

LAWPRO

magazine

2017 | Student Issue 5

special
student edition



NOT YOUR MOTHER'S LAW CAREER

Common
practice pitfalls

Student to
lawyer tips

What I wish
I knew in
law school

What is LAWPRO

and why should I care

Lawyers' Professional Indemnity Company (LawPRO), is the Ontario insurance company chosen by the Law Society of Upper Canada to provide the professional indemnity insurance that the Law Society has deemed mandatory for Ontario lawyers in private practice.

The insurance coverage provided by LawPRO supports the interests of consumers of legal services who may have a legitimate malpractice claim against a lawyer and are hoping there will be funds available to provide a settlement or to satisfy a judgment. It also helps to protect lawyers from the potentially catastrophic financial consequences of professional malpractice claims.

In the pages of this magazine you will learn about professional indemnity insurance, LawPRO, and the practicePRO program, LawPRO's claims prevention program. The practicePRO team creates and maintains a wide range of practice management resources for lawyers at all stages of practice. For details see our best claims prevention tools at page 15.

In addition to professional indemnity insurance, LawPRO offers title insurance via its TitlePLUS® program. Title insurance is designed to protect property purchasers, owners, and mortgage lenders against losses associated with title problems.



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LAWPRO insurance
TitlePLUS Home Buying Guide – Canada



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Isn't LawPRO just a branch of the Law Society?

While LawPRO is owned by the Law Society of Upper Canada, it is an independently operated company governed by the same industry regulation that applies to other insurance companies. To meet its claims obligations, LawPRO funds itself by matching premiums to risks and by making investments. While the insurance program renewal is considered each year by the Law Society, the company is governed by its own board of directors and executive, and is required to operate according to established insurance principles.

Will I need to pay for professional indemnity insurance if I work in government or as in-house counsel?

Certain categories of lawyers are exempt from the requirement to carry mandatory insurance coverage. In general, government lawyers, in-house lawyers, legal academics who don't practise law and lawyers who have retired or withdrawn from practice (or who never practised) are exempt, unless they provide professional legal services to parties other than their employers. In addition, there is an exemption available for lawyers who do some types of *pro bono* work. Once you have been called to the bar, you will receive more information about these exemptions.

How can I have a say about the mandatory insurance program?

The LawPRO mandatory insurance program for each year is reviewed at the fall convocation of the Law Society. Benchers are given an opportunity to learn about the program, and ultimately to accept the offer for the following year. LawPRO's Report to Convocation is posted at lsuc.on.ca at that time. Of course, we are interested in receiving your comments, questions and concerns, at any time of the year.

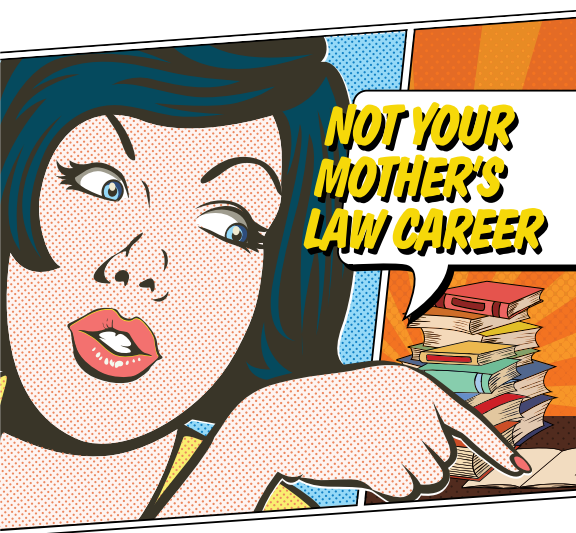
What can I do, once I'm in practice, to avoid malpractice claims?

LawPRO has many years of experience receiving and defending claims. Our claims counsel and analysts have developed a detailed understanding of the factors and circumstances that tend to result in claims. For example, did you know that new lawyers generally have a LOWER rate of claims than do lawyers with eight or ten years' service? Or that problems with lawyer-client communications are the single largest source of claims? Visit our websites (lawpro.ca and practicepro.ca) for information on the most common pitfalls in each practice area and tips about how to prevent claims in your practice.

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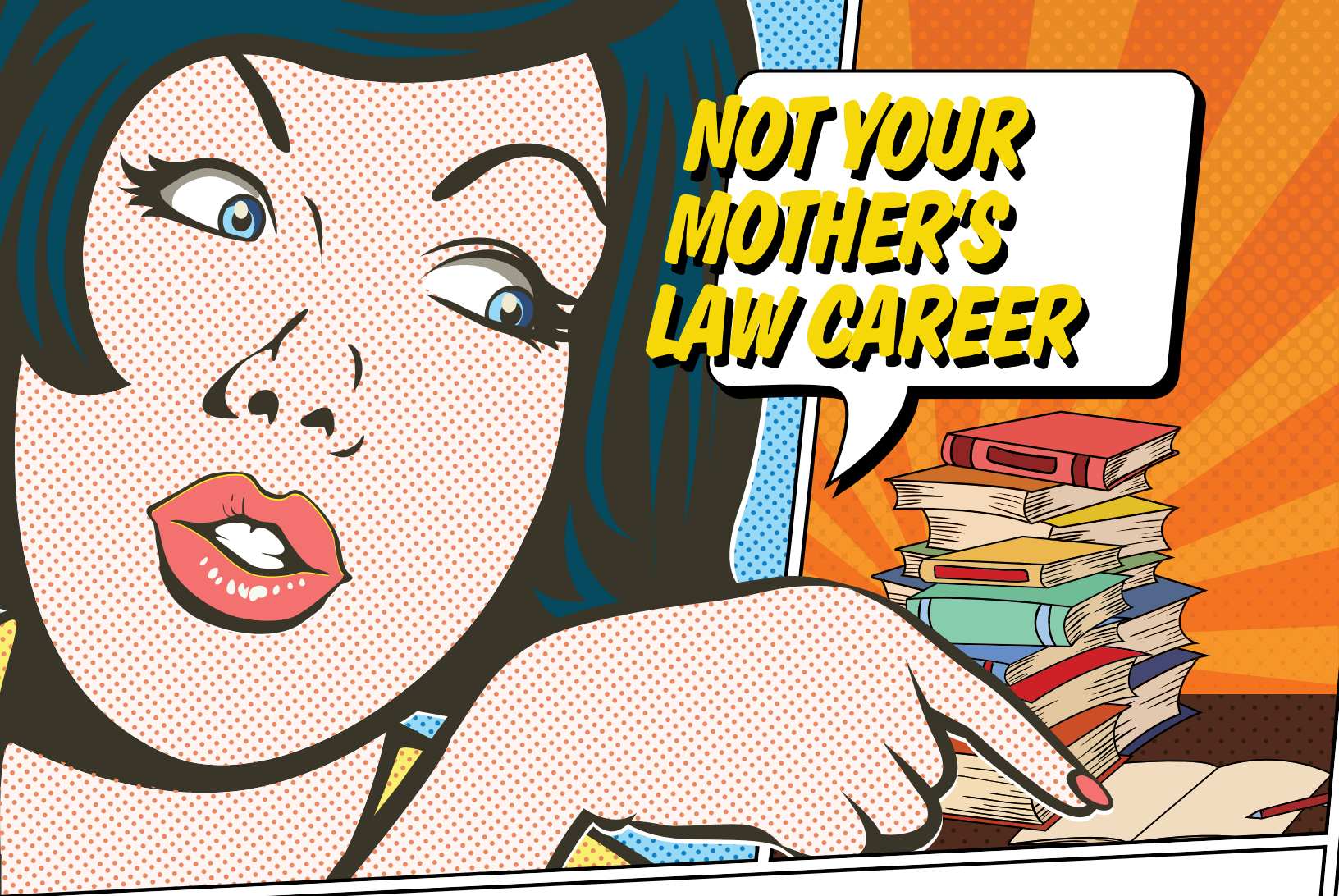
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LAWPRO Magazine and LAWPRO Magazine's Student Edition are published by Lawyers' Professional Indemnity Company (LAWPRO) to update practitioners about LAWPRO's activities and insurance programs, and to provide practical advice on ways lawyers can minimize their exposure to malpractice claims. The material presented does not establish, report, or create the standard of care for lawyers. The material is not a complete analysis of any of the topics covered, and readers should conduct their own appropriate legal research.

The comments in this publication are intended as a general description of the insurance and services available to qualified customers through LAWPRO. Your policy is the contract that specifically and fully describes your coverage and nothing stated here revises or amends the policy.

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NOT YOUR MOTHER'S LAW CAREER

Who (or what) inspired you to go to law school?

Regardless of their reasons for choosing a legal education, today's young lawyers can expect that their experiences practising law will be different from depictions of the profession they witnessed growing up. Tablet computers have replaced wheeled trial bags, Skype™ conferences stand in for face-to-face meetings, and there's no assistant down the hall to cheerfully type a memo or pull a file.

But these changes are just window dressing. The underlying shakeup in the practice of law is far more radical. The globalization of commerce, innovation, conservation and other initiatives is encouraging lawyers to consider how they can assist clients with legal issues that extend beyond our borders. Increasing diversity in Canada's population is placing pressure on firms to increase their cultural competence by hiring lawyers with varied backgrounds, and by training firm members to identify and be sensitive to cultural nuances. Barriers to access to justice – for example, economic barriers to hiring a lawyer – are inspiring lawyers and paralegals to be efficient and innovative in delivering services, and to be more open to collaboration with clients who choose to handle aspects of their own legal work. Finally, technological innovation is forcing lawyers to rethink traditional work processes.

The future of law is no longer your mother's, father's, or Hollywood lawyer's practice. So what does this mean for you?

In this issue of our Student Edition of *LAWPRO Magazine*, we offer a glimpse of a possible future via Dan Pinnington's article "Artificial intelligence and the 'self-driving' lawyer," which originally appeared in our September 2016 Access to Justice issue. But don't let the prospect of being replaced by a robot before you've even begun your legal career derail your plans. By taking time to consider your unique strengths, you'll be well-placed to carve out your own niche in law's new reality. See the text boxes in the next few pages for ideas about how to set yourself apart. ■

Be a cultural ambassador

Many corporate clients are putting increased pressure on firms to demonstrate diversity. These clients require that the lawyers who work for them be able to collaborate effectively and with sensitivity with business partners from other cultures.

