



## Focus on mentoring

making mentoring work

associate mentoring:  
good for business

technology message  
hits the road



# More to LAWPRO



## than meets the eye

*The launch of a new initiative is always a reason for celebration.*

*But the launch of this new publication represents three new LPIC initiatives all rolled into one – and gives us all the more reason to celebrate.*

LAWPRO is LPIC's new practice and risk management publication. Periodically, LAWPRO will explore developments in the profession, aiming to provide you with a better understanding of the practice and risk management issues that these developments present. LAWPRO has its genesis in the two special reports published by LPIC in the last 18 months: one on litigation practice, a second on real estate fraud. Both were well

received by the profession. LPIC News, our quarterly newsletter, has been incorporated into this publication, and now is supplemented by LPIC E-NEWS, our new electronic newsletter. If you did not receive a copy, it means we do not have a current e-mail address for you. If you would like to be added to the distribution list for our LPIC E-NEWS, send us your particulars to [service@lpic.ca](mailto:service@lpic.ca).

# LAWPRO

LAWPRO is also our new trademark, which will evolve into the umbrella for LPIC's many professional liability insurance-related initiatives. LAWPRO is not only an intuitive condensation of Lawyers' PROfessional Indemnity Company, it also sums up our principal mandate: providing you with professional products and services that enhance your competitive position. LAWPRO is the new hallmark for the profession.

## **A focus on mentoring**

The focus of this inaugural issue of LAWPRO is mentoring. Over the course of the past year, we've become increasingly aware of the profession's growing interest in and need for mentoring. Our Report on Litigation, which addressed the growing incivility in the legal profession, touched on this issue. Subsequent discussions with lawyers and law associations have indicated that the time is ripe to advance the cause of mentoring.

As an insurer, we see the risk management potential that mentoring plays. But as an insurer we can play only a limited role in making mentoring happen. Through publications such as this one, we can raise its profile and encourage discussion. We can,

and do, promote the mentoring initiatives of others, such as The Advocates' Society, the county law associations, the Law Society and of course a sampling of firms who volunteered to be interviewed for this publication. We can show leadership, by mentoring junior counsel in the firms that do LPIC's defence work. And we can remove obstacles to mentoring, by waiving the deductible and claims levy surcharges on claims that arise out of a mentoring relationship. You'll find information on all of these initiatives on the following pages.

I encourage you to read, be inspired, and make mentoring a mainstay of legal practice. Feel free to tell us about your own mentoring initiatives. We also welcome your comments and suggestions, a sampling of which will be printed in our next issue.



Michelle Strom  
*President*

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# Mentoring 101

*Lawyers read the same books and refer to the same body of law. So why is one lawyer more successful than another – financially, personally and professionally?*

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Ability and drive provide only part of the answer. What often sets these lawyers apart is that they have acquired the **skills and wisdom** to more effectively apply the information and knowledge that all lawyers share. Some acquire it through “the school of hard knocks.” Others have been guided by a more experienced lawyer – either inside or outside their firm – and often have become more successful more quickly.

They have benefited from mentoring: the process of passing on skills and wisdom.

## What is a mentor?

Mentors can be friends, colleagues, teachers or complete strangers, who typically have more experience in a relevant area. The mentoring relationship can be “formal,” with set roles, responsibilities and expectations, such as those found in the associate mentoring programs of larger law firms. More often than not, the relationship is informal, with the mentor acting as a sounding board for the less experienced practitioner. Mentors typically play four complementary, overlapping roles:

- Coach – show how to carry out a task or activity;
- Facilitator – create opportunities for learners to use newly acquired skills;
- Counsellor – help mentees explore the consequences of potential decisions;
- Networker – refer mentees to others when their own experience is insufficient.

For example, a mentor can help the mentee learn a new way to tackle a problem by

challenging the mentee’s working assumptions, and encouraging the exploration of new solutions – often with the assistance of other senior counsel.

## Why do we need mentoring?

Mentees gain very personal, highly effective, real-world legal training that comes with the added benefit of the experience of the mentor. Networking opportunities enhance the mentee’s professional and personal growth. They interact with more senior members of the bar from whom they otherwise might be isolated. This breaking down of barriers means junior counsel get more diversity in their experience and more opportunity to present their abilities directly to those who could affect their career path.

Mentors also benefit – and not only through the personal satisfaction that comes with giving back to the profession or “repaying a debt” if they themselves were once mentored. For the senior lawyer, mentoring is another way of networking. Today’s new lawyer could one day be a junior partner whose skills you may need to rely on for a future file. Firms mentor to groom juniors and evaluate their abilities, with an eye to making them a partner some day.

But equally important are the very practical, risk management aspects of mentoring.

In today’s practice climate, the risks of being sued are very real. And the reality of claims is that it is a breakdown of the lawyer-client relationship – not actual errors or a lack of knowledge of law – that

is the single largest cause of claims. How do juniors learn about non-technical aspects of lawyering – about necessities such as proper file management, client communication, and situation handling, none of which can be found in a book or article? These skills and wisdom are only available from a mentor.

Incivility in the profession is another concern – and an underlying cause of claims. Helping juniors appreciate the potential consequences of a sharply worded letter, coaching juniors on how to conduct themselves in a civil manner in court or in meetings, fostering respect for the professionalism of the opponent: These are the “skills” that a mentor can best teach – for the benefit of the mentee and the profession as a whole.

Mentors also say that mentoring sharpens their own risk management skills. By helping others to manage the risks of practising law and determine the procedures and tools to use, mentors discover that mentoring is often a refresher in law, strategies and attitudes.

Mentoring is a win-win situation. The mentees gain new skills and wisdom. Mentors gain insight into their own abilities and get the satisfaction that comes from a sense of giving back to the profession. Mentoring can help reduce claims, which benefits both the individual and the profession, and it contributes to a better practice climate.

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*LPIC Claims Examiner David Clark is a strong proponent of mentoring and is involved with an LPIC mentoring initiative in which he mentors junior counsel working on LPIC files at several law firms.*

# Bridging the gap:



## Mentoring works

When Ron MacPhee made the switch from the criminal bar to litigation practice with McGuinty & McGuinty, a small but busy Ottawa-area firm in his first year of practice, he knew his learning curve would be steep.

When one of his first files then involved difficult ethical issues and a difficult lawyer, he realized that his curve was steeper than expected, and turned to the County of Carleton Law Association's newly-minted mentoring program. One call later, he'd been linked up with Heather Williams of Nelligan O'Brien Payne LLP who herself was only five years out.

Their mentoring relationship was simple and straightforward. From time to time, when Ron needed a sounding board, he'd call up Heather and chat. Although the CCLA's mentoring guidelines suggested quarterly face-to-face meetings, the two met only occasionally over the next two years. "It's amazing the ideas and issues you can cover over a good pub lunch," quips Heather, who recently co-founded Cavanagh Williams Litigation Counsel, a new, Ottawa-based insurance defence boutique.

The issues they discussed centred around ethics and professionalism, and allowed Ron to tap into Heather's experience as a litigator. "It was never a question of Ron asking me to do his research for him or anything like that," emphasizes Heather. "It was more about strategies, tactics, professionalism – the kind of issues that I can



*Heather Williams*



*Ron MacPhee*

walk down the hall and talk over with someone, but that Ron, because of the practice he was in, could not.”

“I just did not have the experience at that point to trust my own gut instincts,” adds Ron. Nor did he have anyone in his firm who could mentor him. With Dalton McGuinty off to Queen’s Park to head the provincial Liberals and brother Dylan specializing in real estate, Ron was a prime candidate for a mentoring program.

“The substantive law issues are not the problem,” says Ron. “What you need as a young lawyer, especially in a small firm, is an avenue for brainstorming: Is this the right approach? Have you faced a similar file? What is this judge or this lawyer like in this kind of situation? I also got to see how a large firm does things and how they approach law practice. Having Heather as a mentor helped me get up on my learning curve as quickly as I could, and helped me avoid making a mistake.”

To her own surprise, Heather discovered that mentoring Ron took less time than she’d anticipated – as well as producing unexpected benefits. “A call or two a month of perhaps 10 or 15 minutes each,

a couple of meetings over the two years, that’s all it took,” says Heather.

Moreover, mentoring is, by definition, a time-limited relationship. “The playing field levels off pretty quickly; suddenly you realize your mentee has stopped calling because the job is done.” Today, Ron and Heather are professional colleagues, and although Ron is quick to say that he would not hesitate to call Heather if needed, he turns more often to his own peer network. “Once you have some experience and have established contacts in your practice area, they become your mentoring network,” says Ron. “For me, the CCLA mentoring program filled that initial gap.”

And as a mentor, Heather found her role equally rewarding. “Someone once said that to teach is to learn twice, and I think that sums up mentoring really well. It was challenging because the issues we discussed were often difficult and thought-provoking. Ron also brought his criminal law background to the various situations, so I found that interesting and novel.

“And of course the whole thing was flattering and a real ego boost. Here I was, a five-year call, and I was a mentor whose

experience could be valuable to someone else.” In practice, that small gap was an asset, not a liability: “I could relate to all of the issues and concerns you have as a first-year lawyer, yet still bring to the table experiences he could draw on.”

Their advice to young lawyers seeking mentorship opportunities: Participate in any mentoring programs available to you. Existing programs make that first contact easier, because, “the senior lawyer feels an obligation to take that first call, and the junior knows that he has a right to make that call,” says Ron.

But in the absence of a formal program, take the bull by the horns. Junior lawyers should not be intimidated by the prospect of making that first call. “New lawyers need to know that many senior lawyers would love to hear from them and work with them in some kind of mentoring situation,” says Heather.

“And as a new lawyer, you’ve got to get over the embarrassment factor,” adds Ron, “because there is nothing embarrassing about being mentored.”





# Making contact:

## How lawyers make mentoring work

*The tradition of lawyers helping lawyers become better lawyers is as old as the profession itself: From the 13th century, when judges were first required to provide for the apprenticeship of lawyers, to today's new-age bulletin boards and electronic chat lines, the profession has repeatedly stated that sharing skills and knowledge with each other, and especially with junior members of the bar, is a value it holds dear. And although many feel mentoring today is not as valued or prevalent as it once was, the fact is practitioners continue to mentor and be mentored in many different ways.*

### **Mentoring at the end of the phone line**

Many lawyers act on that tradition by providing guidance, support, and even advice to colleagues over the phone. Although not mentoring in the fuller sense of the word, the sharing of expertise and knowledge over the phone is seen by many as mentoring at its simplest.

One such lawyer is Stanley Tessis of Laxton, Glass, Swartz, a respected personal injury and accident benefits specialist, who makes a point of making himself accessible to lawyers by phone. Occasionally, he takes that help one step further, sending facts, precedents and legal documents that he knows will

help steer the lawyer on the other end of the phone in the right direction.

