

Happy Birthday,



“You can lead a horse to water but you can’t make it drink”: LAWPRO’s practicePRO program has proven for the last 15 years that if you make the “drink” relevant, practical and timely, many will take at least a sip and some will gulp it down.

The introduction of the practicePRO program as a risk management and claims prevention program for the Ontario bar was revolutionary 15 years ago. It marked a departure from the prior focus on improving lawyers’ knowledge of substantive law as the main way to avoid claims and looked more at the underlying causes. This new approach meant taking on issues like soft skills affecting communication and how to manage time and a practice effectively – challenges that many lawyers struggle to address given the day-to-day demands of their practices and personal lives.

A belief that technology is a risk management “friend” in the practice of law – not a danger to be avoided – has been at the core of the practicePRO message from the start. In the 1990s many lawyers were still hesitant and even hostile to computer technology and saw little value beyond using word processing to produce their documents more quickly. If the photocopier had released lawyers and their staff from the horror of carbon paper copies, word processing meant that subsequent drafts could be produced without physical cutting and sticky-taping of the typed first draft or

a complete re-typing of the document from scratch. The practicePRO program has been there over the years as lawyers realized the value of keeping current with technology. We have seen the introduction and widespread adoption of electronic precedents, document generation programs for specific areas of law, practice management software, the electronic registration of title documents. Does anyone remember how we communicated before we had email? More recently lawyers have moved to the “paperless office” and have started coping with e-discovery, social media and moving to the cloud. Along the way, the benefits of technology have been touted and the risks moderated by practical advice from practicePRO.

There have been risk management crises along the way that have called for a speedy response. Think of the relatively sudden advent of widespread real estate fraud 10 years ago – whether identity fraud, value fraud or fraud for shelter. No longer were we talking about the occasional errant spouse having someone imitate the other spouse in order to get mortgage documents encumbering the matrimonial home signed. More recently the practicePRO program has taken on the issue of fraudulent certified cheques and bank drafts. With up-to-the-minute information and advice about fraud attempts pumped out via the AvoidAClaim blog, the practicePRO program has gone from being known throughout North America as

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a source of great risk management advice to functioning internationally as a leading aggregator of fraud prevention information for lawyers across the globe.

New claims challenges in the second decade of the 21st century include cyber-attacks on lawyer trust accounts and the rising tide of administrative dismissals of civil actions.

In this edition of *LAWPRO Magazine* we reflect on 15 years of claims prevention efforts under the practicePRO banner. We also discuss the challenges and opportunities the legal profession faces in these changing times. In the centrefold we are pleased to provide you with the practicePRO 15th anniversary pullout that highlights some of our best risk management and claims prevention resources. It has a number of lists, all with 15 items on them. They represent “top 15” choices of the practicePRO staff in a number of areas – such as key resources, documents or claim-avoidance techniques. Browse through them and see if you spot anything you have not yet read or considered.

Speaking of practicePRO staff, I am often asked how big a department it takes to run the practicePRO program, including producing all the content in *LAWPRO Magazine*, webzines, “managing” booklets, speeches, PowerPoint presentations and so forth that LAWPRO releases annually. There is also the LAWPRO Risk Management Credit

program to be administered, plus dozens of live presentations to be delivered on an annual basis.

Lawyers sometimes assume it costs a lot of money. In fact, to say the practicePRO operation has been “lean and mean” would be an understatement. Karen Bell initiated the program and worked part-time when Malcolm Heins was still CEO of LAWPRO. In 2001 Dan Pinnington left private practice in the Niagara region of Ontario to take up the torch from Karen as director of practicePRO. In recent years Dan has been ably assisted by Tim Lemieux as practicePRO co-ordinator. So, although others at LAWPRO, and outside guest contributors, have assisted over the years with writing selected content, the core of the operation has been highly compact.

Last year Dan Pinnington became LAWPRO’s vice president, claims prevention and stakeholder relations. He is now leading a department that has consolidated a number of functional areas, including communications and government relations as well as the practicePRO program. This is enabling LAWPRO to maximize our resources and start getting the risk management message out to even more lawyers, their staff and increasingly, students in law school and other legal profession stakeholders.

The practicePRO program exists to serve the Ontario bar. We want to minimize what

you have to spend on insurance premiums and enhance your daily existence as a lawyer by helping you avoid real claims and be in the best position to defend spurious ones. Few things are more stressful than having a claim brought against you. We want to work together to prevent claims from happening.

As the first 15 years of the practicePRO program draws to a close, we ask everyone to re-commit to reading *LAWPRO Magazine* and our various electronic communications on a regular basis. The most common causes of claims – lawyer/client communications and time/deadline management – still challenge us as they did 15 years ago. Pick a new checklist or document to introduce into your practice, connect with us on social media and get your staff members to sign up for their own free subscription to LAWPRO publications. Who knows how we will interact with the legal profession 15 years from now, but I predict that the underlying aims of the practicePRO program will continue to be very important and we will still need you to “drink in” enthusiastically the advice, precedents and knowledge we are committed to providing.

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