Did you grow up in a culture other than the dominant culture in which you work? Your perspective can be valuable when dealing not only with big corporate clients, but also with individual clients and lawyers who share your heritage. Even if you pride yourself on being a cultural chameleon well-adapted to your new environment, remember that your cultural knowledge is an important asset in a future where business crosses borders.

Artificial intelligence

and the "self-driving" lawyer

Better access to justice and lower claims?

We all look forward to the day when we can jump in a vehicle that will drive itself to our desired destination. And while self-driving vehicles have been in our imaginations for decades, vehicles from Tesla and others with driving-assistance technology suggest fully autonomous self-driving cars will be a reality in the not too distant future. Machines are starting to talk to humans, just like we've seen in science fiction movies for decades.

The Industrial Revolution occurred when machines started doing the work of humans. We are at the start of a second Industrial Revolution, one that will see machines with artificial intelligence ("AI") start to think like humans. These smart machines will touch, and in some cases profoundly transform, many aspects of our daily lives at work, home, and play.

You are likely already using AI-based technology, and may not even realize you are doing so. AI is often invisible to the end user. Common and widely used devices using AI include Siri® on your iPhone, the GPS in your car, your smart home devices and the autopilot on airplanes. The fraud detection on your credit card and online accounts is primarily done by AI, which also sends the email or text warning that your account has been compromised. Online customer support and the writing of news stories is also frequently done by AI.

Over the next two decades, smart machines will also transform the legal profession and the world of legal services. This transformation has already started. AI is helping lawyers do traditional legal tasks like legal research, ediscovery, document drafting and contract review more efficiently. eBay's online dispute resolution service currently settles millions of disputes a year without lawyer involvement. AI will also help with the creation of new ways for lawyers, non-lawyers and machines to provide legal services to clients. These new types of services have the potential to help with the access to justice problem by assisting unrepresented or under-represented people get the legal help they need. And as you will see, smart

machines have the potential to help lawyers make fewer errors, and in some cases, they can do the same tasks lawyers would, with fewer errors.

What is artificial intelligence?

Artificial intelligence is a complex topic and there are many definitions of what constitutes AI. To paraphrase them, AI is involved when computers or other machines have the cognitive ability or "intelligence" to think like humans to learn and solve problems and complete tasks.

You will likely recognize that humans think at many different levels. There are also many different levels or types of AI. This likely plays a part in the lack of a consensus on the definition. And just as they do in the human brain, two or more types of AI will frequently work together. Here is a list of the types of AI that will play a part in transforming how legal services are provided in the coming few decades:

- Vision: the ability to interpret and recognize elements in a picture. At a basic level it will be the ability to recognize what is in the picture (e.g., a plane, a tree or a forest) and at a more advanced level it could mean describing what is in the picture or even using facial recognition to identify people in a picture.
- Expert systems: the ability to emulate the decision-making of a human expert. Automated document generation systems are a widely used example of an expert system.

Speak another language

Bilingualism has always been an important career asset, and your second language need not be one of Canada's official languages to be useful. Clients with global interests may see a significant advantage in hiring a lawyer who doesn't need an interpreter to review documents from a foreign-language partner. Hearing opinions and reading communications in the language in which they were prepared can mean picking up on nuances that would otherwise be lost in translation. If you understand a second language, make sure potential employers – and clients – know.

- **Speech:** the ability to convert text to speech or speech to text. This can be at a very simple level – a text reader that simply reads aloud the text on a webpage – or at a more complex level, for example, Dragon Dictate voice recognition software which looks at the context of the words it is transcribing and will recognize the difference between to, two and too by looking at the rest of the words in the sentence.
- **Natural language processing:** the ability to actually understand and interpret what a human is saying. Siri is probably the best known and most widely implemented example of this kind of AI.
- **Machine learning:** an AI system that can look at data points for a task or process, analyze them to look for how to better do the task or process, then implement the identified improvements, and repeat the process again. This learning can happen with or without the supervision of humans.

How smart machines think and do work

Notwithstanding the current interest in learning to code, most lawyers will not have spent a lot of time thinking about AI and how smart machines think. Many will probably assume that a computer should think like a human when tackling a legal issue or completing a law related task. For some types of AI this is the case, but other types of AI think on their own and in a manner that is nothing like how a human can or would think.

Most current automated document generation systems think like humans would to draft a document. They will ask the same series of questions a human would to gather the information required to create a personalized document with the relevant clauses. But thinking like a human can be much more complicated than it might seem. Depending on the nature of the problem, the thought required can be fairly simple or surprisingly complex. It might take only a dozen questions to get the information necessary to complete a simple nondisclosure agreement. In contrast, you would need a complex decision tree with multiple branches and

hundreds of questions to complete a typical will, separation agreement or commercial lease. Someone with the required legal knowledge has to help with the creation of a decision tree that will ask all appropriate questions to properly create a document based on particular circumstances. Some AI services use a graphical interface that make it easy for a lawyer to create a decision tree. The system should be able to recognize when a client's circumstances are not addressed. Document automation usage is widespread and growing. Many firms are using it to streamline their workflows. Millions of unrepresented people in the U.S. have received help drafting court documents through LawHelp Interactive, a platform created with HotDocs®, and A2J Author from Chicago-Kent Law School.

For other types of AI, the computer will think like a computer, not like a human. This is the world of big data where AI will look to find patterns in a huge collection of data. Technology aided review (“TAR”) or predictive coding is already widely used for ediscovery work. ROSS, based on IBM's Watson®, uses natural language processing and machine learning to assist with legal research and regulatory compliance issues. Demonstrations indicate it is fairly rudimentary at this stage (it won't replace an articling student yet), but it will evolve and when it is commercially released it will have the ability to tackle complex legal problems. LexMachina™ uses a large dataset of intellectual property cases to predict IP litigation outcomes. ComplianceHR, a joint venture of Littler Mendelson and Neota Logic, offers a suite of applications that assist human resources professionals to evaluate independent contractor status, overtime exemption and other employment law issues.

And while there are more vendors offering services and products using AI in the U.S., there are some Canadian examples, too. Loom Analytics is an online legal analytics system that uses a combination of machine learning and legal analysis to classify Canadian case law for statistical analysis. It will allow you to see how a particular judge has ruled on specific motions or at trial, the kinds of cases that make it to court most frequently, the average decision turnaround time, and the average cost and damage awards broken down by case type. Beagle™, Clausehound® and Diligen are contract review tools. Legalswipe informs people of their rights during interactions with police.

AI benefits and dangers

By improving efficiencies of the daily tasks and processes that occur in law offices, AI can help with access to justice by bringing the cost of traditional legal services down, and by allowing more entrepreneurial firms to offer new types of services. AI will also help with the access to justice problem by enabling new types of legal services not currently provided by lawyers. Several of the new models of legal services predicted by Richard and Daniel Susskind in their book “The Future of the Professions” rely on AI, including online Q&A sites, self-help kiosk services and para-professionals supported by expert systems.

In the same way a checklist can ensure steps are not missed, an automated system that uses a decision tree to ask all the necessary questions will ask those questions every time – unlike a human – who might overlook a question or two on occasion. Studies¹ have shown that TAR is faster, cheaper and more accurate at finding relevant or privileged documents than humans doing the same review work.

But while high-volume automated systems have the benefit of creating far more documents on a cheaper basis for many more clients, they also have the potential to make the same error over and over again for all those clients. This type of scenario could result in a large and costly class action suit.

Hacking the human-technology interface

Failure to know or apply the law is the fourth most common cause of malpractice claims, representing only 13 per cent of LAWPRO's claims between 2005 and 2015. With an appropriate level of attention, building legal smarts into an AI app or service should be fairly easy. In contrast, 31 per cent of LAWPRO's claims over that same time period involve lawyer/client communication issues, and 17 per cent involve inadequate discovery or investigation (i.e., the lawyer didn't recognize or obtain all the relevant information to handle the client's matter).

These claims statistics suggest that the human/computer interface will be a challenge for AI-based legal services. Will the automated document generation system ask all the necessary questions to generate a document, or recognize it is dealing with a circumstance

Be a marketing whiz

Don't speak a second language or have additional credentials? Consider distinguishing yourself as a marketer. While many of us worry that we're not natural social butterflies, business marketing has more to do with effort and consistency than with personal magnetism. While you build up your client base, have a list of network-building activities ready to put into action anytime your workload slows. Grow your following on social media, write articles for publication, and take full advantage of networking breaks at conferences and courses. Once you've met new people, nurture those connections by making regular contact. Marketing is a long game, but many new lawyers put off getting started until they reach a level of seniority at which business development is expected. By starting early, you can grow your network and your comfort level. A lawyer who attracts and nurtures new business is hard to replace with a computer.

that is not contemplated? Will a client answering questions for an online Q&A site understand those questions and provide correct and relevant information? Will language, age or culture impact a client's ability to enter information into a self-help kiosk?

That is not to say that using a human/computer interface could not also have positive implications in some circumstances. A smartphone app could provide easier access to legal information or advice for someone that did not otherwise have easy access to a computer.