"I make it clear that I am not giving legal advice, but that I am giving them the benefit of my experience and expertise," emphasizes Stanley. Peers, juniors, even experienced lawyers turn to him as a sounding board. One called recently from the middle of a mediation, asking for advice; another time, prior to the commencement of a private mediation, a mediator wanted to be set straight on a particular issue. "There's no retainer, no bill, just a favour from one lawyer to another," says Stan. "I do this because I want to give something back to the profession. I get satisfaction from knowing that I am helping a lawyer, and ultimately the client. And I want to know that when I need help, I can pick up the phone and get it."

#### **Law Association programs:**

##### **Matching that facilitates mentoring**

Building on the concept of mentoring by phone, several law associations across the province have created matching programs that link junior lawyers needing advice or assistance with more seasoned practitioners.

Typical is the Thunder Bay Law Association (TBLA) Mentoring Program, launched in early February. Like others in the Ottawa and Hamilton areas, the TBLA program is offered through the county law libraries. Lawyers who seek mentoring are matched against a list of mentor volunteers, organized by expertise and/or practice area. The onus is on the mentors to make the initial contact with the lawyer seeking mentoring, and to determine if they are competent to respond to the inquiry or issue of the junior lawyer.

Although it is assumed most calls will be "one-offs," the scope and length of the

## **Mentoring comes with the job for criminal bar**

If there is a segment of the bar for which mentoring is a *modus operandi*, it is likely the criminal bar.

"We share a mindset that says we don't let our colleagues sink, we can't simply stand by and watch a colleague crash and burn and not do something," explains Andy Rady, vice president with the Criminal Lawyers Association and partner at Behr, Rady in London.

That "something" can range from taking a young lawyer aside during a break in a trial and offer advice or steer him in a different direction, to farming out files to more junior lawyers, to having a group of lawyers collaborate and take a struggling lawyer under their wing. "I think we're more willing than most to share the tricks of our trade – probably because we are all basically on the same side," adds Andy. Members freely share facts, precedents and other work products that could help out another lawyer.

"Making time for each other simply comes with the job – even for the most senior members of this bar," adds Todd Ducharme, a Toronto-based sole practitioner and Law Society Bencher. Because most work alone or with only one or two other lawyers, the need to create and maintain mentor contacts is an integral part of practice. "We socialize a lot – but much of that socializing is sharing information and knowledge, and sounding each other out or reviewing cases and decisions."

To facilitate this information exchange, the CLA maintains a computer-based list serve to which lawyers post questions, issues or concerns. "It is probably the ultimate sounding board because it lets a lawyer canvas virtually every member of our bar," says Andy. "Sometimes you're too close to a situation, you just don't have the objectivity you need. The list serve helps take off those blinders, because the responses you get often help you come at an issue a different way. And the information sharing that this allows is priceless."

Although mentoring is very much part of the bar's culture, young lawyers are well advised to create mentoring opportunities for themselves, especially in today's climate where they may be forced to work out of their homes and are more isolated from opportunities to interact. You can learn a lot by sitting in on a trial, and watching how some of the best conduct a case. "Talk to others about how you've done in court, even if you think everything went well, because learning after the fact is part of mentoring," advises Todd. "Make a point of calling others to find out about a Crown, the judge, and what they are like on various issues. Show some hustle – make yourself useful to potential mentors by helping them with some of the more mundane aspects of practice, like set dates. You can't replicate the mentoring that happens in an employment situation – but you can come close."

relationship are often determined by the mentor and mentee themselves. Disclaimers and releases that vary in detail depending on the law association, set out the parameters of the agreed-to mentoring relationship, as well as absolving both the

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law association and the mentors of any responsibility for the advice, guidance or suggestions made by mentors in the course of the relationship.

“Like all law associations, we are always looking for new ways to better serve our members,” says Kevin Cleghorn, who, as immediate past president of TBLA, spearheaded the development of this program.

“This type of initiative recognizes the value of the informal mentoring that has been happening here for decades,” adds Kevin, who is also Director of the Family Law Office (Thunder Bay) for Legal Aid Ontario. “By putting some structure to that networking, we’re hoping to access those who might otherwise fall between the cracks because they’re hesitant, embarrassed, or simply don’t know who to turn to for some advice or assistance.” Kevin estimates that close to one-third of the local law association’s 160 members have volunteered as mentors, many in several categories. “This take-up, I think, is a clear indication that lawyers want to help lawyers, as a way of serving the best interests of the profession.”

**For information on the Thunder Bay Law Association Mentoring Program, contact Kevin Cleghorn at (807) 346-2953 or via e-mail at [jkcleg@tbaytel.net](mailto:jkcleg@tbaytel.net).**

### **Osgoode Hall Law School Mentor Program: Mentoring at the ground level**

Launched in 1992 by a trio of law school graduates, this program links first year law school students with Osgoode Alumni, ranging from second or third-year calls to members of the bench, including numerous Chief Justices. Its goal: to help new students gain a better understanding of law practice and future opportunities by facilitating interaction between them and members of the bar.

“When I graduated, I realized there was nothing in place to introduce new students to law practice; nor were we, as alumni, doing anything to help make that overwhelming first year experience more manageable,” says Peter Osborne of Lenczner Slaght Royce Smith Griffin, who helped get the program off the ground.

Groups of new students are matched with a student advisor (a second or third-year law school volunteer) and an Osgoode Alumni mentor, selected by the Alumni Association Board. Groups meet several times during the year, depending on the students’ needs and interests; at least two of these meetings are social events, hosted by the Alumni Association. Students are free to contact mentors about specific issues, as long as they keep the ground rules in mind: the program is not a recruiting vehicle or forum for academic issues.

Feedback from the more than 200 new students and 40 or 50 mentors who participate in the program each year has been positive, says Peter. “It’s particularly useful to students who come to the legal community with little or no previous exposure to this area.” Some students keep up the mentor contact, even into law practice. “There are certain issues that you simply cannot discuss with others in your firm; it’s good to have this recourse to others in the profession established from an early stage.”

Among practitioners, he’s discovered, “there is a huge willingness to mentor.” And many mentors participate year after year – not

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# Going solo?

## A mentor network is key for Thornhill lawyer

With only six months in a two-lawyer firm under her belt, Roselyn Pecus knew that establishing her solo family law practice in 1994 would be a lonely, potentially risky business. She had a peer network of law school contacts she could turn to, but little else. "There simply was no mentoring program I could tap into back then," she says.

Instead of simply hoping for the best, Roselyn set to work establishing a network of mentor contacts in various fields on which she could draw, depending on the issues facing her. Initial contacts with members of the Thornhill Chamber of Commerce and other local business groups helped her identify potential mentors in law as well as in marketing, business administration and other areas. Some were her senior; many were her peers but with experience and expertise in areas that complemented her own. They talked over the phone, over lunch or drinks after work.

"When you're on your own, you need to know that there are others you can turn to and talk to about virtually anything – from how to deal with an overly aggressive lawyer to how to teach your staff to do the billings correctly; you even need the occasional shoulder to cry on when things

don't go your way," she says. Specific members of her network also become a sounding board on strategies, tactics and substantive law issues.

"Sometimes you just need someone to tell you that you are on

the right track," she says, citing a recent situation where opposing counsel's sudden willingness to go to mediation was causing her to doubt her strategy. "I was worried that I was missing something, that I had overlooked something that would undermine my client's position," she says. "I called a lawyer I trust who assured me that I was on the right track – and after eight hours of mediation, the mediator said the same thing."

As she's gained experience and confidence, the mentoring network has become less crucial and the composition of her network has evolved to reflect her changing situation. "Mentoring is really critical at the beginning, when you are starting out and thinking that you must be the only one in the world with these ques-

tions, doubts and issues," says Roselyn. A decade after being called to the bar, Roselyn figures she herself is now ready to mentor – but she's also keeping her own network intact.



# Mentoring comes full circle

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It was a personal, defining experience with a mentor that made Jim Adamson of Gilbertson Davis Emerson LLP a lawyer committed to mentoring others.

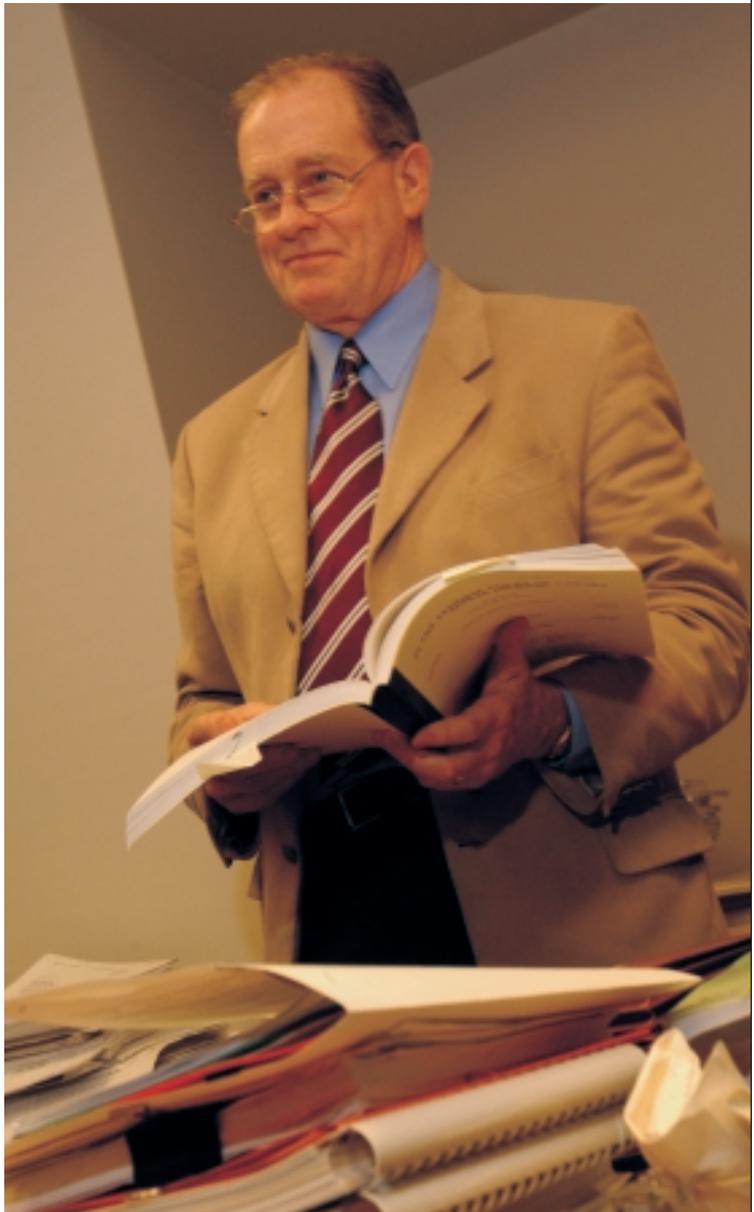
As a junior litigator some years ago, he found himself needing advice that only an experienced lawyer could provide. "I had a sense of what the result ought to be, based on simple morality; but there was an unavoidable threshold proceeding which was being used as a diversion," he recalls. Prepared "like for a Court of Appeal motion" he summoned the courage to call "one of the giants of the bar.

