



# Preparing your practice for the unpredictable

When lightning strikes

New from practicePRO:  
managing PRACTICE  
interruptions

TitlePLUS: 5 years and  
going strong

# When even the best laid plans...



*No doubt each of us will forever remember where we were and what we were doing on September 11, 2001.*

*I know I will – and not only because of the staggering magnitude of the tragedy.*

*We of course had a disaster recovery plan; the only problem was we had not appreciated – until that moment – how robust the plan really needed to be.*

A key player in our plan – our Information Systems director was (of all places) in New York City, on a conference. Our first thoughts were to locate him, and reassure ourselves and his family that he was safe. Luckily he was both safe and able to communicate with us.

Unfortunately **his** backup was on vacation. And the backup to the backup in our Systems Department had just moved and we had no means of reaching him.

Never has the need to not only have a plan, but to also plan for redundancies in both people and equipment been driven home quite as clearly.

The theme for this issue of LAWPRO®, our new risk and practice management magazine, had its genesis in the terrible events of that morning.

Subsequent research told us that this very important topic – planning for anything from a minor business interruption to a full-blown disaster – was not very high on the agenda for many law firms. In fact, even today (and despite the media coverage and resources published on this subject) many law firms still are ill-equipped to ensure the continuity of their practice should disaster strike.

To help remedy this situation, we're putting two tools at your disposal. Inserted in this issue of LAWPRO you will find a copy of the latest in our series of *managing* booklets designed to help you manage specific aspects of your law practice. *managing PRACTICE interruptions* walks you through the steps you should take to ensure your practice will survive an unexpected event, such as a flood, a fire, theft, a major power outage or loss of

a key staff person. Like its predecessors, this *managing* booklet provides practical, easy-to-implement ideas and checklists that address virtually every step of the process, from developing a plan to managing your practice through the recovery stage.

Complementing the *managing PRACTICE interruptions* booklet is this magazine, which invites law firms who have given this subject some thought to share their experiences and successes with you. With the kind of sage advice that you'll find on the following pages, there's no need to ever reinvent the wheel on disaster recovery.

How did we at LAWPRO fare that horrible day? Once we had started to digest the magnitude of the disaster unfolding on television, we opted to close down the office and let our staff focus on what was really crucial at that time: being with their families. Luckily, our management team has a wealth of experience in technology, systems and people management on which we could draw to safely shut down our operations.

With one exception: No one could figure out how to get around the (building-owned) program that automatically locks our office door at 5 p.m. ...not even a phalanx of building security guards.

I trust that solution is now in their disaster recovery plans.

Michelle Strom  
President



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## FEATURE

### Preparing for the unpredictable

Whether it's as manageable as a power outage or as devastating as a fire that wipes out your practice, preparing for the unexpected simply makes good business sense. Seven law firms share their ideas, solutions and views on why and how lawyers must be prepared to manage practice interruptions, large and small. . . . . 2

### TitlePLUS

On the eve of its fifth anniversary, TitlePLUS reviews its success and its plans for the future. . . . . 10

## Insert

*Managing PRACTICE interruptions* is the fifth in a series of booklets from practicePRO to help lawyers manage the specific aspects of law practice – and the related risk issues – more effectively and efficiently. The booklet guides you through the steps involved in being prepared for the unpredictable, from what goes into your plan to how to manage the recovery process. Detach and keep as part of your library of *managing* booklets from practicePRO.

## DEPARTMENTS

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# Technology breakfast update



*These breakfast presentations focus on legal technology, although the content and format will vary. Some sessions will feature product comparisons. Others will be practical discussions and demonstrations of specific products by actual users. Still others will review practical technology skills at a basic level.*

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## Summaries of past breakfasts:

The practicePRO Technology Breakfast sessions got off to a good start. For those who were unable to attend, summaries of past breakfasts appear at [www.practicepro.ca/techbreakfasts](http://www.practicepro.ca/techbreakfasts), including:

- Winning With Technology (April 26)
- Voice Recognition (May 24)
- Case Management Software Comparison: Amicus Attorney vs TimeMatters (June 21)

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## Upcoming breakfasts:

### **July 19 – PowerPoint 101**

For marketing purposes using PowerPoint has become an essential skill. At this session, Dan Pinnington will highlight PowerPoint presentation do's and don'ts, including some basic tips, tricks and traps.

### **August 23 – Practical Power Tips For Excel**

Spreadsheets are a powerful tool for lawyers. Unfortunately most lawyers aren't using them. In this session for basic and intermediate users, Dan Pinnington will review great practical tips and tricks for doing more with Excel.

### **September 27 – Legal Research On the Web**

Do you know all the best research sources on the Web? At this session Bonnie Fish, Director of Firm Research at Fogler Rubinoff, will review the Web sites that she uses and finds most useful.

### **Oct 25 – Integrated Justice Project (IJP) Update**

The IJP will transform how you practice law through electronic filing (E-File). Come to this session for an update on the status of the IJP, and the E-File demonstration.