Have a complementary credential

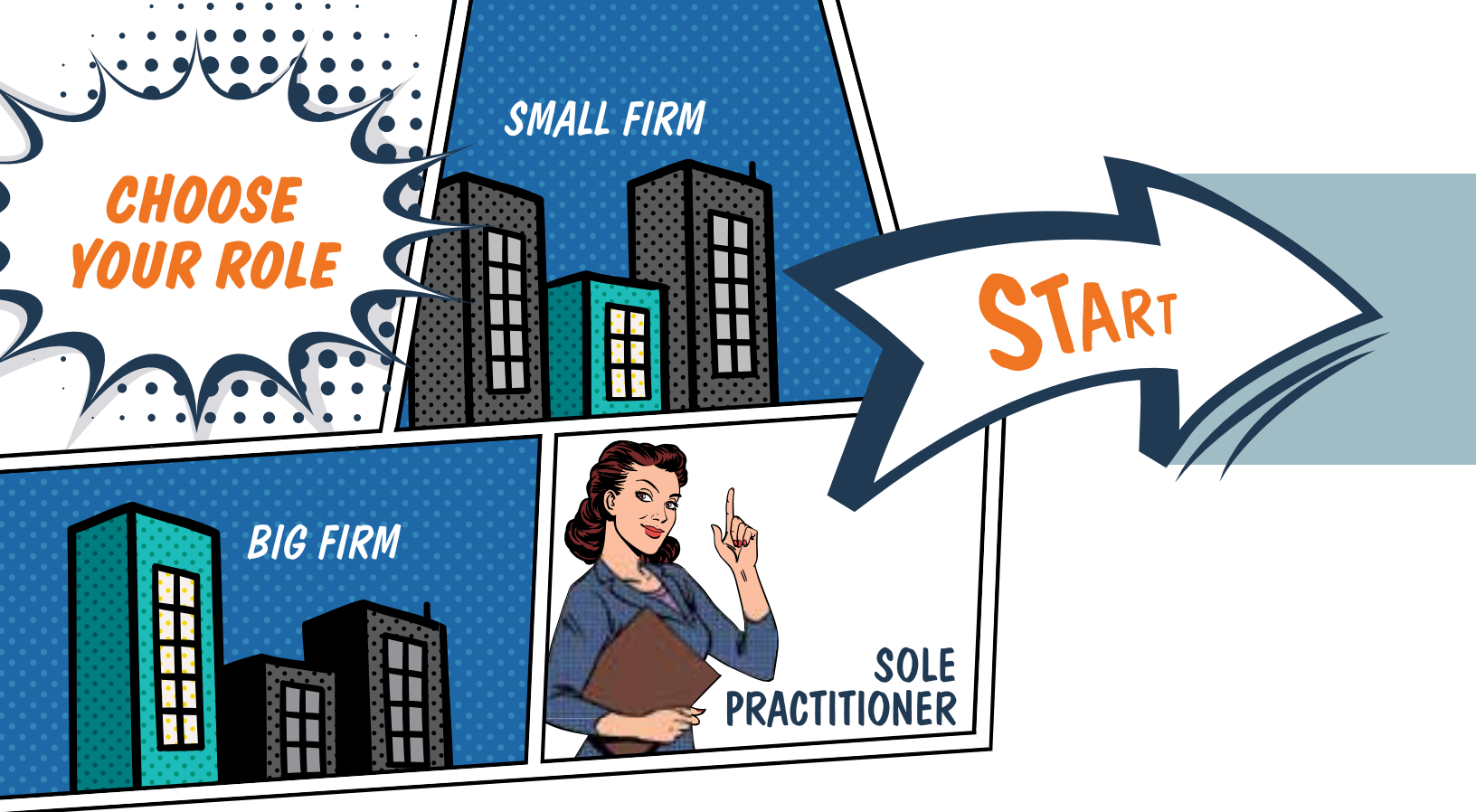
It's important, for insurance and professional responsibility purposes, to know the difference between legal services and other kinds of work. However, there are many professional credentials that can enhance your understanding of legal issues by allowing you to put the law into a broader, interdisciplinary context. Are you a CPA or a CFA? Your knowledge of financial issues can increase your credibility in the eyes of business clients. Being a registered patent agent, or having an engineering or other scientific background can raise your currency in the eyes of clients and partners who work in resource development, innovation, high tech, construction, or manufacturing. A background in social science or mediation can give you a leg up when it comes to client relations and negotiation. If law is not your first rodeo, consider carving out a niche that makes the most of the full range of your expertise.

Some lawyers will be replaced by computers

To some, the notion that a computer program or smart phone app could replace a lawyer will seem far-fetched, or even impossible. But as this article highlights, smart machines are already doing legal tasks that were once the sole domain of lawyers, and they will take an even greater role in the provision of legal services. Lawyers and law firms must adapt and evolve. AI won't cause a sudden mass extinction of legal jobs, rather there will be incremental changes. The timing will vary for different areas of practice, and by the type of work done within those areas of practice. Ultimately, there will probably be fewer traditional legal jobs, but new types of legal jobs will be created. The need for better access to justice by the large proportion of the population that can't afford legal services will help drive wider adoption of AI-based legal services. ■

Dan Pinnington is Vice-President, Claims Prevention and Stakeholder Relations at LAWPRO.

¹ For example, Cormack & Grossman, Evaluation of Machine Learning Protocols (wlrk.com/webdocs/wlrknew/AttorneyPubs/WLRK.23339.14.pdf).



Student to lawyer

20 tips for a successful transition

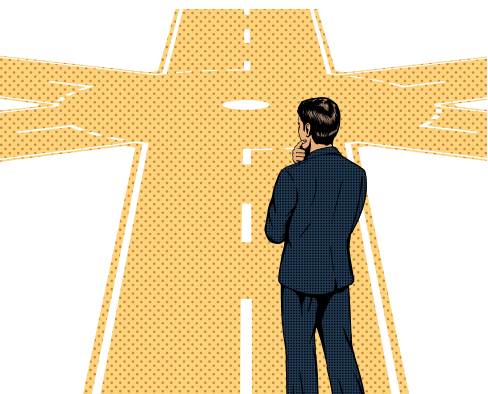
There isn't a magic formula for mapping out a career in law. You will make some decisions on where you would like to go, but there are many things outside your control which will impact where you end up. Factors such as economic conditions, personal circumstances, and even a bit of luck will affect the career path you will follow.

Some law students have a very strong idea about the area of law they ultimately see themselves practising in. Other students may have no idea, or perhaps an idea of areas of law they would prefer to avoid. Your thoughts may change as you go through law school. Whether you already have an articling position, an LPP placement, or are still searching, it is worthwhile to spend time organizing your thoughts about the direction you would like your professional life to take. This can help you make better choices. This article outlines some tips and self-assessment questions that will help you find your way to a satisfying and successful legal career.

1

HONESTLY ASSESS WHAT MAKES SENSE FOR YOU

Regardless of what stage you are at in law school, you may have an idea of where it is you would like to end up. That could be in Toronto at a large Bay Street firm, a sole practitioner in a small community, or somewhere in between. When it comes to areas of law, work hours, working environments, types of work, remuneration and many other factors, Bay Street lawyers, smaller firm and solo practitioners live in very different worlds. Ask yourself what makes sense for you. This is a very personal question. Be honest – very honest. You will be happier and more successful if you can find the place where you best fit in. Do your best to figure out where that is.



In Ontario there are nearly 26,000 lawyers in private practice (i.e. lawyers who work at a firm serving clients). The largest firms have several hundred lawyers. The smallest have a single lawyer. A job at a large firm may mean a bigger salary, and in some cases, a bigger time commitment. Some lawyers enjoy and thrive in the big firm environment, others do not. One-third of the lawyers in private practice work in sole practices and one-third work in firms with just 2-10 lawyers. There are a few thousand Ontario lawyers that have a corporate or “in-house” position. And while it is probably not something that many students contemplate as they are in the midst of working hard to get through law school, ultimately the realities of practice or other personal circumstances cause some to leave private practice and even the legal profession.

2

A QUICK REVIEW OF THE OPTIONS

3

CREATE A LIST OF OPTIONS

Where do you want to go? Consider your preferences and what you think makes sense for you. Write out a list of your options. Your list should include the most desirable options as well as others you might consider if your preferred choices do not work out. Think broadly and keep alternatives open. You may have specific firms in mind, but you should keep an open mind and include groups or categories of firms that would be of interest.



4

WHAT MAKES YOU UNIQUE?

Every law student is unique, and the key to selling yourself is to tap into your own uniqueness. To do this, consider the work and personal experiences you have had, the education and training you have completed, and any other skills that you have learned before entering law school. Identify what makes you stand out from the crowd. This will let you sell yourself with more confidence and will also help you make choices about job opportunities that are the best suited to your abilities and preferences.



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Are you ready for sole practice?

The chart helps identify your strengths and weaknesses and gives you a better idea of whether you're cut out for solo or small firm practice.

Ask yourself whether you possess some or all of the skills listed below. Rate your skills by circling the appropriate number, using a scale of 1-5, with 1 as low, 2 as between low and medium, 3 as medium, 4 as between medium and high, and 5 as high.

| Skills | Rating |
|--|---|
| Getting clients <ul style="list-style-type: none"> projecting confidence in your skills networking client service follow-up asking for referrals identifying client needs tracking competitors | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> <div style="display: flex; justify-content: space-between; width: 100%;"> 12345 </div> <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;"> LOWHIGH </div> </div> |
| Marketing <ul style="list-style-type: none"> advertising/promotion/public relations annual marketing plans marketing strategies advertising copy writing pricing | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> <div style="display: flex; justify-content: space-between; width: 100%;"> 12345 </div> <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;"> LOWHIGH </div> </div> |
| Financial planning <ul style="list-style-type: none"> cash flow planning bank relationships management of credit lines monthly financial statements | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> <div style="display: flex; justify-content: space-between; width: 100%;"> 12345 </div> <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;"> LOWHIGH </div> </div> |
| Accounting <ul style="list-style-type: none"> bookkeeping monthly profit and loss statements/balance sheets quarterly/annual tax preparation billing, payables, receivables | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> <div style="display: flex; justify-content: space-between; width: 100%;"> 12345 </div> <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;"> LOWHIGH </div> </div> |
| Administrative <ul style="list-style-type: none"> scheduling payroll handling benefits administration | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> <div style="display: flex; justify-content: space-between; width: 100%;"> 12345 </div> <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;"> LOWHIGH </div> </div> |
| Personnel management <ul style="list-style-type: none"> hiring employees motivating employees general management skills firing employees | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> <div style="display: flex; justify-content: space-between; width: 100%;"> 12345 </div> <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;"> LOWHIGH </div> </div> |
| Personal business skills <ul style="list-style-type: none"> oral presentation skills computer skills fax, email experience written communication skills word processing skills organizational skills | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> <div style="display: flex; justify-content: space-between; width: 100%;"> 12345 </div> <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;"> LOWHIGH </div> </div> |
| Intangibles <ul style="list-style-type: none"> ability to work long and hard family support ability to work alone ability to manage risk and stress ability to deal with failure ability to work with and manage others | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> <div style="display: flex; justify-content: space-between; width: 100%;"> 12345 </div> <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;"> LOWHIGH </div> </div> |
| TOTAL | |

5

DO YOU HAVE WHAT IT TAKES TO BE A SOLE PRACTITIONER?

One-third of the nearly 26,000 lawyers in private practice in Ontario are sole practitioners. As a solo, it's great to have the freedom that comes with being your own boss, but you also have full responsibility for all aspects of the operation of your law practice. Do you have what it takes to be a sole practitioner? See the self-assessment quiz (opposite) to answer that question.