"It was a gratifying experience . . . he was sincerely interested in my case . . . we discussed the case and my views at length." All that was asked in return was to be kept informed of how the case went. "I had needed confidence and he gave it to me. Like day following night, all the rookie jitters disappeared. Later, in settlement negotiations with an intimidating older opponent and in court, I had no self-doubts about the basics of the case," says Jim. The occasional subsequent inquiry to other members of the bar elicited the same support: "I received the same gracious, sympathetic, charitable treatment, as well as wonderful memories of some of the best lawyers anyone could ever hope to meet." It was a lesson Jim never forgot.

When juniors call today, he readily provides advice and guidance, even ongoing mentoring if that is what is needed: "They inevitably have the training and ability but lack the confidence, the conviction in themselves to go it alone," he says. Like his mentors before him, he makes a point of "working them over," pointing them toward a probable theory of the case and case law but never doing the work for them.

"Mentoring a young lawyer is not always quick. Sooner or later it is difficult not to get drawn into vetting correspondence, motion materials – as is the case with a junior in your own office,"

admits Jim. Occasionally, he's found himself mentoring a junior "who is undergoing a baptism by fire." But his commitment is unwavering and like so many others, he says, "we simply make up the time working late another night, or missing the Leafs on TV – again."



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only because it really takes very little time, “but because they see that they are contributing to the profession in a meaningful way.” His hope: That the positive mentoring experiences of the Osgoode program make committed, life-long mentors of the new Osgoode Alumni.

**For more information on the Osgoode Alumni Mentoring Program, contact the Alumni office at 416-736-5638.**

### **The Ontario Bar Assistance Program: Mentoring through peer support**

Mentoring can encompass more than advice on legal procedures or precedents. Sometimes lawyers need help with personal or professional distress or impairment such as stress, burnout, substance use/abuse or even physical or mental health challenges. The myriad demands of family, clients, continuing legal education, leisure and self sometimes seem impossible to juggle in a very demanding profession that mandates a high quality of work with the expectation by clients of instant access by phone, cellphone, fax and email.

The Ontario Bar Assistance Program (OBAP) has a corps of peer support volunteers who have “been there” and have worked their way through the ups and downs of practising law and having a personal life. Volunteers listen in a non-judgmental way and help to look for that light at the end of the tunnel. Talking to someone who understands can provide the grounding that makes problems realistic and manageable. OBAP also act as a personal loss prevention intervention to help avoid negligence claims or discipline problems if issues are dealt with early enough.

OBAP is a totally confidential service (except in the case of criminal activity that affects clients’ interests) and is free to members of the profession, their families, law students and judges.

**For more information, contact OBAP through Leota Embleton, Program Manager at 1 877 576-6227 or John Starzynski, Volunteer Executive Director at 1 877 584-6227. The toll-free, 24-hour answering and referral line is 1 800 667-5722.**

### **The Advocates’ Society: Mentoring a cornerstone of 2002 program**

Building on its successful civility initiative of 2001, The Advocates’ Society, under the stewardship of its president Bruce Carr-Harris of Borden Ladner Gervais LLP, has made mentoring a focus for its initiatives in 2002.

“The profession is looking for some leadership on this issue; we miss the collegiality and civility that are fundamental to mentoring,” says Bruce. “To get back on track, we need to get rid of some of the stumbling blocks to mentorship; for example, in small communities lawyers may be reluctant to admit they are out of their depth and need a mentor; in other areas, billing targets and other financial constraints impede mentoring.”

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*“To get back on track, we need  
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stumbling blocks to mentorship”*

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The Advocates’ Society’s mentoring initiative has its roots in a Report on Mentorship prepared in 1996. That report contained a wide-ranging set of recommendations which were considered by the special task force on mentoring that is now coordinating the Society’s mentoring initiatives. Among the programs that the task force has on the agenda are the following:

- A series of special mentorship occasions that will pay tribute to senior members of the profession who are also acknowledged mentor leaders; Ian Scott was feted last fall, Pembroke’s Allan Huckabone is to be celebrated this May;
- A special Forum on Mentoring for young lawyers, and a mentoring luncheon for intermediate members of the Society, both scheduled for this May;
- A Guide to Mentoring brochure that will provide guidance on goals for mentoring programs, to be published this summer;
- A chat line/bulletin board for Society members, scheduled for launch later this year;
- The Society’s civility training workshop, which sees senior members of the bar, including judges, lead in-firm workshop sessions on the value of civility and how to handle uncivil counsel.

**For more information on any of these initiatives, contact Nancy Reason, Director of Education at The Advocates’ Society at 416-597-0243 or via e-mail: [nancy@advsoc.on.ca](mailto:nancy@advsoc.on.ca).**



Maria Scarfo, Blaney McMurtry

# Mentoring associates:

## It's simply good for business

*Some were established with the firm's founding fathers. Others are still evolving in lock-step with the firm's own evolution. Those that are formal come with detailed procedures and processes, while the informal are more often a reflection of the participants' expectations and priorities.*

*The ways in which firms deliver associate mentoring programs are as varied as the firms themselves. But no matter what shape they take, mentoring programs have one thing in common: a growing recognition that they are a vital element of the business of law.*

Senior partners from a variety of firms interviewed for this article say two factors have contributed to this renewed focus on associate mentoring programs: a growing concern with the lack of civility and collegiality in the law profession – which plays itself out on numerous fronts, including a poor professional image; and the recognition that mentoring is simply good for business.

"There's a growing sense that we've lost something that was part of the profession in the past," says Bruce Carr-Harris, partner with Borden Ladner Gervais LLP, and president of the Advocates' Society. He cites tightening financial constraints, especially at the larger firms, as a factor contributing to the lower profile of mentoring; a concern that civility and advocacy in the profession are on the decline, he says, is the result.

The profession, he says "is ripe for mentorship."

Ian Epstein, managing partner at Blaney McMurtry LLP, concurs, adding that mentoring simply makes good business sense. "Studies indicate that the number one reason that associates leave a law firm is the absence of a mentoring program," he says. "When you consider the investment a firm makes in associates, those results really drive home the economics of mentoring." Maria Scarfo, who oversees the Blaney associate mentoring program, shares that conviction: "The better the (mentor-

ing) program, the more profitable the firm. You won't be dealing with a revolving door, you'll do less recruiting because a good mentoring program fosters loyalty. You attract better talent and that talent stays."

In mid- to larger-sized firms, institutionalizing mentoring also ensures that associates don't fall between the cracks. "A formal program ensures you can identify future partner material early on," says Ian, who helped establish Blaney's formal mentoring program in the early 1990s. "You ensure that your new associates have a well-rounded training that reflects what is valued in the firm, because those associates are your firm's future." Add to that his own conviction that, "better quality lawyers translate into better quality clients," and mentoring, as he says, "really is a no-brainer: It really does pay."

Carolyn Stamegna, a senior partner at Gowling Lafleur Henderson LLP, points out the rewards of mentoring are financial and professional, for all parties. Although she initially resisted participating in the firm's mentoring program, ("I didn't want that 'burden'"), she is now a committed advocate. As well as being able to take on more work, she discovered that the teamwork that is an integral part of mentoring has paid unexpected dividends. "We've developed deeper relationships with our clients – relationships built on a better understanding of their business, their needs and the value we bring to that relationship," explains

Carolyn. "We're also doing the work more efficiently, because I can delegate to Hilary (Goldstein, a third-year associate) and focus on other elements of a transaction or the practice. As a team, we're more valuable and productive than if I was doing the work alone."

Less tangible but equally valuable is the satisfaction that comes from watching a junior associate grow and become an integral part of the law firm, says Richard O'Reilly, partner with Nelligan O'Brien Payne LLP in Ottawa. "I look on mentoring as an important way in which I contribute to the firm's long-term success, and help train the next generation of lawyers. How to achieve balance in their work and personal lives and not let the law suck you dry; how to develop a thick skin and learn to deal with the client who yells: These are the kinds of things we can teach mentees, along with the legal issues. Certainly it takes time, and finding that time is likely the biggest challenge that we face as mentors. But it is time well spent."

Greg Richards, a senior partner with Weir Foulds LLP in Toronto concurs: "The energy and enthusiasm that a new associate brings can be really energizing. You look at your own work in a new light; the mundane is less so when you look at it through the eyes of someone you are teaching. Yes you have to work at making the mentor/associate relationship really successful. But the tradeoff, in many ways, is pretty terrific."

*Ian Epstein, Blaney McMurtry*



## Components of successful mentoring programs

If law firms agree on the value of associate mentoring programs, the ways in which they deliver mentoring vary widely. The following summary provides insight into how some firms organize their associate mentoring programs, and the key components of successful mentoring initiatives at these firms.

### The need for a mentoring champion

Firms agree that it takes a driving, visionary force to champion the mentoring initiative through its introductory stages. In the case of

Nelligan O'Brien Payne, it was Steven Welchner, the firm's Director of Research and head of the labour group. Five years ago, he realized that the effort the firm was putting into programs for its articling students was disproportionate to the investment it was making in training new associates.

"If anything, we had it backwards: Our major investment, we realized, should be in our associates, not our articling students." The firm's professional development committee concurred, putting Steven in charge of structuring and implementing a comprehensive, three-year mentoring program for associates. Roles, responsibilities, procedures and expectations are now documented, to provide mentors and mentees alike with a framework within which to work.

Blaneys has had a number of mentoring champions over the years. Ian Epstein was involved in creating the first set of mentoring guidelines in 1993; Maria Scarfo recently helped revise these guidelines and was chair of the firm's Professional Development Committee until late in 2001. "Like many firms, we've always had a strong mentoring culture at Blaneys; but at some point you need to put some discipline and

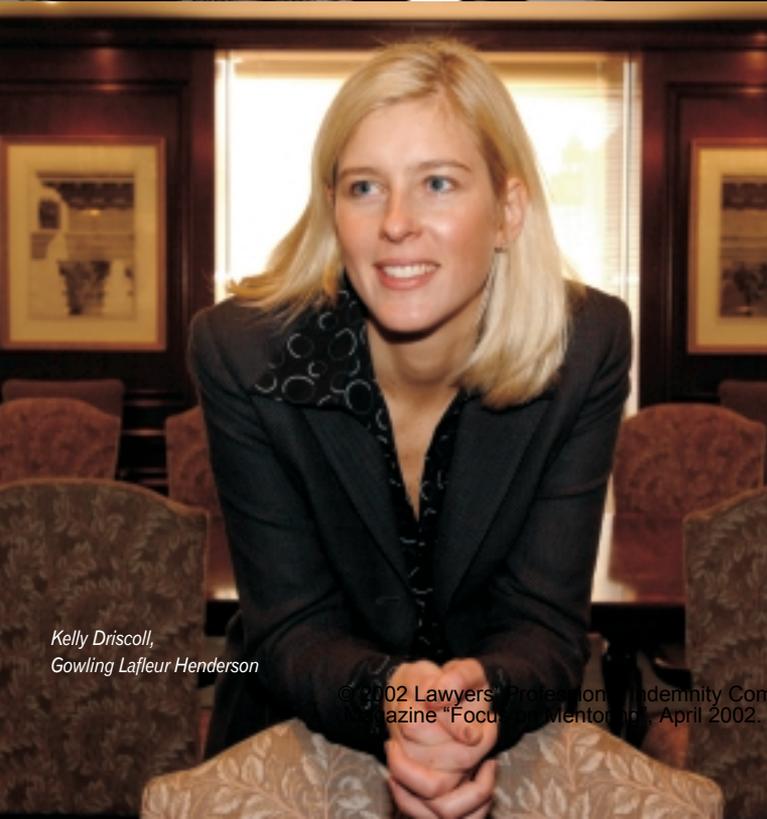
process to the relationship so that everyone understands what is expected and how things are to unfold," explains Ian. Both are looking at revamping the firm's program so that first-year associates are paired with a senior associate rather than a senior partner. "Studies indicate that mentoring works better if you pair the right level of mentor and associate," says Ian.

