

LAWPRO

A publication to help lawyers

Volume 2, Issue 2 Summer 2003



Helping your practice soar

Manage risk through firm structure

Indemnity agreements: reasonable protection?

Preparing for privacy

Mobility and insurance

Protecting the Bar when lenders outsource



flying high

A glimpse at the table of contents for this issue of LAWPRO magazine reinforces the message we've been working hard to communicate to the legal community: LAWPRO is about more than just liability insurance.

With our risk management hat on, we have focused this issue on information you need to manage your practice effectively, and efficiently, and with an eye to minimize your exposure to risk.

The introduction of new options for the way you structure your law firm presents new opportunities and risks. Our cover story tackles this subject with an in-depth examination of the pros and cons of various firm structures.

LAWPRO also believes it is important to ensure you are informed of regulatory and legislative developments that could have risk implications for your law practice: Simon Chester's article on the new federal privacy legislation and his advice on how you can prepare to comply gives you a head start on the January 1, 2004, implementation deadline. We have also lined up Simon to prepare a more detailed discussion of privacy issues and their implications for the legal profession once provincial legislation is enacted. Similarly, a Question-and-Answer article on the new National Mobility Agreement covers the most likely insurance-related scenarios for lawyers seeking to take advantage of this new opportunity. Finally, an article on holdharmless agreements, which law firm clients are increasingly including in their legal service agreements, details the risks presented by these contract provisions.

But equipping you – through information – to make well-informed choices for yourself and your law practice is only one way we exercise our mandate. New outsourcing initiatives being tested by financial institutions present challenges – even a threat – to the thousands of Ontario lawyers who do real estate work. As described on page 22, LAWPRO has undertaken a number of initiatives to reinforce, with financial institutions and consumers, the vital role that lawyers play in real estate conveyancing. As well, we are working with a number of legal associations to get information into the hands of lawyers – because information empowers. We believe that the 19,000 lawyers who practise in every nook and cranny of this province are a ready-made network on which lenders and other service providers who are looking to centralize and reduce administrative costs can build. And we are committed to TitlePLUS, the only title insurance product predicated on making lawyers a mainstay of the conveyancing process.

As our cover says, our lofty goal – as always – is to help you and your law practice soar to new heights. Have a safe and happy summer.

Michelle L.M. Strom
President & CEO

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Managing risk through structure

What once was a simple matter of choosing between practising solo, in association or in partnership has become a more complex decision with a myriad of practice combinations for lawyers to choose from – each with its own benefits and downsides. Find out what experts in the field say about the liability and tax implications of new practice structures such as MDPs, LLPs and law corporations 2

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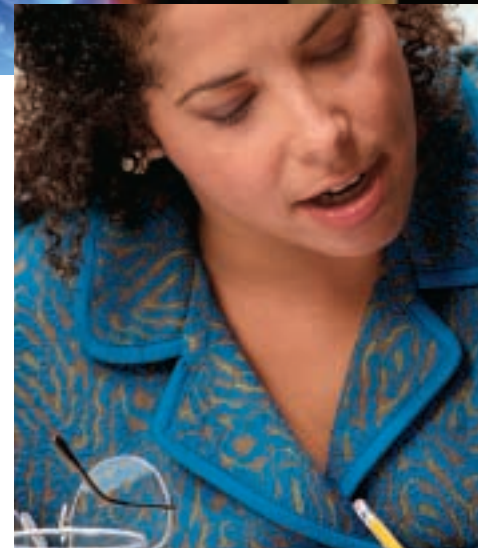
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CLE Premium Credit deadline: September 15

How would you like to save up to \$100 on your 2004 insurance premium? It's easy, with the LawPRO CLE Premium Credit program – a risk management initiative that provides a \$50 credit for each qualifying CLE program you have completed between September 15, 2002, and September 15, 2003 (to a maximum of \$100 per lawyer). Your credit will be automatically applied to your 2004 insurance premium invoice.

To obtain the credit, you must complete the online Survey and Declaration on the LawPRO Web site at www.lawpro.ca/clecredit/CLE_list.asp no later than September 15, 2003.