How did you do?

- If your total is less than 20 points, you should reconsider whether owning a business is the right step for you
- If your total is between 20 and 25, you're on the verge of being ready, but you may be wise to spend some time strengthening some of your weaker areas
- If your total is above 25, you're ready to start a sole practice now

6

A DOSE OF REALITY – THE JOB MARKET

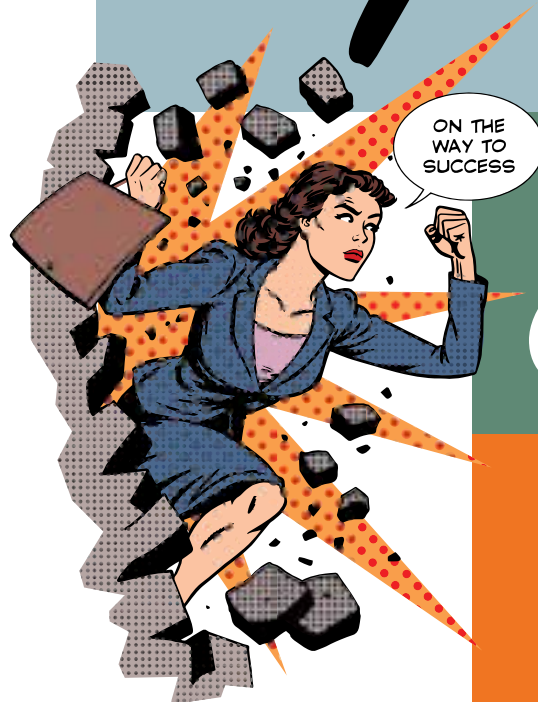
After you have determined what you think your preferred career path will be, you need to consider the job market. Finding an articling position or post-articling job may be difficult right now, although the introduction of the Law Practice Program in 2014 expanded the options for students. Unfortunately, you may end up taking a position that will not be your ideal in terms of size of firm, area of law or geographic location. These factors are beyond your control. You will need to work with them and make the best choices you can in the circumstances in which you find yourself.



7

BE PREPARED TO DEAL WITH UNCERTAINTY

Making decisions about your career path when you are a student is not easy. There is a great deal of uncertainty as there are many choices and limited information on which to base decisions. This uncertainty is compounded by many factors and unknowns beyond your control. You will not be able to eliminate uncertainty. Accept that there is an element of risk and chance. Work to gather all available information and make the best decision you can in the circumstances.



8

BE READY TO ADAPT

After you have assessed your preferences and mapped out your options, you should have an idea of where you want to go and what you need to do to get there. However, your personal circumstances and external factors can change. Make sure you consider new or changing circumstances and be alert for new opportunities. Your preferred path may change based on your articling or LPP placement experience or the work you end up doing in the early years of practice.

9



PREPARE YOUR RESUME AND SUPPORTING INFORMATION

Prepare the bundle of information you will use to sell yourself in interviews. This includes a resume that highlights your background and why you are unique – remember, you want to stand out from the crowd. If you have them, collect writing samples to show your work. Identify your references and contact them for permission.

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10

CONTACTING POTENTIAL EMPLOYERS:

Contacting potential employers takes some legwork. Start with your most preferred options and work down your list. Go online and review firm websites; talk to friends and colleagues to get information about the firms you are considering. An inside introduction can help, so look to see if you or someone you know knows someone at any of the firms that interest you.



Throughout your legal career you will be networking. For lawyers in private practice networking is usually done for marketing purposes. Many other lawyers will network to expand their professional contacts. For lawyers, articling and LPP students – and even law students – the process of networking is aimed at increasing your contacts with individuals who may be clients, know about career opportunities, help open doors, or provide support. Networking involves developing new contacts, as well as tapping old ones. Informal channels can also help with networking, and even with finding a job. Many law students initially think they do not have “contacts” in the legal profession. Don’t sell yourself short. If you are active in social media you already have a network that probably includes people from the legal world or people that are connected to people in the legal world. If you aren’t on social media, you can create a network with minimal effort. For example, see page 22 for an article about how to get started on LinkedIn.



11

GET NETWORKING

MAKING A GOOD IMPRESSION AT A JOB INTERVIEW

When it comes to getting a position, making a good impression is critical, both in your articling and LPP interviews and in any future interviews you might do. You can make a positive impression with good answers to the many difficult and awkward questions that will be asked of you. These questions are often fairly standard and you can and should prepare answers for them. See page 11 for a list of some of the questions you can expect in an interview for a position at a law firm.

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TIP #13 IS ON
PAGE 12...

How would you answer these job interview questions?

Job interviews can be very stressful. It’s not easy to answer questions about yourself, especially when they are open-ended questions that address your personality, work habits, ability to do teamwork and so on. Good answers are the key to a successful interview, and hopefully a job offer. The questions asked at job interviews are fairly standard. You greatly increase the chance you will give a good interview by preparing answers ahead of time. See the facing page for the questions you can expect in an interview for a position at a law firm.

Sample interview questions¹

Background questions:

- Tell me a little about yourself. What made you decide on law school?
- What do you hope to get out of a legal career?
- What do you know about [our firm]?
- How do you think [our firm] can help you achieve your career goals?
- If you took out an ad in the newspaper and had to describe yourself in only three words, what would those words be?

Independence/sense of self/judgment:

- Describe what success means to you.
- Do you think of yourself as a risk-taker, or someone who plays it safe?
- How would you describe your standards of performance?
- Describe a (recent) situation in which you had to quickly establish your credibility and gain the confidence of others. What did you do?
- What do you think has contributed most to your success so far?
- What are some of the things (weaknesses) you are still working on in yourself?
- Describe a time when you had to take on something very new or different and you had little or no guidance and support in doing so. How did you handle it?
- A senior partner left an assignment for you before leaving on vacation. Now, you can't reach him/her and don't understand the assignment. What do you do?

Conscientiousness/work ethic:

- Describe a situation in which you had to work under pressure. How did you handle it?
- Do you anticipate problems effectively or just react to them?
- Tell me about a time when you went beyond the call of duty or delivered results beyond what was expected. Why did you do that?
- How would you clarify an unclear assignment?
- What kind of work environment are you most comfortable in (structured/unstructured)?
- Tell me about a time when you were assigned an unwelcome task. What did you do?
- Have you ever made an error in judgment that you had to address with your employer? How did you handle it?
- What part of your current workload do you find most challenging?
- What distinguishes you as a candidate?

Motivation/initiative:

- Would you describe yourself as a self-starter? If so, why?
- Would people describe you as a competitive person?
- Describe two things that motivate you at work.
- Give me an example of something you've done that demonstrates initiative and willingness to work.
- What kinds of responsibilities are important to you in your work?

Achievement/accomplishments:

- What work or personal accomplishments are you most proud of?
- What accomplishments gave you the most satisfaction?
- Have you ever accomplished something you did not think you could? How did you do it?
- Give me an example of how you have shown initiative.
- What is the most challenging thing you have ever done?
- What would you consider to be a stimulating work environment?
- Describe a significant risk you took to accomplish a task.

Interpersonal skills/communication:

- Describe a (recent) experience when you worked in a team environment. What was your role?
- Describe a situation where you had to give constructive criticism to another person. How did you go about this?
- Can you describe a situation where you worked for a difficult boss? What happened and how did you handle it?
- Have you ever had to resolve a conflict with a co-worker? How did you resolve it?

Organization:

- Describe your study habits.
- How do you manage your time/organize your workload?
- Describe a situation in which you've faced competing priorities. How did you handle it?
- How do you plan to achieve your career goals?
- Tell me about a time when you organized a project/completed a job where the directions were vague.
- When you are under a lot of stress, what is your typical reaction?

¹ Many of the questions in this article come from a Sample List of Interview Questions prepared by Karen MacKay of Phoenix Legal Inc.

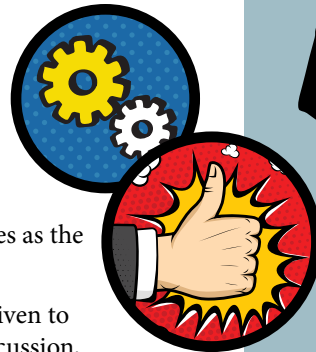
Delegated tasks

Delegation involves getting the job done through others. As an articling, LPP student, and new lawyer you can count on having many tasks delegated to you. Here are some tips to help you maximize the learning opportunities that delegated tasks present and to make sure the tasks delegated to you are successfully completed:

- Get clear instructions and all required information: Make sure you understand the specific issues of concern, but also look to appreciate the bigger picture so that you understand the reasons behind the work that you are doing.
- Get direction on any special parameters: Ask the person giving you the task if there are any parameters that will limit or direct what you are to do to complete the task. Are there resources to use or to avoid? How much time is to be spent on the task? Are there any cost sensitivities on the part of the client with respect to the amount that will be billed for the work?
- Get a realistic deadline: Most tasks will come with a deadline attached to them. Make sure you are aware of the deadline and that you can

realistically meet it given the other tasks for which you are responsible. Talk about alternatives if the deadline is unrealistic given other deadlines you are facing.

- Understand the reporting mechanism: Are you expected to simply return the completed work, or are you to check in with updates as the work progresses?
- Confirm the instructions given to you: At the end of your discussion, reiterate the instructions given to you to make sure you properly understood them. Ask about anything you don't understand or are confused about.
- Ask for feedback when the work is done: Getting feedback is key to learning, especially if there were mistakes or complaints about the work. Hopefully any criticism given to you will be constructive criticism.



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**GETTING
DELEGATED
TASKS
DONE RIGHT**

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**GOOD CLIENT
COMMUNICATION
IS ESSENTIAL**



Start off on the right foot in your dealings with clients. LAWPRO statistics indicate that four in five lawyers will have at least one malpractice claim during the course of their career. The most common malpractice claims don't involve a failure to know or apply the law – errors of law lead to only about 13 per cent of the claims LAWPRO sees. Lawyer/client communication issues are the most common cause of claims, accounting for more than one-third of the claims LAWPRO handles. These errors arise due to poor communication, miscommunication, or no communication whatsoever. Take the time to develop good interpersonal skills and to implement sound client communication practices. See the Fall 2011 Communication Breakdown issue of *LAWPRO Magazine* (practicePRO.ca/CommunicationBreakdown) for more information on how lawyer/client communication problems can arise and how they can be avoided.