A mentoring champion not only gets the program off the ground, but also ensures its longevity. Gowlings' Kelly Driscoll, has been instrumental in building and fostering a culture of mentoring in the firm, and has ensured this program is supported by the appropriate infrastructure and resources.

"Mentoring should be seen as a cornerstone to associate development; and to execute on this commitment, you need policies, programs and even people who will facilitate this process," says Kelly, who spearheaded the firm's mentoring program as Director of Associates and Students, and was recently promoted to the firm's Director of Professional Development. Under Kelly's leadership, the Gowlings mentoring program has been structured to reward and recognize mentoring as an important responsibility that partners have to associates. The firm also



Carolyn Stamegna and Hilary Goldstein,  
Gowling Lafleur Henderson



Kelly Driscoll,  
Gowling Lafleur Henderson



*Johanna Braden and Nancy Spies, Stockwood Spies*

champions mentoring by designating a full-time director to oversee the program's implementation: "When you have two dozen or more new associates at any given time, you need someone who understands what mentoring is all about. Associates need someone to turn to other than their mentors for some issues. Mentors need someone to bounce ideas around with, someone who can direct them to new ideas and resources. That someone has to be firmly

committed to the value of mentoring in all its aspects."

#### **A structure that encourages mentoring**

Whether or not they're documented, the best mentoring programs are those that provide mentees a framework within which to develop and grow.

"When new associates join our firm, we expose them to as many experiences as

possible right away, taking them on discoveries, motions and trials, even if they don't have any responsibility for the particular file. This way, a new associate is introduced as quickly as possible to various aspects of the practice and the lawyering process," explains Nancy Spies, partner at Stockwood Spies.

At the same time, new associates are introduced to files where they will become involved from beginning to end. The associate participates in all aspects of the file and as much responsibility as possible is delegated to the associate. Associates are expected to attend all important meetings, discoveries and court attendances. "Whether or not you can bill the client at this point is irrelevant; we believe that all experiences are valuable" says Nancy.

"We don't want our associates carrying briefcases around for five years and never having an opportunity to actively participate in the courtroom – you don't learn quickly that way. We look for opportunities to develop advocacy skills, such as splitting an opening or closing statement with an associate, or allowing the associate to lead the evidence of certain witnesses at trial. We also believe that being able to see the whole picture and being involved from the outset to the resolution of a file carries tremendous benefits. In the end, you have a junior who is more valuable to the firm more quickly because you have invested up front in a more comprehensive learning experience," says Nancy.

Vital to helping the associate learn by doing, however, is for the mentor to both hang back and be ready with constructive criticism, says Johanna Braden, a fourth-year associate with Stockwood Spies. "As a mentee you need an atmosphere in which you're not afraid to make mistakes, knowing that your firm is there to back you up and step in if you need help."

In her first year of practice, Johanna got to examine the only witness at a trial, while her mentor Nancy Spies did the opening and closing statements. "As well as helping me prepare for that examination, Nancy did a post-mortem on how I did, what I could have done

differently or better," says Johanna. "That's the way the best mentoring works."

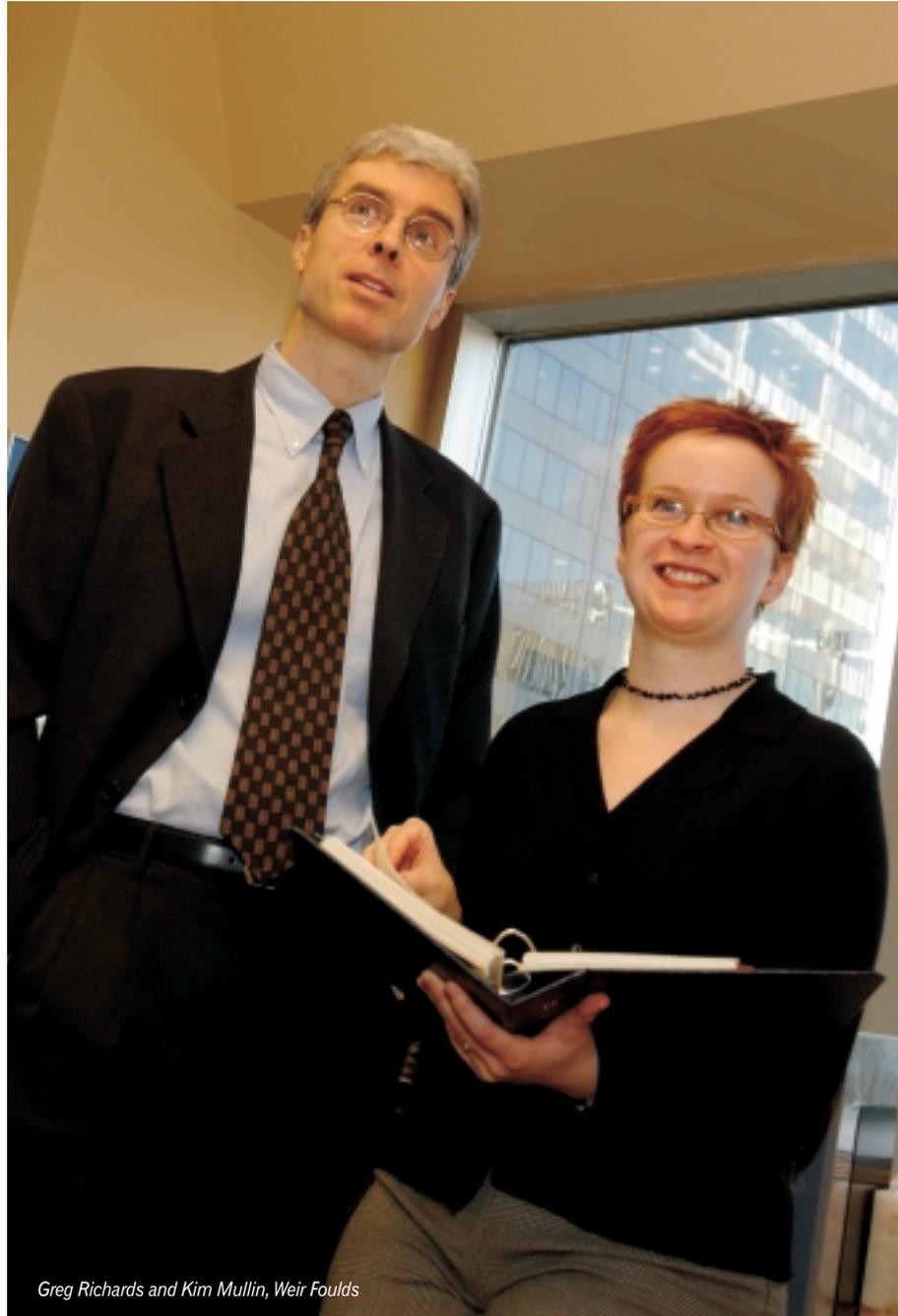
In most firms, such as Blaneys, the mentor is also a principal source of work for the mentee. In the first three years of the six-year mentoring program at the firm, the emphasis is on legal skills, including how to docket, deal with clients, and manage the administrative aspects of lawyering, says Ian Epstein. The mentor also is responsible for developing a plan that ensures mentees are exposed to all aspects of the legal process.

After a point, the need to impart legal skills takes second seat to the need to be a sounding board, and the relationship evolves: "We then deal more with ethical issues, how the associate can market himself, the plans and aspirations of that associate and how they dovetail with the firm's plans: The issues are more complex and involve the person as a whole," explains Ian.

Blaneys' mentees however also have a second mentor, a member of the Professional Development Committee who is usually outside their practice area. As well as ensuring that the mentor is doing his or her job, this PDC representative provides mentees with someone to discuss matters they do not feel comfortable reviewing with their principal work provider.

Nelligan O'Brien Payne takes a different approach in its three-year mentoring program, opting to partner associates with a member of their practice group to whom they are not linked by workflow. Mentors thus become confidants with whom juniors can discuss personal issues and goals, as well as professional development guidance and advice. Weir Foulds adds further to the associate's learning experiences by teaming up senior associates with articling students, creating in effect mentor training experiences for those still being mentored themselves.

Nelligans is enhancing its mentoring through a Career Development Plan for each practice area, a type of roadmap that sets out where associates should be at each stage of their career, from their call to the bar to partnership; the plan, now under development, will cover the types of transactions they should be undertaking, the contacts they should have made, the level of work they should be doing, as well as other benchmarks.



*Greg Richards and Kim Mullin, Weir Foulds*

### Mentees must make opportunities happen

The most successful mentoring, associates agree, happens when they take responsibility for making the mentoring relationship work. "Smart lawyers create situations that lead to serendipity," Sheila Block, partner at Tory, told a recent gathering of young women lawyers. "Make yourself someone who others want to mentor. Demonstrate a positive attitude and drive. Be a good listener and receptive to criticism."

Johanna Braden takes that advice to heart. "Learning doesn't stop once you leave law school," she says. "You have to be willing to take risks, make mistakes, put yourself on the line. At the same time, you have to create opportunities for yourself, and seize those that come along."

Hilary Goldstein knows exactly what Johanna is talking about. When she joined Gowlings and Carolyn Stamegna's group in 1998, Hilary made it her business to know her mentor's entertainment law business. "I asked what I should be reading, what I should examine; I made sure I knew as much as possible about our files, our clients, the issues. As a junior you sometimes have to be a bit more aggressive to make your presence felt because you do have something to prove."

Nelligan associate Erin Smith, who was called to the bar in 2000, says it's up to new associates to take stock of their own strengths and weaknesses, and to ensure any development plan meets their specific needs. "You know yourself better than anyone, so it's up to you to make sure you get the kind of learning and development opportunities you need to become the best you can be," she says. "As a junior, you cannot afford to sit back and wait for things to happen. You have to take the initiative, be proactive and make mentoring work for yourself and the firm."

