

Professionals make mistakes: how to avoid claims and complaints

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Happy (crash) landings



Crash test... dummies



It would never
happen to me...



Digging yourself
into a hole....



***Is a lot easier than
getting out of one?***

Ethics and integrity



Take a parachute, just in case...



Communication is key



A reputation takes years to earn and a moment (of madness) to lose forever

- Making mistakes does not make you a bad lawyer;
- Failing to admit mistakes makes you a bad lawyer (you are never going to learn)
- Covering up your mistakes makes you a dishonest lawyer (and probably an ex-lawyer)
- Mistakes in litigation, if identified early and dealt with promptly, can often be rectified or at the very least the consequences minimised.
- Far better to face up to a mistake than lose your means of earning a living.
- Source: Gordon Exall's blog on civil litigation on this topic

PLAN – ACT – LEARN

- Maintain indemnity insurance with an ample limit of indemnity so you can sleep at night.
- Fail to plan and you plan to fail. We measure success but we should also risk assess/ plan
- Have systems in place to spot when things have gone or are going wrong.
- Don't prevaricate. Prompt action is key, but not in a state of panic. Take senior advice and think several steps ahead before acting.
- Should the matter be passed to a colleague (or another firm if the client wants)? Don't make it half baked or repeat the same (or different) mistakes: "Take Two" must be perfect!
- A prompt apology to the client coupled with an action plan can avoid a complaint/claim. Speak to your insurers.
- Analyse and talk about what went wrong. Not just for catharsis but to avoid repetition: look at workloads, supervision/ support, wellbeing, know-how/ training, risk assessment/systems.

- Professional indemnity insurance at the Bar of England and Wales
- Bar Mutual Indemnity Fund
- Top-up insurers



Thank you!

Any questions?

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