**GET A MENTOR
TO IMPROVE
YOUR SKILLS**

15

Mentoring is one of the most effective ways to gain skills, knowledge and wisdom about many topics that are not taught in law school. Having a mentor can jump-start your practice and contribute enormously to a successful and satisfying career in law. As an articling, LPP student and new lawyer, some of your learning will occur by trial and error. Having a mentor lets you tap into the learning that has gone before you. If you are at a firm you may have the opportunity to participate in a mentoring program. But even if the firm doesn't have a mentoring program, you can still seek out a mentor. Remember to use LAWPRO's *Managing a Mentoring Relationship* booklet (practicepro.ca/mentoringbooklet). It gives practical advice and insights on how to make the most of a mentoring relationship. It has advice for both mentors and mentees, including a broad framework for a mentoring relationship and some general guidelines.

CONTINUE TO
NEXT PAGE...

Marketing basics

It's never too early to begin marketing services to existing and potential clients. As you work on a basic marketing plan, consider including the following activities and implementation schedule:

Each week:

- Call a client and just say hi (don't bill them for the call!).
- Take at least one current client, potential client, or potential source of referrals out to lunch (or just for a coffee).
- Call clients on their birthdays.
- Send a handwritten thank-you note any time you: close a client file; receive an introduction or a referral; or receive any kind of advice, assistance or support that goes beyond the call of duty.
- Forward clients, potential clients or other contacts copies of newspaper or magazine articles that they might find useful.

Each month:

- Attend at least one civic, service or community meeting.
- Try to meet at least five new people.
- Make a telephone call to an old friend you haven't talked to in a while and just chat.

- Spend some time touring a client's place of business at no charge to the client.
- Send someone you know who received some good press a copy of the newspaper article and a congratulatory note.
- Attend an education program and sit with lawyers you don't already know.

During the next four months:

- Set up a public speaking engagement, or volunteer to help with one on behalf of your firm. Tell your clients about it.
- Read a book about marketing or law practice management.
- Host a social event or arrange a get-together.
- Do some volunteer work for the Law Society, the Canadian Bar Association, the Ontario Bar Association, or another law association.
- Schedule a time to review the last four months of your marketing efforts.

When choosing marketing activities, play to your strengths. If you're very social, find opportunities for face-to-face meetings. If you're a written communicator, keep those thank-you notes flowing. Remember that a diverse approach will often yield the best results. Make an effort to try some of those marketing activities that lie outside your comfort zone. With practice, you'll find that your efforts come more naturally. You'll also begin to see results.



Some lawyers find rain-making very natural and easy, others struggle with it, and some are oblivious to the need to market their services. In today's competitive environment, marketing and client development are essential. Marketing legal services does not lead to instant results. Not everyone needs legal services at the moment. Good marketing does pay off, but generally only slowly and with a steady effort over the long haul. Therefore it is critical that you market yourself on an ongoing basis, even when business is good. Most law firms of any size will have some kind of formal marketing and business development plan. As an articling student there are some marketing-type activities that you can undertake to foster positive relationships with the clients you are dealing with. You will have to work within the parameters of any existing plan.

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**MAKE TIME
FOR MARKETING**

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BE NICE!

You will find that the legal world is a very small one. You will meet hundreds of people through the course of your articling year or LPP placement. This will include lawyers and staff at your firm and at other firms, clients, court office staff and others. You can count on meeting many of these people again through the course of your career, so be professional and courteous with everyone you deal with each and every day. Word gets around, and you never know how the people you interact with today will be in a position to help or harm you in the future. Always remember, what goes around, comes around. Be nice!



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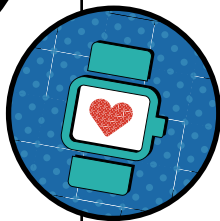
HAVE A LIFE

Many legal positions will put great demands on your time, sometimes far beyond the regular 9 to 5 workday. There is nothing wrong with working hard and being proud of the work you do as a lawyer. But don't neglect the people in your life, and make sure you spend time outside the law office setting! Your partner, kids, extended family, friends and community are important. Make time for them. A strong social network outside the office will make it easier to deal with the stress at the office and can help keep your job in perspective. Sports or other hobbies will let you blow off steam, keep in shape or be engaged with non-legal tasks and people.

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TAKE CARE OF YOURSELF

At times you will find the demands of working stressful, as well as physically and emotionally exhausting. You can count on being exposed to high levels of stress on a daily basis. Unfortunately, lawyers exposed to high levels of stress over the long term may misuse or become addicted to drugs or alcohol, and can have challenges to physical or mental wellness. These problems can be contributing factors for LawPRO claims and Law Society complaints. So try to eat right, and get exercise. And if you feel stressed and burnt out, remember there are resources to help you. See the self-assessment tools and resources on the practicePRO wellness page (practicePRO.ca/wellness).



Throughout your career as a lawyer, there will be highs and lows, good times and bad. Follow your heart and your instincts. Be ready for the unexpected. Many of you will end up in a career that is very different from anything you are expecting or planning for today. It may even be outside the law. Good luck on your articling or LPP experience and with the other decisions you face over the coming months.

**TRUST
YOUR
INSTINCTS/
THINK LONG TERM**

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practicePRO resources help you succeed in practice



LAWPRO's practicePRO initiative provides you with resources, precedents and checklists that will help you avoid the chances of a legal malpractice claim and take proactive steps to grow a successful and thriving law practice.

Risk management
practicepro.ca



practicepro.ca website

All of the information that LAWPRO creates under the practicePRO banner is available on the practicePRO website.

- Information on the biggest claims risks
- Practice aids, precedents and checklists
- Most popular downloads
- New lawyer resources

practicepro.ca



AvoidAclaim.com blog

Managing risk and preventing claims

- The latest claims prevention information
- Fraud warnings and alerts
- Names of confirmed fraudsters
- Subscribe to get updates by email or RSS feed

avoidaclaim.com



LAWPRO Magazine archives and topical listing

Articles and supplemental resources from all past issues of *LAWPRO Magazine* are available online (listed chronologically and by topic/issue).

practicepro.ca/magazinearchives

practicepro.ca/topicallisting



Practice aids

Under the practicePRO banner there are numerous practice aids available that will provide you with practical information and advice for dealing with a wide variety of practice management-related issues.

Better client service

- Stronger lawyer/client relationships
- Dealing with difficult clients
- Avoiding conflicts of interest
- Malpractice claims fact sheets

Technology

- Essential law office technology
- Improving electronic data security
- Handling electronic discovery

Precedents and checklists

- Retainer precedents
- ILA checklist, commercial transactions checklist, domestic contract matter toolkit
- Limitation period summary charts
- Rule 48.14 Transition Toolkit

Firm management

- Improving practice finances
- Building mentoring relationships
- Preparing for practice interruption

practicepro.ca/practice

Common practice pitfalls:



How to avoid them

Lawyers' Professional Indemnity Company (LAWPRO) was created to insure lawyers against legal malpractice claims. Most (though not all) claims are brought by a lawyer's own client and include an allegation that the lawyer made a mistake or did not meet the standard of care expected when delivering legal services.

No lawyer is immune to a claim; in fact, our records suggest that four out of every five lawyers will be the subject of a claim at one point in their career. Malpractice claims can be stressful, can hurt your reputation, and can be costly (even if the only financial consequence to the lawyer is an increase in insurance premiums).

Understanding the most common causes of claims so that you can build risk management skills early in your career is your best line of defence.

What kinds of mistakes lead to claims?

Students in the midst of law school, with its mountain of reading on cases and substantive law, might be surprised to learn that "errors of law" are not the biggest pitfall to watch out for in the world of private practice. In fact, in the last ten years, only about 13 per cent of LAWPRO malpractice claims were caused by lawyers getting the law wrong (except in very complex areas like family or tax law).

So, if knowing the law isn't the problem, what *is* the danger that new lawyers should be on the lookout for? In a nutshell, you could call it "human error": breakdowns in communication, poor calendaring and procrastination, and not digging deeply enough into a client's matter. These types of errors make up almost 70 per cent of the claims LAWPRO sees.

Students may not yet know in which area of law they will ultimately end up practising, but the causes of claims are remarkably similar in all types of practice, firm size and geographic location. Here's an overview of the biggest pitfalls:

Client communication

In almost every area of practice, the number one cause of claims to LAWPRO is a breakdown in lawyer-client communication. This ought to be the easiest type of error to guard against, but it is also the most common. Often these claims arise because the lawyer and client disagree on what was said or done – or not said or done – sometimes because communications are rushed. This is partly the

result of lawyers being busier than ever, and partly due to clients who expect faster replies and more 'round the clock' responses from their lawyer.

However, there is much that can be done at every stage of the matter to prevent these types of claims. Right from the outset, a well-drafted retainer letter can set the client's expectations of how the matter will proceed and what the lawyer will (and won't) do for them.

As the matter progresses, it is important to document conversations with the client, your advice, and the course of action the client wishes to pursue. This documentation can be a lifesaver in the event of a malpractice claim. Clients may later say they asked the lawyer to do X and it wasn't done; or the lawyer may have done Y and the client claims he didn't authorize this course of action. If there is no documentation of lawyer/client conversations, the claim then turns on credibility, and LAWPRO's experience has been that courts are more likely to believe the client's more specific recollections over the lawyer's typically vague or non-existent memory.

It's an unfortunate fact that while email and other electronic media provide more ways than ever for a lawyer to interact with clients, all these lines of communication seem to result in even more misunderstandings. Clients or lawyers read things into emails that aren't there, miss the meaning of what was said, or read between the lines and make assumptions. Face-to-face communication is the best way to ensure miscommunications don't happen. If meeting in person isn't possible, at least pick up the phone to avoid misunderstandings when important matters need to be discussed.



70%

13%
errors of law

17%
other

Clients whose expectations have been adequately managed are less likely to turn on their lawyers (rightly or wrongly) than those who are taken by surprise by the result of their case or legal fees. Visit practicepro.ca for our resources on managing lawyer/client relationships.

Inadequate investigation

This is a type of error closely related to poor communication and is best described as lawyers not taking the time to uncover all the facts or develop sufficient understanding of a client's matter. It can be considered a symptom of "smartphone legal advice:" quick questions and quick answers by lawyers and clients who are both in a rush. These claims go to the very core of what lawyers are supposed to do for their clients – give legal advice based on the client's specific situation – and involve the lawyer not taking extra time or thought to dig deeper and ask appropriate questions about the matter.

