

LAW PRACTICE

Supervision and Forms-Driven Practice Areas

By Rachel Edwards

Some areas of law are more “forms-driven” than others, requiring completion of certain forms on behalf of your client as part of the provision of legal services. Examples include practice areas like bankruptcy, immigration, and Social Security disability. Be cautious when allowing staff or lawyers under your supervision to complete forms. A small mistake can have far-reaching implications. Whether you are supervising a lawyer or a nonlawyer staff member, you are responsible for that person’s conduct if you ordered or, with knowledge of the specific conduct, ratified the conduct involved, or knew of the conduct at a time when its consequences could have been avoided or mitigated but you failed to take reasonable remedial action. ORPCs 5.1 and 5.3. Reduce your risk of malpractice exposure by following a few simple steps

- 1. Always supervise and review completion of forms.** Even what appear to be simple forms can be complex. Mistakes can easily be made when filling out forms, especially in high-volume, forms-driven practices. Supervise and review all forms prior to completion.

- 2. Maintain an updated client file and share new information with supervised lawyers or nonlawyer staff.** You may have information from the client or other sources that the supervised lawyer or nonlawyer staff has not yet received or did not have access to while completing forms. Ensure the client file is always up to date and accessible by those assisting. For example, information gathered from phone calls and in-person meetings may be crucial, so be sure to maintain client files in which this information is immediately entered and shared with anyone assisting.

- 3. Verify use of the most updated forms.** Forms change periodically, especially in a constantly changing area of law such as immigration. Make it part of your routine to regularly verify that you are using the most updated forms.

See our *inPractice* blog for additional tips for lawyers acting as supervisors: <https://www.osbplf.org/inpractice/lawyers-as-supervisors/>.

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