### Creative solutions to "billing" for mentoring

Most firms agree that if there's one issue that often stands in the way of good firm mentoring programs, it's the need to meet a firm's billing targets. But here too the problem is one of mindset, not practicalities, say many.

For Stockwood Spies, the solution is to charge the time an associate spends learning to an "office" account, and not worry about the short-term impact on the bottom line. When juniors assist on a file, clients are brought on side and even then there is flexibility in how the "billable hours" are billed, says Nancy Spies. "It was more important for us to bring Johanna along quickly than to worry if we could bill for her time, every time."

Blanays and Weir Foulds similarly will write off the time – but at the same time allow the associate to docket the time towards his or her billing targets – if an associate participates in a learning opportunity that cannot be charged back to a client. "There aren't as many opportunities as we would like for associates to attend trials," points out Ian Epstein. "So if we have a trial

opportunity that we believe will round out an associate's learning, we'll take the associate to the trial, ensuring of course that we have first cleared this with the client."

"For a junior, it can be an important learning experience to see a senior executing the work that you may have been involved in," says Raj Anand, senior partner with Weir Foulds. "In a situation such as this, we benefit more by simply swallowing the costs involved; the learning far outweighs the costs."

Nelligan O'Brien Payne takes the write-off concept one step further. It allocates each first year associate a bank of 35 hours, and second year associates 21 hours, of professional development time, to be used to access learning opportunities that would not be part of their normal daily work. For example, Erin Smith dipped into her PD bank to sit in on a complex development hearing, "something I probably won't be doing on my own for a few years." PD hours are further credited to the billable and billed targets of associates, but not charged to clients. Similarly, mentors docket time spent mentoring to a non-billable docket code. Associates are monitored to ensure they use this PD bank fully. "This kind of approach adds value to the mentoring program," says Steven Welchner.

The bottom line: Although their approaches are different, all firms agree that the scope and success of their mentoring activities is today a much more topical concern than it has ever been. Their associates, they agree, are their future.



Raj Anand, Weir Foulds

# Mentorship at the Law Society



## Two different approaches

**“Mentorship plays an important role in the lives of lawyers – starting as early as when they first consider pursuing a legal career, to their time in law school – and continuing throughout their professional lives.”**

*Professor Vern Krishna, Treasurer of the Law Society of Upper Canada*

*To support lawyers in their quest to provide the highest quality of legal advice and services to the public, the Law Society of Upper Canada offers two very different mentorship programs.*

*The Equity and Diversity Mentorship Program encourages more young people of diverse backgrounds to consider law as a career.*

*The Advisory Services Mentorship Program connects lawyers with experienced practitioners in different specialties to help deal with complex legal matters outside of the Law Society’s mandate.*

*Treasurer Krishna says he values the contributions of volunteers who give generously of their time and expertise to be mentors. “As a professor of law, I see the impact that the equity mentorship program has in encouraging and preparing young people for law. As Treasurer, I recognize the tremendous support that mentors provide to their fellow colleagues in the profession.”*

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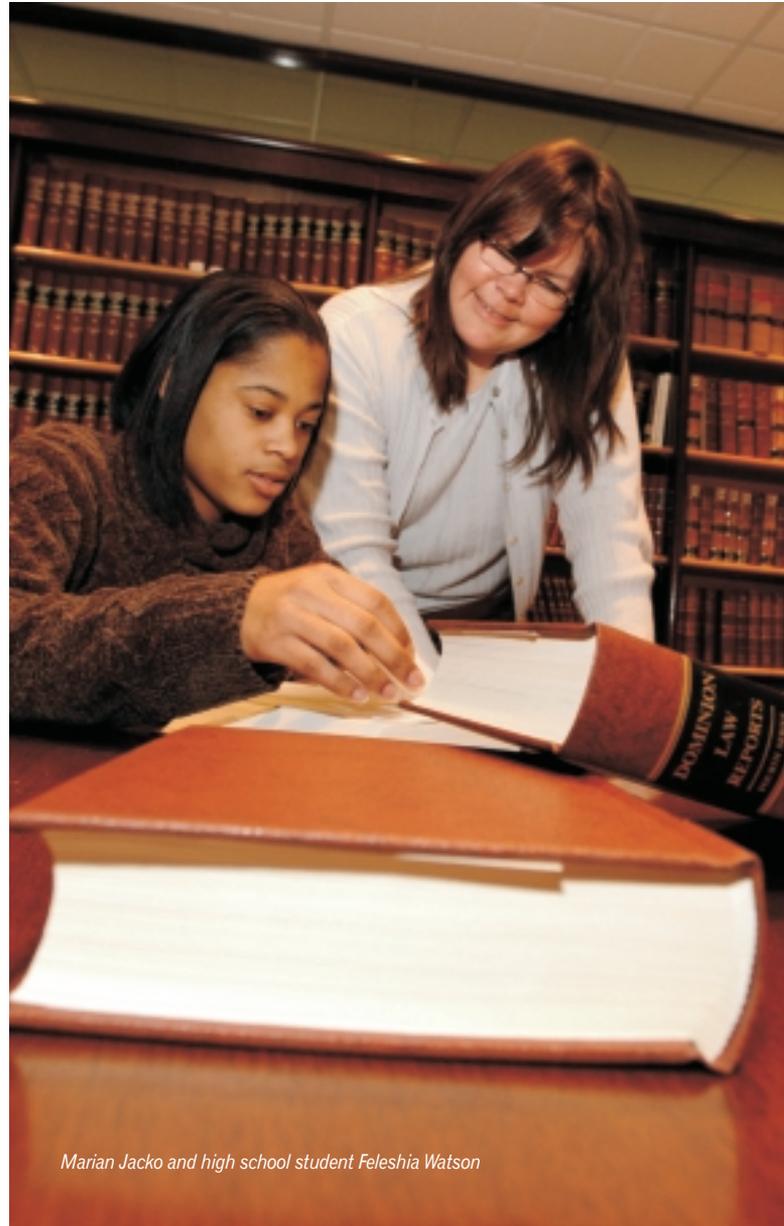
## Law Society Equity and Diversity Mentorship Program

It's important that people entering the profession have a realistic expectation of what the practice of law is all about. The Law Society's Equity and Diversity Mentorship Program helps do that – by giving youth a better understanding of what being a lawyer is really like, and a realistic view of the challenges and ongoing expectations of all lawyers.

The program, launched in 2000, matches lawyers with high school, law school, and Bar Admission Course students, and newly called lawyers from communities under-represented in the profession. It includes arranging informal mentoring, as well as co-op placements, panel discussions on the challenges and opportunities of being a lawyer, and presentations to high school law students.

According to Rachel Osborne of the Law Society's Equity Initiatives department, which coordinates the program, its primary aim is to encourage those from diverse backgrounds to choose law as a career. Also, by providing a better understanding of what the practice of law is all about, it aims to help students better prepare for this career, before going to law school.

"A lot of students have notions of law based primarily on what they've seen on television," says Rachel. "That's a very unrealistic and sensationalized model. It provides no understanding of all that is



*Marian Jacko and high school student Feleshia Watson*

involved behind the scenes – such as managing a practice, regulations, and insurance.” Rachel says programs like this can play a key role in helping youth realize that being a lawyer is more than the courtroom drama they’ve seen on *Ally McBeal*.

Through the program, high school students gain insight by spending time in a lawyer’s workplace, observing courtroom work, and by attending Law Society public education programs.

“Mentors have the ability to inform and inspire just by taking the time to share their experiences and perspective,” continues Rachel. “So many lawyers tell me that they wish they had had a chance to participate in programs like this before entering the profession.”

Marian Jacko, an Ojibway lawyer and Counsel with the Office of the Children’s Lawyer and President of Aboriginal Legal Services of Toronto, agrees. She says she entered the profession without a clear understanding of what practice would entail, personally and professionally, and that having a mentor while a student would have been very helpful to her.

She signed on as a mentor for the Equity and Diversity Mentorship Program to share her experiences with youth from under-represented communities, and to help them make an informed choice of law as a career.

Marian says she agrees with the philosophy behind the program and understands the challenges that can exist to becoming a lawyer, becoming employed, and going into practice. “For a student looking at these challenges, it can seem insurmountable. It’s important to me to be able to say to someone who has that view that with support, yes, you can succeed. Programs like this have the potential to provide that support. I see my role as a mentor, not only to act as a role model, but to provide support and encouragement.”

The Law Society initially matched her with a Toronto-area high school student, for informal mentoring. The match proved very suc-

cessful, and led to the creation of a co-op placement for Feleshia Watson in Marian’s workplace that she says provided, “exposure to every aspect of practice, from administrative tasks and responsibilities, to learning how to build a file, and observing counsel and attending court and public speaking events.” Marian also says her colleagues helped offer a variety of perspectives to the student, by providing opportunities for interaction with lawyers practising in different areas of law.

Rachel says students can learn a lot of valuable information through co-ops arranged through our mentorship program, such as the training required, ongoing professional development, and professional responsibilities and fees.

Currently, more than 75 lawyers are involved in the program, says Rachel, including sole practitioners, lawyers from the Department of Justice, legal clinics, firms, banks and the Ontario Securities Commission. “That’s a really great cross-section for our students to draw on and learn from.”

Rachel is working on expanding the program to Ottawa in 2002. She explains that expansion to other parts of the province will depend on lawyers stepping forward to take part. “We’re always looking for a roster of lawyers who are interested and available to participate in numerous ways. If we have enough lawyers available in an area, we’d be pleased to help connect them to students for mentoring and education opportunities,” she says.

### Want to get involved?

Lawyers interested in taking part in the program can visit the Law Society’s web site at [www.lsuc.on.ca/equity/program\\_mentor.jsp](http://www.lsuc.on.ca/equity/program_mentor.jsp), or contact Rachel Osborne at the Law Society at (416) 947-3911, toll-free at 1-800-668-7380, ext.3911, or by e-mail at [rosborne@lsuc.on.ca](mailto:rosborne@lsuc.on.ca).

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*Heather MacConnell is a Communications Advisor with the Law Society of Upper Canada.*

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## Consulting experienced practitioners – Advisory Services Mentorship Program

The Advisory Services team at the Law Society of Upper Canada deals with many member inquiries relating to ethical issues, competence, law practice management or Law Society regulatory interpretations.

In some cases, Advisory counsel are asked questions such as: “I’m drafting a will involving a disabled beneficiary. I have never done this before. Can you give me some guidance on the wording for the trust that should be included in the will?” or “I’m preparing my first appeal and I’m unsure to which court the appeal should be made. Can you help me?” When inquiries relate to substantive law or very specific procedural questions requiring expertise in a particular legal area, Advisory Services will call on its team of mentors to assist.

“Some questions are not within the mandate of Advisory Services, nor the Law Society. However, members may still require advice and direction on a particular file,” says Felecia Smith, Senior Counsel, Advisory Services. “That is why we administer a mentor program which puts lawyers who need this assistance in touch with experienced practitioners in the relevant areas of law.”

