

In the public eye

There's a lot more to LAWPRO than claims and title insurance. We also endeavour to ensure that the needs and interests of lawyers are well represented in many forums – from consumer to CLE provider to government.

A positive impression

Educating consumers

In 2009, LAWPRO's TitlePLUS program continued its campaign, launched more than three years ago, to educate the public about the critical role of lawyers in real estate transactions.

Two media pitches – one on buying a home pre-construction and one on legal dimensions of running a home-based business – generated coverage in major newspapers and websites (including *The Globe and Mail*, the globeandmail.com and the *Winnipeg Free Press*) that reached 2.4 million consumers.

A separate series of articles appeared in 55 different newspapers and websites across Canada with an audience of more than seven million consumers. Most included a reference to the Real Simple Real Estate Guide™ (available on www.titleplus.ca), an online resource that includes checklists, financial calculators and information on the role of real estate lawyers. Topics included how to refinance to fund a renovation, how to protect your deal, power-of-sale purchases and buying from an estate.

A media campaign to help build awareness of the TitlePLUS program in Quebec resulted in coverage in French language print and broadcast media and websites. (For more details on this program see page 27.)

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Getting lawyers heard

LAWPRO continued its campaign to represent lawyers' concerns on consumer protection and legislative and regulatory issues (such as the planned introduction of a harmonized sales tax) with decision-makers at Queen's Park in 2009. The overall goal: To establish LAWPRO as a source of expert information and advice that key government ministries will turn to when seeking feedback and guidance on planned policy changes.

To that end, members of our Executive met with key staff at the Financial Services Commission of Ontario, the Ministry of Government Services, the Ministry of the Attorney General and the Ministry of Finance, and attended numerous functions at which we had an opportunity to continue building our profile.

As a supporter of the Ontario Legislature Internship Program, LAWPRO also hosted an information session for the program's interns at which President & CEO Kathleen Waters reviewed LAWPRO's mandate and functions, and talked at length about what we are doing to help prevent real estate fraud.

Working in tandem with the Law Society, LAWPRO made vigorous but unsuccessful efforts in 2009 to obtain transitional relief regarding the implementation of Ontario's harmonized sales tax.

We get involved

The expertise and experience resident in LAWPRO is put to work on more than just claims management. LAWPRO employees are proactive organizers and participants in many associations and on numerous task forces, committees, conferences, and seminars. The goal: To ensure we share our knowledge about what causes claims and how to prevent claims from happening.

For example, in 2009 we contributed to three important groups developing resources to assist the legal profession:

- We continued to be heavily involved in the work of the Canadian Bar Association Task Force on Conflicts of Interest (www.cba.org/conflicts), as task force chair Scott Jolliffe, national managing partner at Gowlings points out.

“Apart from his contribution to all of the background discussions and deliberations of the Task Force, Dan Pinnington was instrumental in collecting, editing and writing the various precedents, checklists and other documents in the Toolkit the CBA Task Force on Conflicts released as part of its report. The Toolkit is a fantastic collection of resources that will help lawyers avoid conflicts of interest.”

- LAWPRO's submission to the Law Society's Professional Development & Competence Committee provided indirect empirical evidence that attendance at continuing legal education programs can reduce malpractice risks and costs. For example, an analysis of LAWPRO claims data indicates that lawyers who have claimed one or more LAWPRO CLE Credits since the Credit was launched in 2002 have a lower average cost per claim compared to those who have never claimed a credit: \$27,876 vs. \$32,248.
- Throughout 2009 LAWPRO worked on helping the Law Society develop a file retention and destruction guide and a model law firm file retention policy, drawing on our unparalleled claims-handling experience.

The volunteer work of our staff for many Canadian and Ontario legal associations not only brings our expertise and insight to the table, but also ensures we have our finger on the pulse of what's top of mind in the legal community.

For example, TitlePLUS Vice-President Ray Leclair is chair of the CBA's National Real Property Section. Focused on better communication, Ray has instituted monthly conference calls with all the provincial real property section chairs, so that they can share information about what's happening in each province and what each provincial section is doing.

“This way, we don't have to reinvent the wheel,” he says. “Issues often develop in one jurisdiction and then move on to the others. We can build on what someone in another province has already done in response.”

In the process, Ray – and LAWPRO – “benefit from learning what's going on across the country.” In turn, he is able to use his position to help spread the word on “how much LAWPRO does for lawyers – how we always promote the role of the real estate lawyer in the transaction.”

Claims Counsel Specialist Cynthia Martin is currently a member-at-large of the OBA's Insurance Law section executive, and a member of the Insurance Award of Excellence sub-committee. Her extensive insurance defence practice experience enables her to be a resource to the section, and her first-hand knowledge of the insurance bar enables her to find the right speakers for conference topics. Her OBA involvement in turn supports her work at LAWPRO, where she handles a wide variety of files with a concentration on personal injury and litigation.

As a member of the executive of the OBA's Trust and Estates section, Claims Counsel Deborah Petch brings a LAWPRO perspective to its meetings. She also sits on two section committees: Continuing Legal Education and Zoomer Liaison. Because Deborah's claims portfolio includes a significant number of wills and estates files, her OBA activity is a valuable complement to her work at LAWPRO.

practicePRO Director Dan Pinnington is the co-chair of the Annual Solo and Small Firms Conference and Expo, a joint Law Society/OBA effort that focuses on new technology and best practices for sole and small firm practitioners. He also sits on the executive of OBA Law Practice Management and Solo, Small Firm and General Practice sections, is a member of the OBA's main CLE committee and will co-chair the CBA's annual Canadian Legal Conference and Expo in 2010.

All benefit from his extensive knowledge of legal technology, law practice management and risk management issues, and from the resources and contacts he brings to bear as editor-in-chief of the American Bar Association's Law Practice magazine. Dan in turn benefits from keeping in touch with a network of practitioners “in the trenches” and hearing first-hand their issues and concerns.

In addition to their organizational and committee work, LAWPRO staff frequently speak at continuing legal education seminars.

For example, Litigation Director and Claims Counsel Yvonne Bernstein spoke on family law risk management topics at several continuing legal education programs in 2009. This not only benefits the profession by, as she says, “giving lawyers information so that they can avoid the claims that might otherwise trip them up,” but also helps Yvonne stay current – important to her job at LAWPRO, since she handles a significant number of family law claims. “If you really want to learn something, teach it to someone else.”