### **November 29 – E-brief Acrobatics With Adobe**

E-briefs are the ultimate tool for presenting your case, its facts and the relevant law to a court. Glenn Smith of Lenczner Slaght Royce Smith Griffin will review what you need to know to create and present an e-brief in Adobe Acrobat.

#### **To register:**

All practicePRO Technology Breakfasts will be at LAWPRO®'s office, One Dundas St. West, Suite 2200, Toronto. Attendance is limited to 25 people. Cost of \$15 includes a continental style breakfast, which will be available starting at 7:45 am. Sessions start promptly at 8:00 am, and finish at 8:45 am. To register, please contact Nanette O'Connor at (416) 596-4623 or 1 800 410-1013, or by e-mail at [nanette.oconnor@lawpro.ca](mailto:nanette.oconnor@lawpro.ca).

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## 3rd Annual LegalTech Toronto

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LAWPRO is pleased to sponsor the 3rd Annual LegalTech Toronto. Mark your calendars for November 13-14, 2002.

A distinguished faculty of judges, lawyers and legal technologists will teach you how technology can meet your ever-changing practice needs. This year's program features 25 sessions grouped into three separate tracks.

*Track #1: The Litigator's Edge* will review the application of technology to all stages of litigation matters, including document management and eliminating paper, case strategizing, discovery, and using technology in the courtroom.

*Track #2: Practice Made Perfect* will focus on issues relating to electronic communications, collaboration and sharing of work product, knowledge management, technology planning and procurement, and doing more with the technology you already have.

Dan Pinnington, Director, practicePRO, is Vice-Chair of the show, and Track Leader for *Track #3: Technology in Motion*. This track will highlight various topics, including using Adobe Acrobat, case management software, essential legal task related utilities, how to harness the Internet, and technology related security and privacy issues.

Michelle Strom, President of LAWPRO, will speak on disaster prevention and recovery.

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## Anti-Money Laundering Legislation Update

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The Law Society of British Columbia and the Federation of Law Societies of Canada commenced a constitutional challenge of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* in November, 2001. The Law Society and the Federation contend that this legislation will require lawyers to disclose a client's confidential financial information to the federal government, thereby preventing Canadians from obtaining confidential legal advice from their lawyers.

Last November, the B.C. Supreme Court granted B.C. lawyers interlocutory relief from the suspicious transaction recording and reporting requirements of this legislation. Following that decision, the Federation of Law Societies went to court in several other provinces and obtained similar interlocutory orders exempting lawyers in those provinces.

As a result of an agreement reached in mid-May between the Attorney General and the Federation (on behalf of all provincial and territorial law societies), all lawyers and law firms in Canada will remain exempt from the recording and reporting requirements imposed by Part 1 this legislation, with respect to both suspicious transactions and large cash transactions.

Lawyers and law firms are also exempt from the requirement to set up a "compliance regime", which is also imposed by Part 1 of the *Act*.

These exemptions will remain in place while the B.C. challenge proceeds through the courts. The B.C. Supreme Court hearing on the merits, originally scheduled for June 24, 2002, has been adjourned by consent. A new date has not been set.

Should the Federation be successful in its challenge in B.C. Supreme Court, the terms of this agreement provide that lawyers in all provinces will remain exempt from Part 1 of the *Act*, pending the outcome of any appeal to the B.C. Court of Appeal. Should the Federation be successful before the B.C. Court of Appeal, lawyers in all provinces will remain exempt from Part 1 the legislation, pending the outcome of any appeal to the Supreme Court of Canada.

Even if the constitutional challenge is eventually unsuccessful, lawyers will not be required to report retroactively. Lawyers should not, therefore, collect from clients any information that is specifically and only required for compliance with Part 1 of the *Act*.

However, note that lawyers will not be exempt from the cross border reporting Regulations implementing Part 2 of the *Act*. These regulations were published in the Canada Gazette on June 22, 2002, and will come into force later this year. These regulations require persons to report the importation or exportation of

amounts over \$10,000 of currency and monetary instruments in bearer form, whether carried across the border, or imported or exported by mail, courier or by any other means. There is no requirement to report bank drafts or cheques or other negotiable instruments made payable to a named person and which have not been endorsed.

Visit [www.practicepro.ca/mlguide](http://www.practicepro.ca/mlguide) for up-to-date information on the status of the challenge, other news relevant to the proceeds of crime legislation, or to subscribe to the practicePRO Anti-Money Laundering Legislation E-mail News service.

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## July 30: Second quarter filing deadline

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Real estate and civil litigation transaction levies and forms for the quarter ended June 30, 2002, are due and payable on July 30, 2002. All real estate and civil litigation lawyers must file a transaction levy form indicating the number of civil or real estate transactions undertaken for the period from April 1 to June 30, 2002. A filing must be made even if there were no transactions to report for this period.

Transaction levy filing forms are available on the LAWPRO Web site at [www.lawpro.ca](http://www.lawpro.ca). To complete your transaction filings electronically, click on **File Online**; to access blank forms in PDF format, click on **Insurance Forms**.



## LAWYERS' PROFESSIONAL INDEMNITY COMPANY (LAWPRO®)

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