client
- Background information on the matter, including costs paid or outstanding
- What needs to be done and any timescales that apply
- Critical dates
- The contact partner for obtaining instructions and reporting
- Who is ultimately in charge of the matter
- Confirmation that the client has been advised of the instructions

In addition, it is important to notify interested parties (e.g. the accounts team, matter partner, line managers) that the file has been transferred or that a sub-file has been created. Maintain communication between departments after the transfer and liaise where necessary to ensure objectives are met and that the matter is successfully concluded.

Teamwork

Where a team is working on a matter, ensure:

- There is an effective team leader whose function is to provide the necessary motivation, direction, coordination and supervision of work
- Individual team members know what team work involves – recognising the importance of each other's contribution and accepting responsibility for ensuring the team has the right facts and is focusing on the right issues
- Junior members of the team feel able to contribute and are recognised as adding value
- Team specialists are not so immersed in their speciality that they fail to see where expert consultation outside their own area is needed
- Team members exercise, when dealing with one another, the same tact and interpersonal skills as they do when communicating face-to-face with clients

Between staff and management

- Communication should not just be from management to staff, but should operate upwards as well
 - Staff should be encouraged to report ineffective working practices, new or emerging risks and existing risks that need to be addressed by the partners or members
 - All staff should feel able to report complaints and claims at the earliest possible opportunity without fear of recrimination as this is in the best interests of the firm
 - Such reports should be handled sympathetically to encourage a similar approach in the future
 - All staff should understand their responsibilities to inform Risk Managers of any problems, suspicions or 'near misses'
- Provide opportunities and encourage staff to discuss personal problems which may impact on their ability to do their work efficiently. In particular, alcohol, gambling or debt problems may be an underlying cause of negligence or even fraud claims against a firm.

Between offices

Ensure that all offices, if you have more than one, are involved in the communication process. Excluding an office or even a floor from the communication process may generate actual or perceived feelings of isolation. This in turn can result in the office becoming 'a firm within a firm', operating to its own agenda and adopting its own working practices.

This situation often arises in the case of smaller branch offices. The head office may have good internal lines of communication, but these are not always extended to the branches. This can leave the smaller office unaware of new working practices or procedures.

It's important that all offices and teams follow procedures, paying particular attention to post checking and file audit systems, to reduce the risk of fraud or of any potential claim or complaint being concealed.