These claims can arise in any area of law. We see them most commonly in busy real estate practices, where rushed lawyers miss deficiencies in a condo status certificate, misread a survey, or don't find out the long-term plans a client may have for a property (so that they can ensure those plans are viable). In litigation it could mean not making a reasonable effort to identify all the parties to an action within the limitation period. In wills and estates law it could mean not inquiring into the capacity of an elderly client or failing to ask about the existence of previous wills.

The best way to avoid these claims is to simply slow down. Take the time to read between the lines so you can identify all appropriate issues and concerns. Ask yourself: What does the client really want? Does everything add up? Are there any issues or concerns that should be highlighted for the client? If something doesn't add up, dig deeper.

One way to ensure that the right questions are asked on a matter is to make use of the practicePRO program's articles and checklists. At practicepro.ca/checklists you'll find checklists for domestic contract matters, commercial transactions, and independent legal advice, as well as claims prevention articles from *LAWPRO Magazine* arranged by particular areas of law at practicepro.ca/topiclisting.

Time management

It seems to be human nature to put off tasks until the deadline is looming (as any student pulling an all-nighter will attest). It's no different for lawyers, which makes missed deadlines a major source of LAWPRO claims. This is most common in plaintiff litigation, which has strict limitation periods and document filing deadlines to manage.

While every lawyer seems to have a dusty file or two in their office that they never quite get around to, time management claims are not always the result of simple procrastination. In some cases the lawyer fails to ascertain the limitation period on a matter, or even if they do know, fails to properly calendar the limitation period or act when it comes up.

There are a number of things you can do to avoid missing a crucial deadline. Familiarize yourself with the *Limitations Act, 2002* by using practicePRO's limitations resources at practicepro.ca/limitations. Use practice management software with tickler systems to alert you to approaching deadlines. Be aware of the danger of the registrar dismissing an action for delay under Rule 48 of the *Rules of Civil Procedure* (see our Rule 48 Transition Toolkit at practicepro.ca/rule48 for help).

Finally, building in a one- or two-day cushion on deadlines and reminders can help prevent this type of error when there are unexpected problems that stop you from meeting a deadline for a filing (e.g. ice storm; or taxi in an accident on the way to courthouse on last day to file).

These are very general descriptions of the common causes of LAWPRO claims. If you want to learn more about malpractice claims in particular areas of law, you'll find a wealth of articles in *LAWPRO Magazine's* archives (arranged both chronologically and by topic at lawpro.ca/MagazineArchives). There are detailed examinations of claims causes in several areas of law, as well as articles featuring advice from LAWPRO's own claims counsel on the common mistakes they see lawyers making and how to avoid them. ■

Tim Lemieux is Claims Prevention & Stakeholder Relations Co-ordinator at LAWPRO.

What new lawyers need to know about LAWPRO's mandatory professional liability insurance

These FAQs answer some of the more common questions we hear from newly-called lawyers. The answers will help you determine if you need insurance coverage (or whether you're exempt) and the steps you need to take to get your LAWPRO insurance coverage in place.

What is professional liability insurance?

Professional liability insurance is designed to indemnify lawyers against the consequences of a lawyer's liability for a client's loss. For this reason, only lawyers in *private practice* are subject to the mandatory insurance requirement.

What is private practice?



Private practice, for the purpose of LAWPRO's insurance program, is the delivery of professional services (including advice) to anybody who is not the lawyer's employer. In general, lawyers in private practice perform professional services for clients for pay. Note as well, providing legal advice or help to family or friends, or providing free legal advice to *pro bono* clients also falls within the definition of private practice.

Visit lawpro.ca/newcalls
for more information
about insurance requirements

Do all members of the Ontario bar have to purchase professional liability insurance?

If you are engaged in private practice in Ontario, you will need to purchase coverage through LAWPRO. See the left-hand text on the next page for more details on getting insurance from LAWPRO.

If you are not in private practice and meet certain criteria, you are likely exempt from the mandatory insurance requirement. See the exempt lawyer FAQs on the right-hand side of the next page.





Going into private practice.

How do I apply?

If you will be working as a sole practitioner, you will need to complete an application online. (You'll receive a mailing from us with instructions.) New lawyers can apply at any time after receiving a Law Society number from the Law Society of Upper Canada (be sure to have insurance in place before you begin practising). After the first year, you will be asked, each October, to renew your insurance for the following year.

If you'll be joining a firm, you may want to speak with the firm administrator or office manager before you apply directly, as there may be specific practice or payment options that need to be reflected on your application form.

How much will it cost?

Not every lawyer in private practice pays the same premium. LAWPRO offers discounts to certain categories of lawyers (including part-time practitioners, and lawyers who practise criminal and/or immigration law exclusively). The base premium for the year 2017 is \$2,950 plus PST.



New lawyers receive a discount: Lawyers newly called to the bar in the current year receive a 50 per cent discount from the standard base rate in their first full year of practice. Additional discounts are available in the second, third, and fourth years (40, 30 and 20 per cent, respectively). These discounts reflect the risk profile of new lawyers. Because the maximum premium discount for any lawyer is 50 per cent, these discounts cannot be combined with other discounts.

Some lawyers pay more than the base premium. For example, there is additional premium required for the practice of real estate law (a higher-risk practice area, from a claims perspective). Also, lawyers for whom LAWPRO has paid claims within the previous five years may pay more for their insurance because of these prior claims.



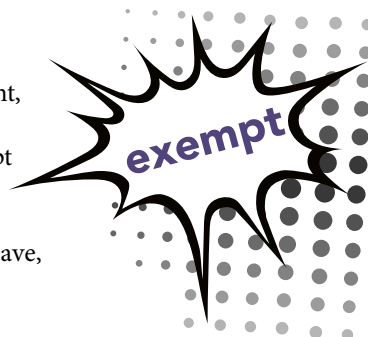
HOW DO I FIND OUT MORE?

For more information, please visit our website at lawpro.ca and lawpro.ca/newcalls for information specific to new calls. You can also send an email to LAWPRO Customer Service at: service@lawpro.ca, or you can call us at: 416-598-5899 or 1-800-410-1013.

Not going into private practice.

What kinds of lawyers are exempt from the mandatory insurance requirement?

In general, lawyers working as in-house counsel, who are employed by the government, who work in education, or who work for a clinic funded by Legal Aid Ontario are exempt from the requirement to buy insurance. Lawyers who do *pro bono* work that meets certain criteria, or who are on temporary leave, may also be exempt.



If I'm not going into private practice, can I just forget about insurance?



No. The Law Society of Upper Canada requires that ALL members of the bar (not just those in private practice) confirm their practice status every year. This means that you must either pay for insurance, or file an application for exemption from the insurance requirement.

LAWPRO's insurance application, exemption application, and other relevant forms can be found (and filed) online. See lawpro.ca/newcalls for more details.

What happens if...

I meet the general criteria for exemption, but later find myself providing legal advice to someone other than my employer, or handling a legal matter for a family member or friend?

Anytime you provide professional services, you expose yourself to a potential claim. Even if you are not in full-time private practice, if you contemplate providing even occasional legal advice or services, you will need to purchase insurance coverage (there are a few narrow exceptions, including one for certain kinds of *pro bono* work). LAWPRO has created a series of *Insurance Matters* booklets to help individuals who feel they are exempt consider potential areas of exposure. Check out these resources online at lawpro.ca, or get in touch with us to request copies. ■

Planning to do real estate work?

A primer on title insurance and the TitlePLUS program

If you're planning to do any real estate work when you go into practice, you'll soon hear about a resource used by many real estate practitioners – title insurance. It's a type of insurance coverage that lawyers across Canada are telling their clients about to help protect them against some typical problems that might crop up after closing – problems that in the past might have led to the client filing a malpractice claim against the lawyer.

Several companies offer title insurance – including LAWPRO, through its TitlePLUS title insurance program. This article provides a basic overview of the what and why of title insurance, how our TitlePLUS program is different, and where you can find more information.

What is title insurance?

As its name suggests, title insurance is an insurance policy for purchasers, mortgage lenders and existing owners of real property that provides compensation for losses suffered because of problems with title, survey, zoning and other issues with the property – even if they are not discovered until years after the transaction is completed.

Some of these issues are unpredictable or undetectable – such as forgery, fraud, missing heirs, and unregistered easements. Other problems that can affect a property and may be covered under a title insurance policy include issues such as construction liens, access rights and conflicting interests in a property.

When the lawyer in the transaction has secured a title insurance policy for the owner or mortgage lender, it is the title insurer – and not the lawyer or client – who assumes the risk for matters covered under the policy¹ and, if there are losses, pays compensation.

It is important to understand that title insurance replaces the title opinion and not the lawyer in the transaction. The role of the real estate lawyer remains just as important to ensure the client's interests are properly addressed and protected. In fact, depending

on the issue, a client may prefer that the lawyer do a search to determine the status of a matter rather than depend on title insurance and the right to be able to make a claim to an insurer at a later date.

What's different about the TitlePLUS title insurance program?

LAWPRO's TitlePLUS program is different in several ways:

- 1. Title + legal services coverage:** With TitlePLUS coverage, the legal services that you – as the lawyer in the transaction – provide are also covered by the policy.² So if as part of your services you make an error or overlook something (e.g., fail to register a document or remove an encumbrance, incorrectly adjust items on closing), the TitlePLUS policyholder – your client – can seek compensation directly from us. In other words, the error will not result in a claim under your LAWPRO errors and omission policy if you obtained a TitlePLUS policy for your client.
- 2. Online software that makes closings easy:** We make it easy for you to undertake real estate transactions by providing you with access to an online system to order title insurance policies.

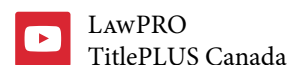
- 3. It's all-Canadian:** In fact, TitlePLUS title insurance is the only all-Canadian title insurance product on the market today.

- 4. We advocate for the real estate bar:** Each year, LAWPRO undertakes an extensive public awareness/education campaign on how a lawyer protects consumer interests in various scenarios – from buying a home or cottage to drawing up a power of attorney to the perils of running a home-based business. In the past few years, this effort to put lawyers at the forefront has reached millions of consumers across Canada.

