

A pre-Christmas update cont...

months), identify the issues for the coming year and establish relevant committees.

LAW COUNCIL OF AUSTRALIA

On 4 and 5 December, Duncan Maclean, Barbara Bradshaw and I attended at the final LCA meeting in Canberra. The Council of Law Societies (COLS) met on the Friday and the LCA met on the Saturday. During the COLS meeting I spoke to an agenda item on tort law reform and medical indemnity insurance. The Law Society is very concerned that we have not seen the end of tort law reform.

Following on from our discussion at COLS on 5 December 2003, the Directors of the Law Council of Australia resolved that:

1. Tort law reform in respect of medical negligence and workers' compensation be re-prioritised in our strategic plan to highest priority status, with the objective of protecting and restoring the rights of injured people.
2. A full-time staff member co-ordinator be immediately appointed from the staff of the Law Council of Australia.
3. That a working group be set up to advise on the funding and other resources to be directed immediately:
 - (a) to research, compile and collate, statistical and other information and,
 - (b) to develop a strategy to achieve our objectives.
4. A working party be established which includes Ms Merran Short (Northern Territory Law Society), Mr Bill Redpath (Law Society of the ACT), and Mr Glenn Ferguson (Queensland Law Society), Steve Southwood QC (LCA President Elect), and a representative of the Legal Practice Section of the Law Council.
5. The co-ordinator and the working party meet by phone no later than 19 December 2003.
6. The co-ordinator and working party consult with constituent bodies and other appropriate bodies with a

view to presenting a strategy, including *inter alia*, a grass-roots media campaign, to address our objectives.

7. The working party circulate a report which addresses, *inter alia*, governance issues and financial implications by 31 January, 2004.

CARRIED UNANIMOUSLY

On a much more pleasant note the LCA resolved to admit the Northern Territory Bar Association (NTBA) and the Western Australian Bar Association as members of the LCA.

From the Northern Territory's perspective, this is a great achievement as it means that from March 2004 we will have three representatives sitting on the Law Council - myself as the LSNT representative, Steven Southwood QC on the Executive and John Reeves QC as the NTBA representative.

I congratulate the NTBA and look forward to their contribution to LCA and their continued support of the Law Society NT.

All in all the LCA meetings were very productive and informative, which brings me back to my opening paragraph. Have you thought you know someone, only to discover... that they can tinkle the ivories like a Broadway performer, have a voice which (whilst not Pavarotti) certainly puts most of us to shame and a repertoire to impress. LCA members were provided with after-dinner entertainment in the Hyatt Hotel lobby by our very own Duncan Maclean, who knew? It was midnight and a few noise complaints ensued (they go to bed early in the ACT) so the very accommodating Hyatt Manager, Mike, kindly offered us the "Presidential Suite", where Duncan continued to serenade us into the wee hours of the morning. There were a few sore heads the next day, but it was worth it.

As this is my last column for the year, I would like to thank the Secretariat for their assistance and support, and extend season's greetings to all of you and hope that you have a safe and happy Christmas and a prosperous New Year.⁽¹⁾

Quality Practice Review

In early December, Sue Harrington of LeMessurier Harrington Consultants, in conjunction with Cheryl Richardson of Marsh Pty Ltd, presented a series of risk management seminars in Darwin.

Sue Harrington also made a presentation setting out the procedure for the Quality Practice Reviews instigated by the Society. These procedures are outlined in this article. Reviews will be conducted in the week commencing Monday 16 February 2004.

It is important to note that the results of a review are strictly confidential and only statistical information will be provided to the Society.

The review is designed as a support to practitioners in managing their practice and is not intended as a check up, since the results of the review will only be available to the firm concerned.

Cost

First Phase - Questionnaire, Visit, Report - \$1,375.00 (incl GST).

Additional hours, which may be required by larger firms, @ \$275.00 per hour (incl GST)

Second Phase - Visit, Interviews, Report - \$825.00 (incl GST).

Additional hours, which may be required by larger firms, @ \$275.00 per hour (incl GST).

Disbursements will be covered by the contribution from the insurer for those firms that participate in the Northern Territory PII scheme. For those firms who do not participate in the NT PII scheme, disbursements will be additional.

