

The #1 cause of claims in almost every area of practice is communication breakdown. Implement the following actions to help avoid communication problems in your practice.



1. START CLIENT MANAGEMENT AT THE FIRST MEETING

- Use the initial client meeting to set clear client expectations.
- Meet with the client face-to-face (in person or online if necessary) to discuss the client's legal issue, understand their needs, and set parameters for the relationship.
- This is the time to find out all the information you will need to effectively act.
- If you end up not acting for a prospective client, confirm it in writing.



2. SET THE SCOPE IN WRITING

- Have written retainer agreements with clients. This ensures that you and your client agree on the cost of your services and helps manage client expectations.
- It is important that you clearly express what is and what is not included in your services. Helping clients avoid surprises can lower your claims exposure.



3. KEEP YOUR CLIENT INFORMED

- Keep clients up-to-date on the status of their matters.
- Explain obligations and deadlines that will arise.
- Ensure your client understands the implications of signing key documents (such as contracts and settlement agreements) and the potential ramifications of all decisions (such as guilty pleas and custodial sentences on employment or immigration status).
- An unhappy client who feels neglected or ignored may try to challenge your actions later.



4. DOCUMENT INSTRUCTIONS, ADVICE, AND STEPS TAKEN

- Take detailed notes and confirm client conversations in writing to minimize misunderstandings, manage client expectations, and stay on course.
- Clients only have one lawyer, but lawyers have many clients. The details of the case are therefore memorable for the client. Unless you have detailed notes, the client's recollection may be more credible than yours.



5. CONFIRM RECEIPT OF CORRESPONDENCE

- When sending correspondence to your client or third parties, especially foreign agents, ask them to confirm receipt of that correspondence. If you don't receive confirmation within a reasonable time, follow-up to ensure the correspondence was received.



6. BE CLEAR WHEN THE RETAINER IS OVER

- 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 ABOUT EFFECTIVE COMMUNICATION AND MANAGING YOUR RISKS:
See the [“Malpractice Claims Fact Sheets”](#) and the [practicePRO communication webpage](#).