



Quick cautionary tales for a better practice

Episode 73

Supervising Case Preparation

Preparing for a hearing is time-consuming but critical. It can be much more difficult when the client is inconsistent in their instructions and reluctant to provide full disclosure. Even experienced lawyers find case preparation in those circumstances difficult, and for an inexperienced lawyer faced with those challenges good supervision and guidance is key.

Marella & Marella was a family law property matter where the size of the asset pool was relatively small, and preparation for the case for the wife had been delegated to a fairly junior lawyer. The wife's evidence was deficient, and the Judge was critical of the wife and her lawyer. The court preferred the husband's evidence and commented as follows:

(T)he responsibility for the deficiencies in the Wife's material, which was, in a number of instances, simply re-filed material from last year with little or no amendment, obviously falls formally on the Wife's shoulders, but equally so on her young lawyer who seemed regularly distracted at the multiple mentions/directions, and generally not across or properly au fait with the material. Simply to re-file an Affidavit from the previous year (which still had a Court seal from that time on it), with little or no amendment bordered on professional negligence. These reasons are to be provided to the senior partner of the firm in which the Wife's lawyer is employed.

Junior lawyers are not born knowing how to prepare a case for trial, or how to manage a difficult client. Proper supervision including file reviews by a supervising solicitor can identify and address problems early, well before the hearing date, and lead to better outcomes for the client as well as the firm.

I'm Glenda Carry

[Marella & Marella \(No 2\) \[2023\] FedCFamC2F 821](#)

[New Lawyer Accelerator Program](#)