Two types of programs currently are eligible for this premium credit initiative:

LawPRO-approved CLE programs: LawPRO has worked closely with major CLE providers over the past two years to develop CLE programs that include a risk management component and therefore qualify for the CLE Premium Credit program. A list of CLE programs that qualify for the premium credit is available online at www.lawpro.ca/clecredit/CLE_list.asp. Promotional material for programs that qualify for the credit also carry the LawPRO "seal of approval."

The practicePRO Online Coaching Centre (OCC): This online, self-help tool

offers 150 modules that help lawyers enhance the "soft skills" that are vital to law practice. To qualify for a \$50 premium credit, you must complete three OCC modules in 2003 that you have not completed previously. The maximum credit for using the OCC in 2003 is \$50.

To learn more about the CLE Premium Credit program contact practicePRO by e-mail: practicepro@lawpro.ca, or call 416-598-5899 or 1-800-410-1013.

Reminder: Transaction levies due July 31

Real estate and civil litigation transaction levies and forms for the second quarter of 2003, ending on June 30, 2003, were due and payable on July 31, 2003. All real estate and civil litigation lawyers must file a transaction levy form indicating the number of civil or real estate transactions undertaken for the period from April 1 to June 30, 2003. A filing must be made even if there were no transactions to report for this period. Transaction levy filing forms are available on the LawPRO Web site at www.lawpro.ca. To complete your transaction filings electronically, click on **File Online**; to access blank forms in PDF format, click on **Insurance Forms**.

Technology for Lawyers 2003 Conference

LawPRO is pleased to sponsor the LSUC/OBA Technology for Lawyers Conference and Vendor Expo. Mark your calendars for November 27-28, 2003. This two-day conference, to be held at the OBA Conference Centre in Toronto, will feature 27 unique sessions presented

by a faculty of practitioners and legal technology experts. The Vendor Track (new this year) will feature product demonstrations. The Vendor Exposition will feature at least 25 vendors.

The CLE sessions are organized in four tracks. The Litigation Track will highlight the practical technology tools the most successful litigators are using, including case strategy, e-discovery, and practice management software. A "mock motion" in Toronto's new electronic courtroom will demonstrate the latest courtroom technology.

The Tools and Tips Track will provide practical information that will help you reduce the paper in your office; work away from your office; protect yourself from viruses and hackers; and comply with the new privacy legislation.

The Strategies Track will help you increase your efficiency and better manage the finances of your practice; work more closely with your clients with various collaboration tools; and help you more successfully acquire, implement and support legal technology.

The Tech University Track will feature hands-on teaching sessions aimed at increasing your Web and electronic research, word processing and document automation skills.

Technology is now an integral part of the practice of law. It offers a competitive advantage that can make you more effective, more efficient, and ultimately, more profitable. Come to this conference to learn about the technology tools you should be using, and how you can do more with them.

Register through the Law Society, or online at ecom.lsuc.on.ca. Register before October 15, 2003, to take advantage of the early bird discount.

2004 insurance program news:

LAWPRO opts for Web over paper

Prompted largely by the success of our e-filing programs of the last few years, LAWPRO has opted to expand the range of services it offers lawyers over the Web for the 2004 Law Society program.

Insurance applications, invoices and other relevant information will be delivered primarily electronically, resulting in a significant reduction in the amount of paperwork associated with annual insurance renewals and other mandatory insurance filings.

The more than 14,000 lawyers who e-filed their insurance applications last year will be invited to access the required forms only online, through our Web site at www.lawpro.ca starting in early October 2003. Printed paper applications will be mailed only to lawyers who have never e-filed – although they too will be invited to file online.

This Web-based process not only streamlines lawyers' interactions with LAWPRO, but also saves the company more than \$40,000 in printing and mailing costs (in the past, we mailed pre-populated applications and program guides to each lawyer and law firm insured under the Law Society insurance program).

As well, insurance premium invoices and related policy materials will be available online, via a secure, password-protected service. Lawyers and law firms who prefer to receive their invoices and policy declaration pages by mail will be invited to indicate this preference on their insurance applications.

For specific groups of lawyers, the decision to move most of our transactions into the electronic domain applies as follows:

For lawyers who e-filed on an individual lawyer basis in 2002 for the 2003 insurance program: You will receive e-mail notification that your pre-populated 2004 insurance application is available online in early October 2003. You will be able to access your application in two formats:

- as a pre-populated PDF document similar to the version mailed to you in the past. This document will be pre-populated with information from our database on you, your law firm, and your coverage and payment options. This document is a reference document only, and replaces the paper version that would have been mailed to you in past years.
- as a pre-populated, online application form that you can review, update and submit electronically in minutes. Filing online will again qualify you for a \$50 per lawyer discount that will be applied to your 2004 insurance premium.

