practice PRO®

a look back

On June 10, 1998, practicePRO had its official launch. A year of research and planning had gone into LPIC's (as LAWPRO then was called) newest venture: a risk and practice management program that was unlike any other. The program reflected the vision of its two creators: Malcolm Heins, who was then president and CEO of LPIC, and is now CEO at the Law Society; and Karen Bell, then partner with a leading law firm who was brought in to develop and implement the practicePRO project. In this interview, Heins and Bell look back – and to the future.*

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practicePRO Timeline

1997

- Work began on risk management initiative
- Developed risk management program for LSUC Bar Admission

1998

- practicePRO launched
- practicePRO website launched
- ***Managing the lawyer/client relationship*** booklet
- ***Managing conflicts of interest*** booklet

1999

- Online Coaching Centre launched
- ***Managing*** booklets online
- LPIC News: *Special "Y2K" issue*

2000

- Special Report on Litigation
- ***Managing the practice of investing in clients*** booklet

2001

- Anti-Money Laundering Legislation Guide & Firm Compliance Manual
- Special Report on Fraud

2002

- CLE premium credit launched
- LAWPRO Magazine: *"Focus on Mentoring"*
- ***Managing a mentoring relationship*** booklet
- LAWPRO Magazine: *"Practice Interruptions"*
- ***Managing practice interruptions*** booklet

Where does practicePRO have its roots? What was the vision for the program?

Heins: We did not have any pre-conceived notions about what our risk management program should look like. We knew that, as part of our plan to rebuild confidence in the insurance program after the deficit crisis, we wanted to be more responsive to the needs of lawyers and deliver on the promise of improved customer service. And I knew, from previous experience insuring other professionals, that successful claims management should be complemented with a risk management component.

What goals did you have for the program?

Bell: We established early on that this was going to be about more than loss prevention and claims reduction – although that would have to be one aspect of any risk management program.

Right from the outset, Malcolm and I agreed that we needed to think big picture – and help lawyers do likewise. We wanted a program that would incorporate the context of the practice environment in any tools and resources we would develop. We recognized that lawyers need help adapting to changes in the world around them and adopting new ways of doing business. Our goal was to be proactive – and to encourage lawyers to be equally proactive in making their practices more proficient and profitable.

Where did you look for inspiration, ideas – how did you know what was needed?

Bell: ALAS (U.S.-based Attorneys' Liability Insurance Society) was doing some interesting risk management things so we looked at their program. We also talked to the people at the Oregon State Bar about their loss prevention initiatives.

The data mining we undertook was also useful to help us determine what direction to take. Working with the LPIC actuary, we dug deep into LPIC's databases and examined what we might learn from the claims statistics. What areas of law generated the most claims? Do age, geography, years in practice make a difference? What types of errors do lawyers commit – and what gives rise to claims? Is a certain lawyer more claims prone? This research provided important direction – and substantiated that risk is widespread among the profession.

To this mix, we added the insights from research that Professor Neil Gold (former dean of law at the University of Windsor) undertook for LPIC. Professor Gold concluded that the underlying causes of claims include failure of the lawyer-client relationship, poor communication, poor file management, and self-interest among others.

It quickly became clear that while lawyers cannot change the environment in which they practise, they can control the circumstances, that is, how they practise. So the job was to provide guidance and education on just that. Helping lawyers be more client-focused was a very big element in the program because it served the key interests at hand – their own, those of clients and ours.

How did you massage all that information into the practicePRO program?

Bell: Stepping back, it then became quite obvious that there should be four founding pillars on which we could build the practicePRO program and keep it growing in the future:

Information: We knew we needed to help lawyers appreciate the changing practice climate, to understand how and why they are claims prone, where the risk is, and how to better manage this risk. The LPIC News – the publication at the time – started carrying a regular practicePRO section that helped us get the word out. The new practicePRO section of the LPIC website allowed us to share lots of information that gave context for our messages. We also worked with various law associations across the province and hit the road – attending as many of their gatherings as possible – to raise awareness of the risks and the resources we were making available.

Practice aids: Based on our data analysis, we zeroed in on the top four areas of claims that we had identified at that time: poor communication, conflicts, failure to know or apply law, and procrastination.

Then we set about creating tools to help lawyers address these issues: One result was the ***managing*** series of booklets – first one on lawyer-client communication, and a second on conflicts situations. We determined that by focusing on these issues, we would be addressing two of the most significant risks facing all lawyers regardless of where they were or what area of law they practised.

A third pillar was *Education* so we became an aggregator of information on professional development opportunities for lawyers, and made this information available to lawyers. We also presented at the Bar Admission course, providing new lawyers with information on the insurance program and promoting the client service message (and of course the resources offered through practicePRO).