### How program works

Advisory counsel screens all calls before referring a matter to a mentor. Once counsel determines the member inquiry is best handled by a mentor, they will advise the caller and offer the option of speaking to a mentor. Counsel will record the nature of the inquiry and select an appropriate mentor with relevant expertise, from a roster of 250 members of the profession, representing seven different areas of legal practice.

Advisory counsel acts as a liaison between the caller and the mentor, by making the connection with the mentor, explaining the caller’s scenario and obtaining the mentor’s agreement to assist with the call. Once agreed, the mentor will either return the member’s call directly or give Advisory counsel permission to provide a contact number to the member.

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*Lisa Reilly is a Communications Advisor with the Law Society of Upper Canada.*

### The lawyer’s responsibility

Before being put in touch with one of the mentors on the list, a lawyer requesting assistance is asked to sign a form acknowledging that the assistance received is not a substitute for the lawyer’s own research, analysis or judgment. The form also acknowledges that the lawyer is required to independently verify any statement of law, practice, procedure or facts and the lawyer assumes full responsibility for any use made of the assistance or advice.

Calls are treated in a priority sequence and members are reminded that each call is issue-based. Felecia explains, “We advise callers that the assistance being provided is in relation to their particular issue only and is not the basis for establishing an ongoing mentor relationship. If the mentor wishes to continue assisting the member, that may be arranged between the two parties.”

“The mentor program has proven effective in providing members with the assistance they need,” adds Felecia. “Our mentors are highly recognized in their particular field, and provide advice and assistance at no charge to assist their colleagues in keeping with the best traditions of the practice. Mentors frequently report tremendous satisfaction from involvement in the program and the lawyers they assist are similarly grateful for the assistance and direction provided.”

### Want to get involved?

Advisory Services welcomes your application to become a mentor. If you’re interested in joining the program, please inquire at 416-947-3369.

Area of Law	# of mentors
Corporate/commercial	12
Bankruptcy & insolvency	11
Environmental	17
Family	62
Immigration	14
Criminal	63
Civil litigation	71
<b>Total</b>	<b>250</b>

# LPIC

## Mentoring initiatives

*LPIC believes that mentoring is an effective risk management tool. The mentored lawyer is less likely to make substantive errors or incorrect choices of procedure when the benefit of someone with more experience is available. Mentoring lawyers, because of the mentoring process, undergo self-reflection and re-evaluate their own risk management techniques when they are providing mentoring to others.*

*For its part, LPIC has embarked on four initiatives: two encourage mentoring, the third is designed to remove a perceived roadblock to mentoring, and the fourth – a practicePRO resource guide on Managing the Mentoring Relationship– provides mentors and mentees with practical advice and guidelines on how to best structure a successful mentoring relationship.*

### **Mentoring junior counsel**

One way LPIC can itself act as a mentor – and encourage mentoring in law firms that do our defence work – is to bring junior lawyers in these firms to the fore. With the agreement of senior counsel in a number of firms, LPIC has assigned claims files of appropriate size and sophistication to lawyers who are generally called to the Bar between one and three years. Each firm has a senior lawyer who acts as a mentor specifically for this project, and the junior lawyer has direct access to that senior partner when dealing with these files. Similarly, each of the mentees works closely with two LPIC claims examiners on these files. By providing mentoring from the client perspective, the mentees gain additional insights about file handling and client relationships which might otherwise not take place until later in their careers.

The benefits for junior counsel are numerous: They have responsibility for their own set of files, they are

getting active mentoring from senior members of their own firm and from a client, and they are gaining excellent experience in litigation. Participating firms see this as an excellent way in which to offer to their junior members opportunities which they would not otherwise have had. Moreover, files are resolved in a cost-effective fashion by a lawyer with the appropriate level of experience and expertise. All involved in this initiative – firms, mentors, mentees and LPIC alike – say the program has been an unequivocal success; plans are underway to continue this initiative in the coming year.

### **Seconding a lawyer from a defence counsel firm**

A year ago, LPIC entered into an innovative arrangement with one of its defence firms that saw the firm second a junior lawyer who, for a year, did only LPIC work. The lawyer practised out of the firm and so was able to use the firm's resources. The arrangement pro-

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vided unprecedented exposure to litigation work for the junior counsel, who would not otherwise have had the opportunity to see all stages of litigation on a significant number of files. It also provided the seconded lawyer with an excellent opportunity to interact with LPIC and the insured lawyers, providing that counsel

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*today's young lawyers seek a different kind of mentoring than the traditional learning the craft at the foot of the master*

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with greater understanding of a client's needs and how, as counsel, to best serve those needs. The insured lawyers represented by the seconded lawyer and LPIC were very happy with the expedient and attentive file handling by the seconded lawyer. The success of this pilot prompted LPIC to not only expand this initiative for 2002, but also to expand its role in mentoring through the junior counsel program, profiled previously.

#### **Mentoring & professional liability: Holding mentors harmless**

Through conversations with senior members of the bar, it became apparent that one perceived roadblock to mentoring was the concern of mentors that their involvement in a matter might lead to a claim against them.

To address this concern, LPIC has clarified its treatment of claims which arise out of a situation in which a mentor was involved.

#### **Specifically, LPIC will waive any deductible and claims levy surcharges for the mentor for claims arising out of the mentoring relationship.**

The only caveat is that the mentor and mentee must have some documentation which indicates the mentee assumes all responsibility for the legal services provided to the client, and the mentor has no direct contact with the client that could create a solicitor/client relationship. Sample documentation to this effect is found in the *Managing the Mentoring Relationship* produced by practicePRO and available on the web site at [www.practicePRO.ca](http://www.practicePRO.ca).

#### **Managing the Mentoring Relationship: a new guide from practicePRO**

This new booklet provides lawyers with practical advice and insights that help make the mentoring relationship work. It starts from the premise that today's young lawyers seek a different kind of mentoring than the traditional learning the craft at the foot of the master. The learner-centered mentoring model it promotes requires that mentees take an active role in directing the relation-

ship, including setting their own goals, finding their own mentors, where appropriate, and taking the initiative to establish their own mentor/mentee relationships.

The booklet also can be used at several levels, depending on the type of relationship desired by the mentor and mentee. For those needing only a broad framework, it provides general guidelines and sample forms that can be adapted to the specific needs of the mentor and mentee. Those willing to engage in a more comprehensive mentoring relationship will find detailed advice on how to prepare for and structure the relationship, how to make best use of time, and how to evaluate the success of the relationship.

The full text of the booklet is available on the practicePRO web site at [www.practicepro.ca](http://www.practicepro.ca); for a printed copy, e-mail: [practicepro@lpic.ca](mailto:practicepro@lpic.ca), or call 416-598-5899 or 1 800 410-1013.

## Why Should I be a Mentee?

Many have said the real learning only starts after law school, with the hands-on experience of being a lawyer. But much of that learning cannot come from books; it occurs by trial and error. A mentoring relationship can accelerate this learning curve and more quickly provide you with the skills needed to develop a successful, profitable and satisfying law career. In other words, mentoring can jump-start your practice:

- Learn new things about yourself: The self-reflection that can result from a mentoring relationship can be a powerful growth experience and give a mentee new insights about himself.
- Make more of your strengths and exploit your hidden talents: A good mentor will push a mentee to do more with his/her strengths, and help a mentee discover and exploit hidden talents.
- Contribute to the success of your practice or firm: A mentee who builds a strong practice ultimately contributes to the success of his/her practice or firm.
- Career satisfaction: You will be more satisfied with your career if you have a successful and profitable law practice.
- Expand your personal network: Entering into a mentoring relationship adds your mentor to your personal network, and may open doors to other individuals in the mentor's network.
- A source of referrals: Your mentor may refer work to you once s/he knows and trusts your abilities.

# LPIC'S Winning Ways

by Debra Rolph

LPIC Research Coordinator



Over the past seven years, LPIC has won a reputation for “going to bat” for its insureds. Its win rate has been impressive. The following are some of LPIC’s successes on behalf of its insured members in 2001. It is especially satisfying to LPIC and its counsel to successfully defend insureds who have done no wrong. LPIC’s efforts on behalf of “erring” insureds will be the subject of a future column.

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## The Law Society of Upper Canada

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Not everyone realizes that LPIC insures the Law Society of Upper Canada. Since time immemorial, the law has been that the Law Society is immune from suit when it exercises its statutory duties, provided that it exercises its powers in good faith.

In *Edwards v. Law Society of Upper Canada*, the claimants challenged this longstanding principle. LPIC defended the Law Society up to and in the Supreme Court of Canada. [2001] S.C.J. No. 77, affirming (2000) 48 O.R. (3d) 321 (C.A.), affirming (1998) 37 O.R. (3d) 279 (Ont.Ct.Gen.Div.). Had LPIC lost the appeal, the Law Society would have found itself added as a “deep pocketed” co-defendant in future lawsuits arising from lawyers’ dishonesty or other malpractice. Even defending such claims would have been a heavy burden, not only to the

Law Society and LPIC, but to the Ontario lawyers who fund both organizations.

The plaintiffs were allegedly victimized by a gold delivery fraud. A selling agent persuaded the plaintiffs to purchase “Gold Delivery Contracts,” and to pay \$9 million US in purchase funds into a law firm’s trust account. The plaintiffs later learned no mines existed and no gold was ever produced. They sought to recover their damages from the Law Society.

The Supreme Court held that the Law Society owed no duty of care to a person who deposited money into a solicitor’s trust account in respect of losses resulting from the misuse of that account. An examination of the *Law Society Act* did not reveal any legislative intent to impose a private law duty on the Law Society in the facts of this case.

The Law Society maintains a Compensation Fund to compensate for losses sus-

tained as a result of dishonesty by lawyers. The Lawyers’ Professional Indemnity Company provides insurance for claims by clients against their lawyers in negligence. Section 9 of the *Law Society Act*, which gives immunity from damage claims to officials of the Law Society who act in good faith, precludes any inference of an intention to provide compensation in circumstances that fall outside the lawyers’ professional indemnity insurance and the lawyers’ fund for client compensation.

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## Individual Insureds

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The following are brief descriptions of cases which LPIC successfully litigated on behalf of insured members in 2001. They are organized according to the area of law in which the insured was engaged at the time of his or her alleged error.

## Criminal Litigation

*Rashwan v. Farkas*, Unreported judgment of Boyko, J., released July 26, 2001, Court File No. 99/CU/175864 (Ont.S.C.J.)

The defendant solicitor represented the female plaintiff at a trial wherein she was convicted of assaulting (spitting at) her tenant. The plaintiff and her husband sued the solicitor for negligence. The Court found that the five matters about which the plaintiffs complained either did not cause the plaintiff to be convicted, or were genuine exercises of judgment, or were not egregious errors.

*Stekar v. Gilmore* [2001] O.J. No. 5019 (Ont.S.C.J.)

