

CHECKLIST TO ASSIST PRINCIPALS OF NSW LAW PRACTICES RESPOND TO COVID-19 WORKING CONDITIONS

1. Stay safe and stay well

During a time of crisis management, the well-being of yourself and your staff is critical:

- know the signs of COVID-19 and be vigilant
- ensure staff have a good understanding of managing the [risks in the workplace](#)
- share [regular COVID-19 updates](#) by using reliably sourced material
- understand the constant media coverage can [heighten anxiety](#) and share tips for coping with COVID-19 anxiety

2. Client communication and your current legal matters

Communicating the potential impact of COVID-19 on your practice will assist to manage client expectations and ongoing risks:

- review work in progress, critical dates, and the impact of potential delays – ensure that all next in court dates, due dates for undertakings, and statute of limitation periods are well diarised by all principals and file handlers
- prioritise critical items and advise clients of possible delays; where necessary communicate any changes in how the practice is operating, including updates of contacts and the availability of staff
- manage clients' expectations about how their matters will be conducted by explaining and documenting possible changes, including possible changes to the outcome of their matters

- hold client meetings online via Microsoft Teams, Skype, Zoom or other appropriate platforms
- read our [FAQ](#) on communicating effectively with your staff, your clients and the courts

3. Alternative working arrangements

Alternative working arrangements may support the health and safety of staff and manage the impact of school or child centre closures:

- ask staff to complete a [Working from Home checklist](#) to review their working environment and your ongoing WHS obligations
- consider your current professional indemnity insurance coverage. Are any amendments required?
- review implications to your records management systems and associated risks, then document and share revised policies
- tailor staff monitoring, [supervision](#) and quality control systems for a virtual or home office
- remember your trust accounting obligations - deposit trust money as soon as practicable and ensure that your trust account records are kept up to date
- discuss the external examination time frames and requirements with your external examiner and all other relevant service providers (eg banks, stationery providers and IT services)
- see our FAQs on complying with your [trust account obligations](#)



4. Costs

- Use the time during physical isolation to get on top of your costing, invoices, and cash flow.
- Check your [disclosure obligations](#).
- Cross check your current costs against your original cost agreement.
- Where necessary, update written costs estimates to your clients.
- Consider instalment/payment plans for clients experiencing financial difficulties.
- Where appropriate consider a [costs settlement deed](#). The deed allows you to contract out of a costs assessment and not be restricted to the 12-month limitation period.

5. Ethics

- Revise systems for [maintaining confidentiality](#) when working remotely for both solicitors and lay associates eg telephone calls, work space. Ensure files are kept separate and stored securely.
- Inform other household members of the need for confidentiality and restrict access to files and telephone conversations.
- Be careful not to give an undertaking if you cannot control your compliance eg you may discover you need to self-isolate immediately.
- Ensure that clients can exercise their right to their file; you must be able to provide it to them or their new solicitor, even if your office is closed.
- Ensure [conflict of interest](#) checks are done before confirming your instructions, even though you and your staff are working remotely.
- Keep up to date with emerging security risks eg privacy concerns about teleconferencing platforms and [scam alerts](#).
- Maintain appropriate levels of formality in both communications and attire eg when dealing with online court forums and meeting with clients.

6. Document your law practice contingency plan

Serious illness or injury can debilitate a principal suddenly and does not discriminate. Similarly, while the sudden death of a principal is a tragic and unexpected event, it can happen to anyone, regardless of age, health, lifestyle and other perceived 'low risk' factors.

Nominate your personal representative and an alternate. This will assist to:

- protect your clients' interests
- ensure minimum disruption to your practice
- reduce the need for regulatory intervention
- support staff at a stressful time
- preserve the value of your practice and your interest in the practice
- avoid undue stress on family and friends

For information about how to make your nominations - contact the [Regulatory Compliance](#) Unit.

7. Practice Support

For further information, please contact the Law Society of NSW's Professional Support Unit:

- Regulatory Compliance regulatory.compliance@lawsociety.com.au
- Ethics ethics@lawsociety.com.au
- Legal Costs costs@lawsociety.com.au