



The Law Society

# Owning up to mistakes – what's the right thing to do?

Mistakes happen - yet for solicitors, errors can imply either incompetence or carelessness. Facing the music can be daunting, but if errors are not acknowledged, corrected and recognised, then they will likely spiral and could end up with the Legal Ombudsman or, at the very worst, in the Solicitors Disciplinary Tribunal.

**Read on for our five top tips to help you avoid problems.**



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## 1 Don't panic

It may be tempting to have a meltdown, so do take a few minutes for yourself. Channel your anxiety into finding out how the mistake occurred. Ask yourself: how bad is it? Can it be rectified? Who can help me with it? It is crucial to maintain the trust and respect of your supervisors, colleagues and clients and owning up to your mistakes is part of that.

## 2 Take action

Contact your supervising solicitor or COLP and tell them that a mistake has been made and that you need to discuss it with them. Before you speak to anyone, devise a plan to correct the problem. Your supervisor or managing partner will likely be more amenable if you present them with possible solutions. Communicate clearly the steps you intend to take to fix the problem, the expected timeline and likelihood of success. If you don't know how to do that then ask for their suggestions on how to fix the problem.

## 3 Accept responsibility

Remember you are a professional and have a duty to 'act with integrity' under Principle 2 of the SRA Handbook. If a mistake you have made is going to affect the client, or only get worse, you have a professional (and ethical) obligation to bring it to light. Full disclosure is always the best policy.

## 4 Apologise

Recent research by the Legal Ombudsman suggests that many lawyers have difficulty apologising in a straightforward way. Language is key – do not resort to the disingenuous 'if'. Saying, 'I'm sorry if you were offended/upset by my comments/actions' is worse than not apologising at all. It's best just to say you're sorry for the mistake and to reassure your managers that it won't happen again. If you need to apologise to a client, be direct, explain what went wrong and act to remedy it where possible. In more serious cases, it may be prudent to waive some or all your fees.

## 5 Learn from it

Don't do it again. You'll make other mistakes – we all do – but making the same mistakes repeatedly suggests you aren't learning. Your firm's complaints log should help you to establish the most common errors and hopefully, move to correct them. Although your firm can (and should) have risk management structures in place to deal with errors, it is equally important to have a culture in place that encourages the early recognition and acceptance of mistakes. It is essential to educate everyone within the firm that making the mistake is not the real issue – it's how they are handled that counts.

For additional support on compliance-related issues facing law firms, visit:  
[www.lawsociety.org.uk/riskandcompliance](http://www.lawsociety.org.uk/riskandcompliance)