The plaintiff sued his former counsel, who represented him in his criminal and matrimonial difficulties. The allegations of negligence related to the criminal proceedings. They focused primarily on issues relating to counsel’s handling of a Charter Application for

disclosure of the identity of a man who was allegedly at the plaintiff's wife's house when the plaintiff assaulted his wife. The plaintiff also complained about the defendant's representation at a second bail hearing, where the plaintiff had been charged with breach of his recognizance in breaking into his wife's house on a second occasion to install video surveillance equipment. The plaintiff was not in fact one of the two individuals shown on the video, and the plaintiff alleged that if the defendant had obtained the video for the bail hearing, it would have been shown that the plaintiff had not entered his wife's house.

Wilson, J. dismissed the plaintiff's action against the defendant.

The Court commented that in this trial, every aspect of the defendant's retainer was scrupulously examined as if under a microscope with the wisdom of twenty-twenty hindsight. Litigation, be it criminal or civil, is an ever changing, often unpredictable landscape. Given this context, a solicitor who acts in good faith is not negligent for an error in judgment.

## Civil Litigation

*Kasstan v. Ontario (Public Trustee)* [2001] O.J. No. 1071 (C.A.), affirming [2000] O.J. No. 819 (Ont.S.C.J.)

The Ontario Public Guardian and Trustee became the statutory guardian of Clara Kasstan's property. Litigation began concerning property owned by Kasstan. The Public Trustee retained Randall Johns to act as counsel. Kasstans was represented by another solicitor, who was guardian of her person.

Kasstan later sued Johns, alleging that she was negligent in the presentation of her case. He allegedly failed to promote her defence under the Constitution. Kasstan's action was summarily dismissed. Johns was not retained by Kasstan; he was entitled to take instructions from the Public Guardian and Trustee. Kasstan's appeal to the Court of Appeal was dismissed as "without merit." Her cause of action, if any, was against the Public Trustee.

*Shuman v. Ontario New Home Warranty Program et al.* [2001] O.J. No. 4102 (Ont. S.C.J.)

The plaintiff Earl Shuman unsuccessfully sued the Ontario New Home Warranty Program (ONHWP) for

coverage with respect to certain alleged defects in his new home. He then sued three solicitors who had represented ONHWP in the litigation. His action was struck out.

Dr. Shuman attempted to rely on the tort of misfeasance in public office. Insofar as the three solicitors were concerned, none of these solicitors were public officers exercising administrative or legislative power. They were counsel for the Program, and owed no duty of care to the plaintiff. Complaints relating to an opposing solicitor's allegedly unethical conduct during the proceedings do not provide a basis for a cause of action.

## Commercial Law

*Annab v. Jabour* [2001] O.J. No. 1694 (Ont.S.C.J.)

The plaintiff solicitor was retained by the plaintiff and his business partners to act on the purchase of a pizza business in Ottawa in 1987. The business eventually failed, and an action was commenced against the solicitor in 1992. The chief complaint was that the solicitor failed to ensure that the vendor made adequate financial disclosure, and that the purchase agreement contained the appropriate warranties and representa-

tions concerning the business. In 1996, the plaintiff made an assignment in bankruptcy. Debts arising from this failed business venture constituted half the debts owing in the bankruptcy. Immediately after the plaintiff's discharge from bankruptcy, the plaintiff purchased the cause of action against the solicitor from the trustee in bankruptcy.

At the trial of the action before Chadwick, J., the Court accepted that the solicitor had not been negligent in his representation of the plaintiff. The Court accepted the evidence of the defendant's expert witness that in purchasing a small business, representations and warranties are rare. Financial statements would have been of little assistance in the purchase of a pizza business, because these tend to be run on a "cash" basis. Chadwick, J. preferred the evidence of the defendant's expert over the plaintiff's expert because the defendant's expert had far greater experience in buying and selling small businesses.

The Court held that the solicitor was not retained to give business advice, and that the plaintiff would have purchased the business notwithstanding the solicitor's advice.

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*“...damages are to be assessed in the real world. It is not to be made an occasion for recovery of a loss (that) has not been suffered.”*

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The Court would have chosen the date of trial as the appropriate time to assess damages. Because the plaintiff's business indebtedness had been discharged in the bankruptcy, he suffered no losses. To award damages to the plaintiff would give him a windfall, since the creditors of the bankrupt estate would receive nothing. Chadwick, J. followed the judgment of the English Court of Appeal in *Kennedy v. Van Emden*: “...damages are to be assessed in the real world. Compensation is a reward for actual loss. It is not to be made an occasion for recovery in respect of a loss which might have been, but has not been, suffered.”

*Royal Bank of Canada v. Gentra Canada; Osler, Hoskin (T.P.)* [2000] O.J. No. 315, affirmed [2001] O.J. No. 2344 (Ont.C.A.)

The Royal Bank sued Gentra to recover money it paid to Gentra under a letter of credit. Gentra third parties Oslers for advising it that it was proper to draw down the money. Royal Bank's action was dismissed, as was the third party claim.

*L.L.P. Holdings Limited v. Hongkong Bank of Canada; Pilzmaker Suzuki (T.P.)*, Unreported judgment of Lang, J. Court File No. 65574/91Q (Ont.S.C.J.), judgment rendered July 27, 2001

Barbara Suzuki was sued personally with respect to funds misappropriated by her ex-partner, Martin Pilzmaker. The misappropriations occurred over one year after the partnership was dissolved; however, Ms. Suzuki had not given the notice suggested by ss. 36 – 37 of the *Partnership Act*. The action against Ms. Suzuki was dismissed. Pilzmaker did not misappropriate the money in his capacity as solicitor. He took the money from an account which he had opened in the client's name. He purported to have control over the account in his capacity as secretary-treasurer of the client.

### Real Estate

*Zebedee v. Hickson et al*, [2001] O.J. No. 4160 (C.A.), affirming unreported judgment of Marchand, J. Court File 4899/97 (Cobourg), February 15, 2001

Zebedee and Hickson were equal shareholders in a corporation which owned a hotel. The hotel increased in value. The corporation sold the hotel, and took back a very substantial vendor take-back mortgage.

Several years later, the hotel's purchaser fell behind on its taxes. The hotel was sold at a tax sale. Zebedee subsequently learned that Hickson was the purchaser of this property, along with an individual named French.

Zebedee thought that the property was sold at an under-value, and that Hickson had “stripped” their corporation's mortgage receivable, all to Zebedee's disadvantage. Zebedee sued French and Hickson for conspiracy. He also sued solicitor Russell, who had acted on the incorporation of Zebedee and Hickson's corporation, and on the sale of the hotel, and on the purchase of the hotel at the tax sale. Zebedee alleged that Russell had acted in a “conflict of interest” and had conspired with Hickson and French.

The three defendants successfully moved to have the claim dismissed on the basis that the action was essentially a derivative action which should have been asserted by the corporation. The action offended the rule in *Foss v. Harbottle*. The claim for conspiracy against the three

defendants was so closely intertwined with the impermissible derivative claim, that it too was struck out.

The Court of Appeal affirmed the motions court judgment.

*Mancuso et al v. York Condominium Corporation No. 54 and Harris Sheaffer*, Unreported endorsement by Gans, J., Court File No. 01-CV-214627CM, November 5, 2001

The defendant solicitors were instructed by their client, York Condominium Corporation No. 54, to prepare and register a notice of lien against a property which one plaintiff owned, and the other plaintiff occupied as tenant. The defendant solicitors also served a notice of sale under lien, again on their client's instruction.

The plaintiff sued the Corporation on the basis that no special assessment was owing, that the lien was not properly registered and perfected, and the costs claimed were unconscionable. The plaintiffs also sought damages against the law firm. The claim was struck out. The solicitors acted as agents of their client throughout, and

they owed no separate duty of care to the plaintiffs.

*White v Bryant*, [2001] O.J. No. 2125 (Ont.S.C.J.)

The plaintiff purchaser sued his solicitor because events proved that the vendor's obligations under the agreement of purchase and sale were not as the plaintiff understood them to be. The purchaser wished the vendor to be responsible for all costs associated with moving a power line. In fact, the vendor paid only 25 per cent of these costs. The plaintiff read the purchase agreement before signing it. He did not consult the solicitor about its terms, and retained him only after it was fully executed. The Court dismissed the plaintiff's action. The purchase agreement may not have reflected the purchaser's understanding of the vendor's obligation, but the solicitor could not be faulted for this. A solicitor is entitled to assume that a sophisticated client will review an agreement or undertaking before signing it. A solicitor is obliged to see that his client receives the rights to which he

is entitled under the contract – which was done here.

## Wills and Estates

*Kirsh v. Minden Gross* [2001] O.J. No. 5051

The defendant law firm was retained by Mr. and Mrs. Rosenberg to implement an estate plan on September 25, 1997. There were three parts to the estate plan: First, there was to be an estate freeze with respect to the shares of their privately held corporation. Second, there was to be a preparation of a formal partnership with respect to a small shopping centre which was held by the Rosenbergs in joint tenancy. Third, revised mirror wills were to be prepared that would create spousal trusts, as well as testamentary trusts for their three granddaughters.

At the September 25 meeting, it was agreed that the Rosenbergs' son-in-law would provide certain documentation necessary to implement the estate plan: an up to date Minute Book for the corporation, and evidence that the shopping centre was held in partnership. The

Minute Book was provided on October 20, but it was not up to date. No partnership evidence regarding the shopping centre was ever provided to the defendants.

The defendants began work on the estate plan just after October 20. On November 5, they learned that Mrs. Rosenberg had cancer. Mrs. Rosenberg suddenly and unexpectedly died on November 10, without the estate plan having been completed, or the wills signed.

The defendants were sued by Mrs. Rosenberg's estate, and by the three granddaughters. The Court accepted the evidence of the defendants' expert witness that the defendants acted with reasonable care and expedition in attempting to implement the estate plan. The defendants' retainer was to implement the entire estate plan, not merely to prepare wills. The Court accepted that the overall estate plan would likely have taken several months to implement. There simply was not enough time to do all that was necessary to be done.

# Are your passwords secure?

practice

PRO

## Protecting your passwords

It's one of those maxims that can't be repeated often enough: Treat your passwords as the confidential "keys" that they are. Much like the keys that open your front door or start your car, computer passwords are the keys that "unlock" your computer.

The following are some steps you can take to protect your passwords and keep your data secure:

- never write down your password, especially on your monitor. Is this not the same as leaving the keys for your car in the ignition? Take a walk around your office and see how many passwords you can find on monitors.
- if you absolutely have to write down some of your passwords to remember them, don't write them out exactly. Write them out so they have to be translated in some way. For example, add or delete a character, transpose letters, or vary them some other consistent way which only you can figure out.
- don't tell anyone your passwords. Change any compromised password immediately, even if you only *suspect* it has been compromised.
- don't use the same password for everything as you could be giving someone full and easy access to your entire system. Try to use different passwords for different programs, especially for your network logon password.
- on Windows 2000 and XP computers, don't have identical passwords for your network logon and administrator account passwords.
- ideally you should change your network password every 60 to 90 days.
- be careful about where you save your password on your computer. It is not uncommon for people to have a Word or WordPerfect file with all their passwords in it. This file can be easy to find, especially if it is called password.doc, or if it contains the word "password."
- be wary of dialog boxes, such as those for remote access and other telephone connections, that present an option to save or remember your password. **Do not select this option.**

## Creating "strong" passwords

Passwords can be the weakest link in a computer security scheme. Strong passwords are important because password-cracking tools continue to improve and the computers used to crack passwords are more powerful. Network passwords that once took weeks to break can now be broken in hours.