How can you find out more?

Go to titleplus.ca for information on the TitlePLUS program, including How To videos.

For more information on some of the tools and resources for home buyers, see titleplus.ca/rsreg or watch our videos on YouTube. ■



¹ Title insurance policies may vary. Refer to the policy for full details, including actual terms and conditions.


² TitlePLUS policies issued with respect to properties in Québec and OwnerEXPRESS® (existing owner) policies do not include legal services coverage.


Help your clients protect title to their home


To keep in the know on Real Estate issues follow


 @TitlePLUSCanada





 **Proudly Canadian:** TitlePLUS title insurance¹ is the only all-Canadian title insurance product currently available in the market.


 **One-time premium:** Unlike other types of insurance, the premium for a title insurance policy is paid only once.


 **Direct coverage:** TitlePLUS title insurance works like other types of insurance; if there is a problem that is covered by the policy, the client simply contacts the title insurer directly to report a claim.

 **Cost savings:** A TitlePLUS policy can save the client money by eliminating certain searches and inquiries² and, in most cases, eliminating the need for an up-to-date survey. In a purchase policy, both the purchaser and the lender are covered under the same policy.


 **Title fraud protection:** A TitlePLUS policy provides coverage for title fraud that may have occurred prior to the purchase or if the property becomes a target at a later date.

 **Unpaid tax bills:** A TitlePLUS policy may provide coverage for final tax bills which the seller should have paid for – but didn't.

 **Building permits:** A TitlePLUS policy may provide coverage where repairs are required to items that were built by the seller without the proper permits or appropriate inspections.

 **Cottage/recreational properties:** These types of properties may have access and road allowance issues. If the client is not legally permitted to use the road which provides access to their property – they may lose it. A TitlePLUS policy can provide protection in these situations.

 **Encroachments:** A TitlePLUS policy provides coverage for a neighbour building a structure (after closing), other than a fence or boundary wall, which encroaches onto the property.

 **Legal services coverage³:** Unlike other title insurance products generally available in the market today, a TitlePLUS policy covers all the standard title related aspects of the deal PLUS the legal services provided by the lawyer.

¹ The TitlePLUS policy is underwritten by Lawyers' Professional Indemnity Company (LawPRO®). Please refer to the policy for full details, including actual terms and conditions. Contact LawPRO for brokers in Manitoba, Alberta and Québec.

² Some restrictions may apply.

³ Excluding OwnerEXPRESS® policies and Québec policies.

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Essential LinkedIn dos and don'ts for law students



With over 460 million users in more than 200 countries (including at least a million lawyers) and web traffic that ranks it as the 18th most visited site on the planet, LinkedIn is the social networking tool of choice for professionals.

LinkedIn (LI) can also be useful to law students in a number of ways. First, it can help with your job search. A LI network can be helpful for finding people you (or your contacts) know at law firms you are interested in. Second, it gives you some on-line profile. Potential employers are likely to “Google” you and look at what you have posted in social media circles. They will also look to see your online connections and friends.

If you aren’t on LI, you should take the plunge. It is very easy to create and maintain a presence on LI. And, when one considers ethical obligations and other practical dangers, LI is the safest social media tool for lawyers to use.

In this article I share my thoughts on the basic do’s and don’ts of how a law student can create and build a presence on LI.

Creating a profile

Your profile is the foundation of your LI presence. Here are some tips for creating an impressive LI profile:

✗ Don’t list every job you ever had: Some of you were lucky enough to have really interesting, exciting or unusual summer jobs.

Good for you, but will it really impress the firm where you want a job (or a potential client when you are a lawyer)? In many cases, probably not. Include a reasonable level of detail about your pre-law school work experience if you think it will impress a potential employer.

✓ Do list other relevant or interesting background: You should include other relevant background information in your

profile. The LI profile page outlines what you should include. Give details about your college or university degrees; affiliations, articles or books you have written; awards you have won; volunteer experience and so on. Note that you can change the order of the sections on the profiles page – put the sections that highlight your strengths at the top of your profile.

✗ Don’t use formal and dry CV-speak: Inject a little personality to let people know more about you. Ask yourself what prospective employers really want to learn about you.

✓ Do make your profile public: While your LI contacts will always see your full profile, LI allows you to selectively hide details of your profile from other LI users on the Privacy & Settings page. This defeats

// tech tip



Visit practicePRO.ca/technology for more articles.

the purpose of being on LI. Most of you should share all or most of your profile with everyone.



Do create a LI vanity URL:

By default, your LI URL will be alpha-numeric gibberish. A LI URL that includes your name is far more friendly. You can personalize your LI URL by clicking Privacy & Settings > Privacy > Edit your public profile. I suggest you use the following: [linkedin.com/in/FirstNameLastName](https://www.linkedin.com/in/FirstNameLastName).

Collecting contacts

Collecting a network of contacts is the very essence of LI. Here are some tips for building a good collection of LI contacts.



Do consider the quality, not the quantity, of your LI contacts:

We all want to be popular but ultimately, the quality of your contacts is more important than the quantity. While a high number of LI contacts may look impressive at first, potential clients will dig deeper and judge you by the details in your profile and the quality of the people in your network.



Do make it easy for people to connect with you:

LI allows you to limit invitations to connect to people in a contact list or people that already know your email address (Settings > Email Preferences). Don't make it hard for people to connect with you. Configure LI so that anyone can send you an invitation to connect.



Don't accept LI connection requests from people you don't like, respect or know:

Politely say "no thanks" or just ignore the invite. This can be awkward, especially when people are pesky and keep extending invites to you. Protect your reputation by making sure you like and respect the people

you connect with. Don't accept connections from total strangers.



Do be careful about conflicts of interest:

You may need to be cautious about connecting with the judges, experts or opposing counsel that might be involved with matters a potential employer is handling. Having such people as contacts could help you get a job, but they could also create a conflict of interest for a firm that wants to hire you.



Do send personalized contact requests:

Generic connection requests are cold and impersonal. Few things will make a stronger positive first impression than a personalized invitation to connect. This is especially helpful if the invitee may not be sure of or recall their connection to you.



Do use the "People You May Know" feature:

Look for this box under the person silhouette in the top right of your LI homepage. Click "People You May Know" to see a list of people LI thinks you might know. It generates this list by using keywords and by looking at the contacts of your contacts. It does a good job of finding people that you will know.



Do mine the contacts lists of people you know:

Once you connect with someone in LI, you can see their list of contacts. As many of us work and socialize with the same smallish group of people, looking at the friends of your friends will help you find other people you know. The "Invite accepted" email is a great reminder to do this.



Do use lists of other groups of people you know:

I have had great success adding contacts by reviewing lists of names from some of the organizations I participate in (e.g. members of the Ontario Bar Association).



Essential Twitter Dos and Don'ts



The top ten legal technology tools for a law office

This works well, as many LI users do not list the different groups they belong to or the activities they participate in.



Do use the "Search" feature to find other contacts:

Enter the names of companies or other entities where you know people to add people to your contacts list.



Do remember to invite people you are connecting with in other social media channels to LI:

While you will not want to add everyone you connect with in other social media tools, this will get you a few extra contacts.



Do cross-market your LI presence:

Let people know you are on LI by adding the LI logo or your LI URL to your email signature (make it a link), and anywhere else it will be visible to people that might want to connect with you.

Posting updates

Most LI users are in a mad dash to collect contacts, and they are watching other LI users do the same thing. Unfortunately, they are missing out on one of the key benefits of LI: Being visible to your contacts by sharing information with them.

✓ **Do post regular updates,** but don't overdo it. Do what is right and works for you. At the start, that might be one update a week. Over time it might grow to a single daily update or even three daily updates. Get on a regular schedule, and stick to it. Even better, post longer updates (click on "write an article") as they get more exposure from LI.

✓ **Do share interesting ideas, news, links or information:** Strive to post updates your contacts will feel are worthy of reading. Send information that is practical, helpful, interesting or informative. On occasion, even funny things are fine.

✗ **Don't blast all your updates out at once:** It's great to be efficient and work on your updates at one time (e.g. first thing in the morning over your coffee), but remember that not everyone is online all the time. To give yourself greater visibility, use tools like HootSuite or TweetDeck, which allow you to schedule your LI updates for a later point in time.

✓ **Do be professional:** What goes around comes around, and it doesn't matter if it's in person, in print or online. Be professional at all times, because everyone is connected to everyone on the web. When using LI you must comply with the *Rules of Professional Conduct* at all times.

✗ **Don't use LI messages for lawyer/client communications (a tip for when you are working):** You can't assume messages sent through LI are private. Don't use it for lawyer/client communications.

✓ **Do inject some personal info, but not too much:** Social media connections are built on personal relationships. You need to share

some personal information so your contacts can learn more about you. But always remember that LI is a professional network and most things that happen in Vegas, the bedroom or the kitchen are not appropriate for posting on LI.

✗ **Don't automatically blast all your other social media updates to your LI contacts:** You can and should mention content that you post on your blog or in other social media channels, but don't bore us all by blasting everything through LI. As a filter, note that you can configure your LI account to display only tweets with the #in or #li hashtags.

How to be more visible

As I stated above, posting regular updates is key to getting value from LI. But there are other simple things that you can do to give yourself greater visibility with your contacts.

✓ **Do comment on the updates your contacts post:** If you like, agree, or even disagree with something one of your contacts has posted, share your two cents by posting a comment on the original post. For reputation building, try to post comments on the updates of respected or well-connected contacts.

✓ **Do ask questions:** Social media is all about two-way communication and interactions. Asking a question in an update is a great way to engage your contacts in a discussion. And if you ask a question, make sure you read and comment on the answers!

✓ **Do tweak your profile:** By default, LI will automatically post an update every time you change your profile. You can turn this off, but I don't think you should. Make it a habit of tweaking your profile once or twice a month.

✓ **Do join a LI group:** LI has a groups feature. Groups help people that are interested in a particular topic, entity or event find each other. There are also groups for events, associations and other entities. I guarantee there are groups on many topics relevant to your area of practice. Click on "Interests > Groups" and enter some keywords to search for groups that are of interest to you. But be warned: Some groups have far too many consultants and vendors aggressively marketing themselves.

