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November 2019

You Can Delegate Your Tasks, But Not Your Responsibility!

Nowadays, the ability to delegate and surround oneself with qualified people is seen as one of the essential qualities of a competent professional. Indeed, there are many advantages to delegating—when it's done properly. Among other things, delegating allows more experienced lawyers to focus on more complex tasks that provide added value to clients. At the same time, it provides junior lawyers and support staff with the opportunity to acquire new skills and knowledge. For their part, clients are able to get quality services at a lower cost.

However, each year, the *Professional Liability Insurance Fund of the Barreau du Québec* receives dozens of notices where support staff errors are at issue. The same is true as regards the lack of competence of a junior lawyer, to whom the file has been delegated without the client's authorization. It is therefore important to keep certain simple, but often forgotten, principles in mind when entrusting tasks to those you work with.

1. **Consider the nature of the tasks to be delegated**

First, identify the tasks that can be delegated and those that you, yourself, must perform. Once you've done that, consider the person to whom you will entrust the task and why. At this stage, it's a good idea to get an overview of the skills, motivations and interests of those you work with in order to properly match up the tasks to the individuals. Then, meet with the individuals to validate and confirm your vision.

2. **Inform your client**

When you believe all or part of a file can be delegated, inform your client and explain your vision. What advantages can the client get from having certain tasks carried out by your colleague? As a matter of fact, we suggest your colleague participate in the initial meeting. This way, your client can form an opinion on your colleague and your colleague can properly grasp the nature of the mandate and the client's expectations. Once there's an agreement on the distribution of tasks, it's highly recommended that you set all of this down in a written mandate.

If the idea of delegating certain tasks comes to you while you are already performing the mandate, let the client know and start the delegation gradually. This way, your client will be able to build a relationship of trust with the new person involved in their file. This will avoid confusion, and even frustration, on the part of the client. At no time should a client have the feeling that their file is less important for you. We also suggest you check from time to time to see how satisfied your client is with the tasks performed by your colleague. Your client will appreciate this attention and, at the same time, you'll be able to provide feedback to your colleague.

3. Explain your vision of the file

Before a colleague begins a task, make sure you have a sufficient grasp of the file to provide an overall picture of the situation. Communicate your vision of the file, your expectations and your priorities. Let the colleague know if certain documents or elements require particular attention or could have an impact on the file. Your colleagues can't guess what you're expecting! They will perform better if they understand the issues involved in the file and will be able to be flexible if things don't go as expected.

In the same vein, if your colleague was unable to participate in the initial meeting with the client, it is important to explain the client's expectations, financial constraints and deadlines. This will avoid misunderstandings or frustration on the part of a client whose instructions have not been followed.

4. Check your colleague's understanding

At the end of your conversation with the colleague, why not ask them to state what they've understood about the file and the issues at play. You'll immediately be able to provide any needed clarifications and avoid having to redo the work.

An alternate way of confirming that your colleague has understood the file is to ask them to give you their vision of the file. This can also be a good way to find innovative solutions to your client's problems, solutions you may not have thought of. That's the beauty of team work, after all!

5. Follow up

Follow up with your colleague on a regular basis. We suggest you establish control processes to make sure you meet deadlines and deliver quality work. It's also important to provide frequent feedback. This will allow your colleague to know how satisfied you are with their work. In addition, people appreciate feedback, because it's an excellent tool for improvement.

In conclusion, while the process we are suggesting may seem arduous and time-consuming, it's nothing compared to the time required after improperly delegating a file, when you have to start the work all over again and manage your client's dissatisfaction. Whatever you do, don't forget that, when it comes to your clients, you are responsible for the mistakes of your support staff or your younger colleagues—whom you have undertaken to supervise!

Adapted from: *Delegating responsibly and effectively*, Lawyers' Professional Indemnity Company, May 18, 2016, available at https://avoidaclaim.com/2016/lawpr-magazine-archives-delegating-responsibly-and-effectively/.