

Practice Resource

Top Ten Tips for Lawyers Supervising Staff

Introduction

Supervising staff is a critical responsibility for lawyers to ensure the integrity and professionalism of their practice. Here are ten essential tips to help you effectively supervise your team:

1. Understand your professional responsibility

[Code rule 6.1-1](#) tells us that a lawyer has complete professional responsibility for all business entrusted to them and must directly supervise staff and assistants to whom the lawyer delegates particular tasks and functions. Ensure you directly oversee tasks and functions that you delegate, particularly to non-lawyers, and maintain control over trust receipts, deposits, billings, and client communications. Staff may not deal with trust funds except in accordance with the [Law Society Rules Part 3, Division 7 – Trust Accounts and Other Client Property](#). For example, you should never leave pre-signed blank trust cheques for staff to complete in your absence.¹ This not only could cause mistakes but theft. See [Code rule 6.1-3](#) for more examples and guidance on appropriate delegation. Delegating improperly can cost you, as demonstrated in this example from the Lawyer’s Indemnity Fund:

A lawyer allowed his assistant to give final approval to proxy materials for an annual meeting for a public company. The materials were flawed, and the lawyer must now pay the costs associated with adjourning the meeting and sending out new proxies.

You can explore this and more real claim file examples, in addition to great proactive tips from LIF, in their excellent resource [Delegation: The buck stops here!](#)

2. Tailor supervision to experience and task complexity

Ensure you tailor your supervision (degree, frequency) to match the complexity of the task and

¹[2020 LSBC 52 \(CanLII\) | Guo \(Re\) | CanLII; 2022 LSBC 31 \(CanLII\) | Dhillon \(Re\) | CanLII; 2023 Kearns \(Rule 3.7-1 Consent Agreement\).](#)

the staff member's experience. Supervision is a flexible concept that should be assessed on a case-by-case basis; new or complex tasks and functions require closer supervision, while more routine ones performed by senior staff or seasoned paralegals may need less oversight. Delegate tasks based on the non-lawyer's training and competence. For example, a paralegal with proven knowledge, skill, training and experience is more suited to performing tasks involving substantive legal work than a new legal assistant. For a more in-depth discussion of the supervision of paralegals specifically and best practices, see [Appendix E – Supervision of Paralegals](#).

3. Secure electronic access

Protect your personalized electronic access credentials. To uphold your duties under [Law Society Rule 3-96.1](#), do not share your passwords or allow others to use your access for electronic document submissions or registrations. Lawyers who fail to take appropriate steps to protect the security of their digital signature or allow others, such as assistants or paralegals, to use the signature may face an investigation and potential disciplinary action by the Law Society.² Consequences may also arise from the offence provisions in the *Land Title Act*, [s. 168.7\(2\)](#). For more context, see [Code rule 6.1-5](#), which sets out the special responsibilities of lawyers to protect access to encrypted electronic systems.

4. Delegate appropriately

There are certain tasks that cannot be delegated to non-lawyer staff. For example, non-lawyers cannot give legal advice, accept new matters without your approval, or sign correspondence containing a legal opinion.³ With limited exceptions, staff are also not allowed to conduct negotiations, sign correspondence or take instructions from clients. For more context, including the complete list of tasks you cannot delegate to your staff, see [Code rule 6.1-3](#). Remember as well that, unless expressly stated otherwise, giving an undertaking is a matter of personal responsibility and the person to whom the undertaking is given is entitled to expect that the lawyer giving it will honour it personally.⁴

5. Prevent the unauthorized practice of law

With the exception of community advocates, student legal clinics and designated paralegals (see [Code rules 6.1-3.1, 6.1-3.2, and 6.1-3.3](#)), only lawyers can provide advice that requires professional legal judgment. Avoid letting non-lawyers perform tasks that involve legal advice or

² [Discipline Advisory - Failure to protect digital signature can have disciplinary consequences \(October 2, 2015\); 2021 LSBC 33 \(CanLII\) | Dhindsa \(Re\) | CanLII.](#)

³ Subject to [Code rules 6.1-3.1, 6.1-3.2, and 6.1-3.3](#).

⁴ [Code rule 7.2-11 Commentary \[1\]](#).

professional judgment, and make sure they are clearly identified as non-lawyers in all communications (see [Code section 4.2](#)). You may wish to consider enacting a policy for email signatures or phone etiquette that indicates staff roles.

6. Educate your team

Provide thorough training and clear instructions for work assigned and facilitate continuing education. Regularly update staff on any changes in regulations or procedures that affect their work. Ensure your staff understands the legal and ethical standards they must adhere to; you may wish to have some staff members sign an agreement to discharge their duties professionally and ethically.

7. Regularly review work

Conduct regular reviews of your staff's work to ensure accuracy and compliance with legal and professional obligations. This helps in catching and correcting mistakes early. Regular reviews also help prevent the opportunity for more serious issues, such as theft. In cases of lapses, be sure to report as appropriate and make all necessary changes to your practice to ensure future compliance.

8. Limit the number of supervisees

Ensure you don't supervise more staff – or take on more files – than you can manage effectively. Keep an open-door policy with your staff and encourage them to discuss any concerns with you. Adequate supervision requires time and attention, which can be diluted if you are responsible for overseeing too many people.

9. Maintain direct client relationships

Although you may wish to delegate certain tasks in a client's file to non-lawyer staff, you should always maintain a direct relationship with your client. This ensures you are aware of all client communications and can step in when necessary. See [Code rule 6.1-1, commentary \[4\]](#) for more context.

10. Implement systems of accountability

Create and implement systems of accountability to address various operational and substantive tasks. This will ensure you are able to maintain the integrity of your practice by encouraging consistency and addressing any issues promptly. For example, a policy addressing when and how

generative AI can be used in the completion of work-related tasks.⁵ Consider also how policies regarding remote work, taking work home, and the use of personal devices for work purposes can mitigate risk around confidentiality, security, and privacy obligations, or how procedures dealing with conflict management and client intake can assist you in managing your ethical and professional obligations to avoid conflicts of interest. These are just a few examples of policies and procedures to consider; the policies you enact will depend on the nature of your practice and the workflow of your staff. When implementing firm wide policies and procedures, it is important to educate staff, set expectations around adherence, update the policies as necessary and take steps to monitor for compliance.

Conclusion

Following these tips will help you ensure that your staff operates effectively and in compliance with your professional obligations, ultimately safeguarding your practice and upholding the standards of the legal profession in British Columbia.

Questions

If you would like to discuss delegation and supervision or another specific issue, feel welcome to [contact a practice advisor](#).

Lawyers must exercise their professional judgment respecting the correctness and applicability of the material. The Law Society accepts no responsibility for any errors or omissions and expressly disclaims any such responsibility.

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⁵ For more guidance on AI, see our [Professional Responsibility and Generative AI](#) practice resource.
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