Power user tip

For those of you that are already using LI and want to take it to a higher level, I offer the following tip:

✓ **Do look at and tweak your LI settings:** I have mentioned the LI Settings and Profile configuration pages several times. Visit these pages and look at the various settings you can change. Most of you will want to go with the default settings, but you may find there are configuration options that will make LI operate in ways that are better suited to your personal preferences.

So there you have it: Some simple rules to govern your use of LinkedIn. Start building your LinkedIn network now. Not only might it help you find a job, it will be a useful professional networking tool for marketing when you become a lawyer. ■

Dan Pinnington is Vice President, Claims Prevention and Stakeholder Relations at LAWPRO.

**LinkedIn:
LAWPRO**



The LAWPRO LinkedIn page will keep you informed about our corporate news and connect you with other key legal stakeholders. Find and share topical and thought provoking information with other LinkedIn users.



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LAWPRO and the TitlePLUS program share educational videos to encourage the public to access professional legal services when buying a home, planning an estate, or managing other life transitions.



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What I wish I knew in law school

Midway through their articling terms at LAWPRO we asked Raymond Ashurov and Rahim Andani to reflect on their law school experiences and how they relate to their early working experiences.



Keep an open mind

Many students enter law school with a preconceived plan of courses and the area of law in which they want to practice upon graduation. Both Raymond and Rahim said that this is one of the most common errors that new law school students make. Without experiencing a variety of courses, students cannot be certain which area of law most interests them. Raymond shares how an assignment in a first year course changed his outlook. “I entered law school thinking I would do corporate transactional work upon graduation. As part of my first year legal research and writing course I completed a mandatory moot. I was terrified and thought I would hate it but it ended up being the best experience I had in law school and it generated my interest in litigation.”

Learn what works for you

At the beginning of law school, it is important to learn how to best manage your time and what study techniques produce the best results. Rahim shares that it is not the number of hours spent reading and studying that lead to the best results but finding the type of studying that works best for you. He found attending every lecture and taking

detailed notes on the information the professor highlighted got the best results for him. Raymond adds that it is not only important to manage the time spent completing readings and studying but to also ensure a balance between academics and personal life.

Extracurricular activities are important – but don’t rush into it

Working experience while at school can give you a taste of the skills that will be most practical. “I worked in a *pro bono* legal clinic where I was able to carry my own case files giving me the opportunity to represent and advocate for clients on my own while under the supervision of a seasoned lawyer,” said Rahim. “It gave me the opportunity to draft emails to the opposing party and have them reviewed by my supervisor. Sometimes they would rewrite the entire email, but each time I would learn from their changes to improve my writing for next time.” While both Raymond and Rahim gained a lot of practical skills and experience from their extracurricular activities, Raymond advises first year law students to focus on academics and only participate in one or two extracurricular activities until they settle into law school.

Learn how to read cases

In law school, it can seem nearly impossible to complete all the required readings. Raymond stresses the importance of learning to read with the point of the case in mind to avoid getting bogged down by all the details. This is a skill that he says has also been very important during articling when he was required to read multiple cases to write a memo on a deadline.

Not all law school stereotypes are true

Law school has a reputation for encouraging competition but both students noted that this was not completely true. Rahim stated that many students he knew did not enjoy the competitive nature of some aspects of law school such as on-campus interviews but it is something that every student needs to learn to manage. Of course, every student wants to achieve academic success but in Raymond’s experience students were often eager to support each other and work together. Knowing how to work well with colleagues can be a real strength in the workplace. ■

Sarah Van Schepen is Communications Coordinator at LAWPRO.



Want to know more? Plug in to helpful resources from LAWPRO

We at LAWPRO hope you enjoy this issue of the student edition of *LAWPRO Magazine*.

Did you know that *LAWPRO Magazine* is published several times a year? Each issue contains practical information that can help you establish a well-managed practice and avoid claims. If you’d like to subscribe (it’s FREE for law students and articling students!) send a request by email (communications@lawpro.ca).

Remember – practicepro.ca/newlawyers is a web page devoted specifically to the concerns of lawyers new to practice.

If you have any questions, comments or suggestions, we’d love to hear from you.

Connect with LAWPRO: [in](#) [twitter](#) [facebook](#) [youtube](#)

Feeling the pressure?

Each of us faces challenges in life. Sometimes we welcome those challenges, like marriage, the birth of a child, a promotion or a new job. And sometimes we don't, like divorce, job loss, a serious illness or the death of a loved one. It is no secret that a legal career brings with it many pressures and from time to time, a great deal of stress. Major events in our personal lives can also create pressures and stresses.

These pressures and stresses can become a serious concern if you don't have outlets to manage, control and resolve them. They can cause serious health issues (ranging from burnout to anxiety, substance abuse or depression) and be a contributing factor to malpractice claims and Law Society complaints. They can affect not just you, but your colleagues and loved ones as well.

Homewood Health™ provides the confidential Member Assistance Program (MAP) for Ontario lawyers, paralegals, judges, students at Ontario law schools and accredited paralegal colleges, licensing-process candidates, and their families, with financial, arm's-length support from the Law Society of Upper Canada and LAWPRO. The MAP, a trusted Canadian company with more than 33 years of experience providing support services can help you deal with stress and achieve your health and wellness goals. Confidentiality is guaranteed through an individual's right to privacy protection and enforced within the limits of the law. No personal identifying information whatsoever is disclosed to the Law Society of Upper Canada or LAWPRO.

Accessing MAP services

MAP services are multilingual and accessible 24 hours a day, 7 days a week, in a variety of

convenient ways and without needing a referral. You can access services:

- Online by visiting the protected Member Area of the MAP website
- Over the phone by calling MAP
- Face-to-face

MAP resources available to you

MAP offers three different ways for you to get help to respond to the challenges you are facing. There are online resources, counselling and coaching services.

The website is user-friendly and it is easy to setup a secure account. It provides everything from an orientation to a listing of the services, tools and other resources that are offered. There is an extensive online library of health and wellness articles as well as elder care and child care resource locators. There are e-courses to help you improve your skills (wellness, workplace effectiveness, etc.). Virtual e-counselling (simultaneous chat or secure message-based counselling) is available for a wide variety of topics.

There is also a multi-media health centre, where you can find information on everything from exercises for different breathing techniques, identifying areas of tension, health and wellness self-assessments, to videos and articles. The site has a "12 Weeks to Wellness" program – a weekly check-in on your health and fitness goals after assessing your health risk factors.

One of the most frequently accessed MAP resources is the counselling service. Experienced, credentialed therapists are available for in-person or online counselling and



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they are trained to help you throughout the different stages of life.

The peer-to-peer support program is a confidential and uplifting program. Legal professionals who themselves have experienced struggles in the past, help others overcome obstacles – such as depression, alcohol abuse or stress. Those who volunteer in this program are compassionate people who can empathize with issues that lawyers face. The peer support program encourages participants to discuss their experiences.

In addition, live lunch-and-learn sessions, which usually include stress management workshops, have received positive feedback.

Next steps

Finding work-life balance is one of the more difficult tasks we all face, and one that we often put to the side. The Law Society's MAP program has numerous resources and services that can help you and your family meet the challenges of work and life. You are not alone and can reach out to MAP at any time: electronically, in person, or on the phone. Take the time to visit the MAP website or seek help if you or a loved one is struggling with stress or other challenges. ■

Doron Gold is Staff Clinician and Presenter at Homewood Human Solutions.

Caron Wishart scholarship

The Caron Wishart Memorial Scholarship, initiated by LAWPRO and supported by many members of the bar and the Government of Ontario's funds matching program, is awarded each year to a second year University of Toronto Faculty of Law student. Congratulations to 2016 recipient, Amanda Nash.

Outreach

As part of LAWPRO's public awareness efforts to promote the role of lawyers, we have produced a series of videos for the public. The videos – *Cottage Ownership: Know what you're buying*; *Does your lifestyle suit a condo?* and *Ever wonder what happens if you die without a will?* are all available at titleplus.ca under the "How your lawyer can help" button.



A LAWPRO receives "A" rating from A.M. Best Co.

A.M. Best Co. awarded Lawyers' Professional Indemnity Company (LAWPRO®) a financial strength rating of "A" and an issuer credit rating of "a" for the sixteenth consecutive time.

In addition, A.M. Best Co. gave LAWPRO a "stable" outlook for the fifth year in a row.

In establishing its rating, A.M. Best cited LAWPRO's strong capitalization, commanding market profile, and improving operating results. The company's operating results were supported by consistent net investment income and an asset/liability matched portfolio. Partially offsetting those positive factors were loss ratio trends, the long-tailed nature of the company's claims and its concentration of risk solely within the province of Ontario.

LAWPRO's mandate is to provide its constituency with affordable insurance and its results reflect a conscious decision to provide low and stable premiums to its insureds.

These factors combined justified a financial strength rating of "A" for the company.

LAWPRO's commitment to corporate social responsibility

LAWPRO employees see the value of establishing and executing a corporate social responsibility initiative. To support the broader Canadian community, LAWPRO employees nominate and elect five charities each year. Funds are raised through employee-led events and denim Friday contributions, and the company matches those donations. The elected charities for 2016 were: Autism Speaks, Fanconi Canada, Food Allergy Canada, Good Shepherd Refuge, and Toronto Humane Society. In 2016, LAWPRO raised over \$29,000 which was distributed between the five charities.

OVER
\$29,000

IN DONATIONS THROUGH THE COMPANY'S
ANNUAL CHARITABLE GIVING PROGRAM



LAWPRO employees can also give back by requesting one "charity day" per year during which they work for a registered charity of their choice. In 2016, several of our employees took advantage of the charity day by helping Daily Bread Food Bank, Kol Hope Foundation for Children, and Rethink Breast Cancer.

In addition, LAWPRO supports Canadian Cancer Society Daffodil Days, Casserole Campaign for the Homeless through the Good Shepherd Centre, and Partners for Blood Drive through Canadian Blood Services.

4 out of 5 lawyers will face a malpractice claim



Improve your odds.

Check out these resources from practicePRO:

- **AvoidAClaim.com** blog to get the scoop on claims and how to avoid them
- **practicepro.ca/newcalls** for tips, tools and resources on how to succeed in the practice of law
- **lawpro.ca/newcalls** for information on insurance coverage you will need when you go into practice



Risk management



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practicePRO® is the claims prevention program provided by LAWPRO® – the malpractice insurer for Ontario lawyers. LAWPRO also provides excess insurance, and title insurance through its TitlePLUS® program.

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