

We often see claims related to lawyers who have not uncovered all the facts or developed a sufficient understanding of a client's matter. Here are tips to ensure a thorough understanding of the file.



## 1. MAKE INQUIRIES TO KNOW YOUR CLIENT

- Ask about clients' circumstances to ensure your advice takes everything into account. For example, a client's immigration status can be a key consideration when representing a person in criminal law; learning a client's family tree, including previous marriages, is vital to preparing a will.
- Consider whether any title, corporate, or litigation searches may be necessary to develop a complete understanding of the file.



## 2. ASK FOR DOCUMENTATION AND USE PROBING QUESTIONS

- Some lawyers do not request client documents or ask the questions that could uncover material facts. Not knowing key information can cause significant problems in how you serve your client.
- To reduce this risk, ask open-ended questions during client intake and throughout the retainer.
- Inform your client what documents you will need from them. Follow-up with them with further questions. Ask, ask, ask. And then do a reporting letter to confirm your understanding of the facts and to confirm your instructions for next steps.



## 3. TAKE TIME TO CATCH AND CONSIDER ALL THE DETAILS

- Whether it is misreading (or not reading) information on a document, not conducting a search or not researching thoroughly, rushing or taking shortcuts can come back to haunt you. Make sure clients understand the risks if they instruct you to take shortcuts (usually to reduce fees), and that those discussions are documented. Do not be pushed into taking shortcuts that make you uncomfortable.



## 4. IF YOU ARE GOING TO OFFER LIMITED SCOPE RETAINER SERVICES, DO IT RIGHT

- Learn about unbundled legal services best practices, sample retainers and other resources on the practicePRO [Limited Scope Representation Resources page](#).
- Recognize that unbundled legal services are not always appropriate.
- A limited scope retainer does not mean less competent or lower quality legal services.
- Identify the discrete tasks that can be undertaken competently, confirm the scope of the retainer in writing and stick to it.



## 5. MAKE USE OF CHECKLISTS AND REPORTING LETTERS

- A final reporting letter detailing what you did and the advice you gave can be a great help if a claim occurs, which may arise long after you've forgotten the details of a particular file.

LEARN MORE INVESTIGATION TIPS AND MANAGING YOUR RISKS:

See the "[Malpractice Claims Fact Sheets](#)" and the [practicePRO inadequate investigation webpage](#).