

LAWPRO™

A publication to help lawyers

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building
for
success

Helping lawyers manage
practice finances

Ontario's new Limitations
Act 2002

Using TitlePLUS online

Putting the "trust" in
trust accounts

A successful year for LAWPRO

Although results are not yet final and audited, it appears 2002 was another year of growth and financial strength for LAWPRO:

- A.M. Best has just awarded LAWPRO an A (Excellent) rating for the third consecutive year.
- Although the number of claims reported in 2002 was up slightly, the number of open claims files has fallen below the 3,000 mark, due in large part to a concerted commitment to expeditious claims handling by the claims team.
- TitlePLUS posted record results, increasing its volume of business by over 30 per cent over last year and launching a number of Web-based initiatives that make it simpler and more economical for lawyers to secure TitlePLUS coverage for a large variety of real estate transactions.

The 2002 LAWPRO Annual Report, to be released in early April 2003, will provide a more detailed review of results and accomplishments in the past year.

Money laundering update

The final set of regulations on the cross-border movement of currency and monetary instruments under Part 2 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (PCMLTFA) took effect January 6, 2003. Under these regulations specified persons must report the import or export of amounts of \$10,000 or more, in currency or monetary instruments in bearer form.

All lawyers should understand the circumstances when they or their client would be required to file a cross-border transaction report. However, practically speaking, very few lawyers will have occasion to engage in the types of cross-border transactions that are reportable under this legislation.

The Federation of Law Societies has sought and received clarification from the Attorney General for Canada on who is obligated to file reports on reportable cross-border transactions under s. 12 of the PCMLTFA. In most cases where a lawyer is involved in a reportable cross-border transaction on behalf of a client, it is the client who is obligated to report the transaction, not the lawyer [ss. 12(3)(b)-(e)]. Lawyers are obliged to file a report only if they act as the courier, that is, only if they physically carry funds or monetary instruments in bearer form across the border on behalf of a client [s. 12(3)(a)].

Note, under this legislation lawyers are not required to report cross-border transactions involving bank drafts or cheques or other negotiable instruments made payable to a named person, and which have not been endorsed. Lawyers are also not required to report cross-border electronic funds transfers they are involved with through banks (banks may report these EFT transactions).

Lawyers are reminded that they continue to be exempt from Part 1 of the PCMLTFA, including the reporting requirements respecting suspicious and large cash transactions, and the obligation to implement a compliance regime. This exemption will continue at least until the constitutional challenge taken by the Federation of Law Societies is heard.

3rd annual LegalTech a hit

The 3rd Annual LegalTech Toronto Conference, sponsored in part by LAWPRO, was a stellar success. More than 500 registrants packed the Metro Toronto Convention Centre on November 13-14th, 2002, for this joint event by the Law Society of Upper Canada and the Ontario Bar Association.

The opening keynote remarks by Mark J. Freiman, Deputy Attorney General and Deputy Minister Responsible for Native Affairs for Ontario, focused on his personal view of how technology makes an impact

on the Attorney General Ministry's work at four different levels, including: the law, the justice system, the government and society as a whole. The text of Mr. Freiman's speech is available at www.oba.org/en/pdf/legaltechfinal.pdf

Almost 150 registrants attended the comprehensive program of keynote speeches, exhibits and 26 sessions focusing on a variety of topics, including using technology in the courtroom, communicating more effectively with e-mail, moving to a "paperless" office, and how to better acquire, implement, use and manage technology in the practice of law. An additional 350 participants attended the vendor exhibition, which featured over 30 vendors of legal technology products and services.

A number of the sessions taped by BAR-eX Communications Inc. are available in video and written formats online at www.bar-ex.com. Individual one-hour sessions are \$49.95 (plus tax) and include online access to the audio/video replay of the program for one year from the date of purchase. Copies of conference materials are available from the OBA for \$125.

Upcoming filing deadline

Transaction levies: April 30

Real estate and civil litigation transaction levies and forms for the first quarter of 2003, ending on March 31, 2003, are due and payable on April 30, 2003. 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 January 1 to March 31, 2003. 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. To complete your transaction filings electronically, click on **File Online**; to access blank forms in PDF format, click on **Insurance Forms**.