Wellness & balance – the fourth pillar – evolved out of Professor Gold's finding that law is stressful and a healthy work environment is a component of a successful law practice. LPIC committed to help sponsor and promote the Ontario Bar Assistance Program (which has since merged with LINK to form the Ontario Lawyers'

2003	2004	2005	2006	2007	2008
• LawPRO Magazine: *"Building for Success"* • ***Managing the finances of your practice*** booklet • LawPRO Magazine: *"Helping your Practice Soar"*	• LawPRO Magazine: *"Client Communication"* • LawPRO Magazine: *"Fraud"* • LawPRO Magazine: *"Conflicts in Practice"* • ***Managing the security and privacy of electronic data in a law office*** booklet • Limitations Act comparison chart	• LawPRO Magazine: *"Family Law"* • LawPRO Magazine: *"Electronic Discovery"* • Limitations Act comparison chart	• LawPRO Magazine: *"Professional Services"* • ***Managing a professional services firm*** booklet • LawPRO Magazine: *"Work & Wellness"*	• Lending Library launched • LawPRO Magazine: *"Elder Law"* • LawPRO Magazine: *"Real Estate"*	• LawPRO Magazine: *"Personality and Practice"* (intergenerational issues) • practicePRO marks 10th anniversary • launch of new practicePRO website

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practicePRO numbers tell the story

One way to measure the impact of practicePRO is through statistics: And a look at the numbers indicates that, no matter what the yardstick, practicePRO fills a need for practising lawyers.

	2003	2007
Total annual visits to website	38,188	156,701
Unique visitors	20,611	79,068
Average visits per day	104	429
Number of files downloaded from practicePRO site (articles, resources, booklets etc)	47,344	145,000
Number of CLE programs approved for LawPRO CLE Credit	12	116
Attendees at LawPRO-approved CLE credit programs	2,237	14,350

Assistance Program), and through its website put a myriad of information, counselling and mentoring resources at lawyers' fingertips.

The year following the launch of practicePRO we presented the Online Coaching Centre as an additional resource to assist lawyers hone the many types of people skills necessary for serving clients, working with colleagues and looking after themselves.

Why the name practicePRO?

Bell: That was both the most difficult and easiest part. We wanted just the right word to describe all of what we were doing. So we sat down with LPIC's communications team who'd drawn up a list of possible word combinations – and when I heard "practicepro" I knew that was it. The name spoke to our commitment to professionalism in practice, and reflected our goal of helping lawyers be more proficient and profitable – I saw it as a name that would withstand the test of time – and it has.

It's now 10 years later – Has practicePRO accomplished what you set out to do?

Heins: The major challenge then – and now – is to be able to demonstrate impact. The downward trend in claims that we saw in the late 90s and until recently is due, in part, to the practicePRO program. The success of the TitlePLUS program – which is built on a risk management model; the popularity of LawPRO Magazine and online resources; the increase in the number of lawyers signing up for the CLE credit; the real jump in the number of professional development and CLE programs seeking the LawPRO CLE accreditation; the increased interest in wellness initiatives; the merger between OBAP and LINK to create OLAP – all point to the beginnings of a fundamental change in the way lawyers think and practise. practicePRO's message is being heard.

Bell: And what I personally find most gratifying is that many of the resources we produced at the start are as relevant today as they were then – and perhaps more so. But then as now, the critical issue is that you can produce the best possible tools and resources – but if lawyers don't act with that information, has the program accomplished its purpose?

The fact is – not all lawyers get it. Too many need to have the imperative to act before they'll look for help. So a lawyer with a conflict claim will not discover the benefit of the ***managing conflicts*** booklet until it is too late; or a lawyer who has lost various records because of a systems crash only reads the ***managing practice interruptions*** booklet after the fact.

Our focus when we started practicePRO was to target the engaged, responsible, receptive lawyers: They bought into our message – which is that law practice, at its most basic, is not only about competence but about quality of service too. The challenge then and now is to get through to those who aren't ready to hear that message and encourage them to weave the ideas and resources that practicePRO offers into their practices.

Heins: To change the way a body of people do things takes time – and 10 years is really still early days when it comes to practicePRO. We need to continue to work on changing attitudes and behaviour among lawyers – both here at the Law Society and at LawPRO through the practicePRO program. practicePRO's role is to promulgate good practice. The Law Society regulates good practice. In that sense, practicePRO feeds into what we at the Law Society are doing.

Bell: But the job is never done. As a practice management advisor working with law firms, I see a real and ongoing need for a broad-based program such as practicePRO. Its message today is as relevant as ever. It may be that the message has to be delivered differently, or that the issues facing the bar are different. But fundamentally a proactive client service approach – and all it entails – is, was and will be, the critical component of a successful law practice. And that's the strength of practicePRO.

* Karen Bell left the practicePRO program at the end of 2000 to become knowledge management counsel to a large national law firm. In late 2005, she established her own consulting practice, advising law firms and legal departments on risk management, practice efficiency, knowledge management and client relations.