Password cracking software uses one of three approaches: intelligent guessing, dictionary attacks, and automation that tries every possible combination of characters. Given enough time, the automated method can crack any password. However, it still can take months to crack a strong password.

For a password to be "strong" or harder to break, it should:

- be at least seven characters long;
- contain at least one character from each of the following four groups:
  - uppercase letters A, B, C, ...;
  - lowercase letters a, b, c, ...;
  - numerals 0, 1, 2, 3, 4, 5, 6, 7, 8, 9; and
  - symbols (all characters not defined as letters or numerals, including: ` ~ ! @ # \$ % ^ & \* ( ) \_ + - = { } | [ ] \ : " ; ' < > ? , . /
- have at least one symbol character in the second through sixth positions;
- be significantly different from any passwords you have used previously;
- not contain your name or your computer user name;
- not be a common word or name.

Treating passwords as confidential keys to your computer assures you and your staff secure your client's data.



# CLE LPIC premium credit reduces premiums up to \$100



Would you like to hone your legal skills, learn new strategies and techniques, reduce your exposure to claims, and lower your 2003 insurance premiums? LPIC's new CLE Premium Credit program makes all this possible.

LPIC believes it is critical for its members to incorporate risk management strategies into their practices, and that the use of risk management tools and strategies will help reduce claims.

To encourage participation in CLE programs that include risk management content, LPIC will offer a \$50 premium credit (to a maximum of \$100) for each CLE qualifying program you attend by mid September. To qualify, you must complete the online Survey and Declaration on LPIC's Web site **by September 15, 2002**. The maximum \$100 credit will be

applied to your 2003 insurance premium. You are also eligible for the premium credit if you chair or speak at a qualifying program, provided you attend the entire session.

LPIC is working closely with the Law Society, the Ontario Bar Association, the County and District Law Presidents' Association (CDLPA), and The Advocates' Society to create programs that will qualify for the LPIC premium credit. To qualify for this credit, a course must include a risk management component.

Video replays of qualifying programs which are presented in an organized format will also qualify for the premium credit. This will allow law associations across the province to locally offer qualifying programs to their members.

Promotional literature for qualifying programs will carry

the LPIC "seal" of approval; a list of qualifying programs is posted on the LPIC Web site at [www.lpic.ca/clecredit](http://www.lpic.ca/clecredit).

This initiative is an expansion of the Online Coaching Centre (OCC) premium credit, which provided a \$50 credit to lawyers who completed at least three modules in the online self-coaching tool. More than 1,900 lawyers took advantage of this opportunity in 2001. Use of the OCC will continue to qualify for one of the \$50 premium credits. However, lawyers must complete three **new** modules before the September deadline.

To learn more about this new program, contact practicePRO by e-mail: [practicepro@lpic.ca](mailto:practicepro@lpic.ca), or call 416-598-5899 or 1 800 410-1013.

# Technology Message hits the road



*practicePRO will launch two technology programs this spring and summer that address the need to integrate technology into law practice. The initiatives reflect LPIC's view that technology is the key to thriving in the practice of law, and its continued commitment to help lawyers embrace technology.*

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## The practicePRO Technology Roadshow

The practicePRO Technology Roadshow will head to a dozen major centres around the province, providing lawyers with an opportunity to see first-hand the broad range of legal technology available today. Roadshow attendees will be able to view product demonstrations in small group settings. The practicePRO Technology

Roadshow rolls into Hamilton on June 19, 2002. Other dates and locations are being finalized. Watch for details from your local association, or check [www.practicepro.ca/roadshow](http://www.practicepro.ca/roadshow) for an up-to-date schedule and list of participating vendors.

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## practicePRO Technology Breakfasts

PracticePRO's second initiative, a series of Technology Breakfasts, will focus on various aspects of technology. Some sessions will be product face-offs. Others will be practical discussions and demonstrations of specific products by actual users. Still others will be presentations that review practical technology skills at a basic level.

### **April 26 – Winning With Technology**

Technology has probably made it onto your desk, but are you using it in the courtroom yet? At this session John Olah of Beard Winter will review the technology that he uses to prepare for and win in court. Products reviewed will include Summation, NoteMap, Trial Director and PowerPoint.

### **May 24 - Voice Recognition**

Voice recognition is better than ever, but it still isn't perfect and it still isn't for everyone. Will it work for you? Gain some practical insights from Barry Adams of Chown Cairns and Paul Harte of Harte Barristers, two lawyers who actively use voice recognition in their practices.

### **June 21 - Case Management Software Face-Off: Amicus Attorney vs TimeMatters**

Case management software is a critical tool for surviving and thriving in the practice of law. Are you using it yet? Come to this session for a side-by-side demonstration of the two most widely used case management products.

#### **To register:**

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

For an up-to-date schedule of future practicePRO Technology Breakfasts see [www.practicepro.ca/techbreakfasts](http://www.practicepro.ca/techbreakfasts). Summaries of these breakfast sessions will appear on the practicePRO website for those who are outside Toronto or are unable to attend them.

For more information on either of these initiatives, contact practicePRO Director Dan Pinnington at [piningd@lpic.ca](mailto:piningd@lpic.ca) or 416-598-5863.

## LPIC posts solid results for 2001

LPIC has closed the books on another successful year, posting a profit of \$8.7 million, growth in assets to just over \$399 million, and an increase in equity to \$72 million.

LPIC



2001 annual report

Highlights of 2001, which will be detailed in the LPIC annual report published in April, include the following:

- LPIC has again been awarded an "A" Excellent rating by A.M. Best Co., a leading insurance rating agency (see following story);
- Premiums fell by \$350 per lawyer to \$2,800, with a further \$100 reduction announced for 2002;
- TitlePLUS posted a record year, increasing policy volumes by more than 40 per cent and launching a number of new online initiatives as part of its increased focus on automated policy delivery systems;

- Claims reported in 2001 were roughly consistent both in average severity and in number with those reported a year earlier. In 2001, a total of 1,836 new claims were reported while 1,967 claims were closed. Accordingly, the number of open files continued to decline and at December 2001 there were 3,056 open files – a new low. (In 1994, the number of open files was at its highest at 6,681.)

Copies of the 2001 LPIC annual report will be mailed to each firm in early April. The report also will be posted to the LPIC Web site ([www.lpic.ca](http://www.lpic.ca)).

## LPIC awarded an "A" by leading rating agency

For the second consecutive year, LPIC has been awarded an "A" (Excellent) financial strength rating by a leading insurance rating agency. A.M. Best cited LPIC's profitable operating performance, strong capital position, effective management team,

favorable loss reserve development, superior claims management and overall financial strength as key indicators that earned LPIC the "A" rating.

LPIC President Michelle Strom noted that LPIC's ability to earn a consistent "A" (Excellent) rating from the world's leading insurance rating agency "is particularly gratifying given the more difficult economic climate of the past year . . . and solidifies our position as a leading insurance provider for the legal profession."

## New look for LPIC Web site

LPIC's website has a new look, streamlined navigation and a new presentation that makes it easier for you to quickly access the information you're looking for. On the drawing boards for later in 2002 are upgrades of both the practicePRO and TitlePLUS sites. Visit the new-look LPIC site at [www.lpic.ca](http://www.lpic.ca)

## LPIC revamps communication with insureds

LPIC has launched a streamlined communications program, introducing two new vehicles designed to better meet the changing information needs of lawyers today.

To keep lawyers up to date with time sensitive information, we have launched **LPIC E-News**, our new electronic newsletter which replaces the printed LPIC News. Distributed via e-mail, it is an electronic digest of the latest news on the E&O insurance program, TitlePLUS, and practicePRO, and provides direct links to more detailed information on the appropriate Web site. **LPIC E-News** will be a principal way of communicating news and other developments of interest to the profession. If you did not receive the premiere edition in January and want to add your name to our distribution list, please send us an e-mail at [service@lpic.ca](mailto:service@lpic.ca) or call Customer Service Department at 416-598-5899 or 1 800 410-1013.

**LawPRO**, the new practice and risk management publication you are now reading, will be published three times a year. **LawPRO** will examine developments in the profession, aiming to provide you with a better understanding of the practice and risk management issues that these developments raise. As well, **LawPRO** will include a digest of news communicated through the **LPIC E-News**, ensuring that LPIC insureds who do not receive the electronic newsletter are kept





# Q&A:

## Civil Litigation Levy

### **Do I have to pay the Civil Litigation Transaction Levy on my uncontested divorce files?**

Based on the definition of the LPIC Policy Endorsement that applies to civil litigation transactions (see below), an uncontested divorce proceeding constitutes a “civil litigation transaction” and generally does not qualify as an exclusion. Strictly speaking, therefore, the levy would be payable on uncontested divorce proceedings.

However, because of the slight risk of claims associated with this type of transaction, LPIC does not insist on payment of this levy in uncontested divorce matters. Therefore, although these transactions do not fall within an exclusion under the Endorsement, LPIC does not require that you pay the \$50 per file Civil Litigation Transaction Levy on uncontested divorce matters, nor do you have to include reference to these transactions in your quarterly levy filings.

Endorsement No.3 of the LPIC Policy defines situations in which the Civil Litigation Transaction Levy is payable, and sets out the exclusions under which this levy is not payable. Specifically, the Endorsement states:

#### **“A. DEFINITIONS OF CIVIL LITIGATION TRANSACTION**

For the purposes of this Endorsement “civil litigation transaction” means:

- (i) the commencement of a proceeding in Ontario by way of notice of action, statement of claim, originating process, application, petition, notice of appeal, a form prescribed by statute; or
- (ii) the response to a commencement of a proceeding in Ontario by way of statement of defence, defences to third party or subsequent party claims, answers to petitions, a response to an originating process, or notice of appearance in response to an application.

#### **C. EXCLUSIONS**

No levy surcharge is payable by a member pursuant to this Endorsement in respect of a civil litigation transaction if:

- (i) proceedings are commenced in Small Claims Court;
- (ii) proceedings are commenced pursuant to Residential Landlord and Tenant matters; or
- (iii) proceedings are funded by the Legal Aid Plan, Office of the Children’s Lawyer/Office of the Official Guardian, the Public Trustee or the Family Support Plan.”



## LAWYERS' PROFESSIONAL INDEMNITY COMPANY (LPIC)

President: Michelle Strom

LPIC news is published by the Lawyers' Professional Indemnity Company (LPIC) to update practitioners about LPIC's activities and insurance programs, and to provide practical advice on ways lawyers can minimize their exposure to potential claims.

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