Discount

Firms conducting the First Phase of the Quality Practice Review by 31 August 2004 will be eligible for a ten percent discount on premium for the September

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Quality Practice Review *cont...*

2004 renewal.

Bookings

To book a Quality Practice Review in the week commencing Monday 16 February 2004 or for further information, contact LeMessurier Harrington Consultants on telephone (08) 8344 2323 or email pracsupport@chariot.com.au.

About LeMessurier Harrington Consulting

Jane LeMessurier LLB and Sue Harrington LLB are partners of LeMessurier Harrington Consulting. They have a background in private practice, education and professional indemnity insurance. Their business focuses on the development and presentation of risk management education programs and quality practice reports for lawyers and other professionals.

They have recently provided services to the South Australian, New South Wales, Victorian, Tasmanian and ACT legal professions, The Australian Institute of Conveyancers, the NSW Bar Association, the Medical Defence Association and the Law Society of Singapore.

The need

As lawyers, we all want to provide our clients with a quality service. We want to have an efficient, effective and enjoyable practice.

Generally our legal knowledge is good. The fact that only about ten percent of claims come from lack of knowledge of the law, backs this up.

Where we tend to have problems and frustrations is in the area of office management, systems and procedures and communication.

The Quality Practice Review is a basic tool to assess and improve these areas in your firm. It will give you a bench mark.

The project

The project will have two phases.

The first phase entails:

Questionnaire

A nominated person in the firm will complete a questionnaire that we send covering the major areas of risk management.

Visit

Then either Jane LeMessurier or Sue

Harrington will visit the office and conduct an audit for about three hours. The number of people spoken to will vary depending on the size of the firm.

We will want to speak to at least one partner and have access to both legal and administrative staff to view and discuss systems, procedures and practices. Some audits simply check written policies and procedures. We will look at any of these that you have but we are especially interested in what the personnel know about what's required and what they actually do.

This process is both a trigger for change and improvement but can also motivate a firm to continue to maintain their good practices and high standards.

There are basic best practice standards for legal firms that are currently accepted worldwide. We are very aware however that the practical application of these principals of "good" or "safe" practice will vary depending on the size of the firm, the type of work undertaken and the client base. For example, a small firm may have a manual diary reminder system that is just as effective as a computerised system in a large firm.

At each firm we will make enquiries and observations under the following headings:

- * Business acquisition and client acceptance
 - Deciding the type of work done by the firm
 - Client vetting
 - Conflict of interest
 - Non engagement letters
 - Letters of engagement
- * Management of people
 - Partners' attitude to management
 - Delegation and supervision
 - Office culture
 - Policies
 - Procedures
 - Administration and legal personnel
 - Reward system
 - Staff morale
 - Staff turnover
 - Accountability
- * Time Issues
 - Culture
 - Systems & procedures – individual and firm

- Checks
- Training including temporary staff
- File set-up
- * File Management and Communication
 - File organisation
 - Ingoing and outgoing communications
 - Mail procedures
 - Return phone call practice
 - E-mail & fax practice
 - File review
 - Safe custody storage
- * Continuing Education
- * Risk Avoidance Strategies

The first report

A written report will be made to each firm within two weeks of the visit outlining the observations under the above headings and giving specific recommendations for improvements in risk management practices.

The second phase entails a return visit and report and will occur as follows:

The second visit

After a suitable period, likely to be about six months, a return visit will be arranged to the firm. Interviews and observations will be related to the specific recommendations in the previous report to see if they have been implemented and to assess how they are working.

The second report

A written report will be given to the firm within two weeks of the return visit outlining what has been observed about the implementations of the recommendations and giving suggestions where appropriate for making further improvements in those areas.

This project is not intended to cover every aspect of the firm's practice and it is not a quality standard certification procedure. While a few Australian firms have gone down this track many have found it financially and administratively unworkable. We are focusing on ensuring that the basic platforms are in place in the firm for good practice.

The benefits of quality practice

- * Improved client service = happier clients
- * Fewer mistakes = greater efficiency
- * Greater productivity = increased profitability
- * Reduced financial exposure
- * Less stressed practitioners and staff. (1)