For all law firms of five or more lawyers: In early October, the managing partner, firm administrator or other insurance contact identified on your most recent online filing will receive e-mail notification that the firm summary form is available online, enabling firm-wide filing for all lawyers in the firm. The online form will be pre-populated with information from our Ostatus, and the coverage and payment options selected for the firm.

The online firm form has been simplified to make it easy for law firms to add the names and other relevant information for new lawyers in their firm. Rather than complete an online or paper form for each new lawyer, the insurance contact will provide only some basic information such as the new firm mem-

ber's Law Society number, name, status and specific practice options that apply (e.g. part-time practice).

Filing online will qualify the firm for a \$50 per lawyer discount that will be applied to the firm's 2004 insurance premium.

For all lawyers who completed paper/fax applications in 2002 for the 2003 insurance program: You will be invited to complete your application online, via the LAWPRO Web site and qualify for the \$50 online filing discount. You will continue to receive a package containing your pre-populated paper application and the printed instruction booklet. However, filing by mail or fax will not entitle you to the \$50 discount available to those who file electronically.

Invoice and policy packages for all lawyers: If you or your law firm filed the 2004 application electronically, you will automatically receive your 2004 insurance premium invoice online; you will be informed via e-mail later this fall that your electronic invoice and policy documentation have been issued and are available, in a secure, password-protected portion of our Web site. Lawyers and law firms can request a printed invoice.

As in the past two years, LAWPRO will send printed packages of the 2004 policy and the booklet containing forms for transaction levy filings only to those lawyers who do not e-file and for whom we do not have an e-mail address. Printed copies of both will continue to be available on request.

Events calendar

2003



The following is a listing of events at which LAWPRO representatives, including staff from TitlePLUS and practicePRO, will be presenting and/or participating in the coming months.

August 17-19

Canadian Bar Association Annual Trade Show

Case Management & Software Accounting Solutions

Dan Pinnington, practicePRO

TitlePLUS and practicePRO exhibitors

Palais Des Congres, Montreal

September 10-11

Thunder Bay Real Estate Board Northern Regional Real Estate Conference & Trade Show

TitlePLUS exhibiting

Ramada Prince Arthur Hotel, Thunder Bay

September 12

Canadian Women's Foundation Professional Women's Breakfast

TitlePLUS sponsoring

September 18

OBA Excelling at Articles *Optimize Your Mentor/Mentee Relationship*

Dan Pinnington, practicePRO

OBA, Toronto

September 18

Hamilton District Real Estate Board 3rd Annual Realtors without Borders Trade Show

TitlePLUS, exhibiting

Hamilton

September 21-22

TitlePLUS Lawyer Conference *Keeping You in the Picture*

Westin Hotel, Ottawa

September 26

practicePRO Technology Breakfast: *The Magic of Document Assembly*

Come to this session to learn about document assembly, and how it can make you more efficient and your practice more profitable.

Doug Simpson, GhostFill Technologies Inc. LAWPRO, Toronto

October 3

York Region Real Estate Board *Money Laundering & Grow Houses*

TitlePLUS sponsoring

October 16-18

Thunder Bay Law Association Annual Fall CLE Program

TitlePLUS and practicePRO exhibiting

Victoria Inn, Thunder Bay

October 22-25

TLOMA 15th Annual Educational Conference

TitlePLUS sponsoring

White Oaks Conference Centre, Niagara-on-the-Lake

October 27

LSUC New Lawyer Experience *Managing Your Clients and Your Time*

Dan Pinnington, practicePRO

LSUC, Toronto

October 31

practicePRO Technology Breakfast: *The Courtroom of the Future Has Arrived*

Come to this session for a hands-on demonstration of the new electronic courtroom.

361 University Ave., Toronto

November 27-28

LSUC/OBA Technology for Lawyers – 2003 Conference and Vendor Expo

practicePRO sponsoring & exhibiting TitlePLUS exhibiting

OBA Conference Centre, Toronto

For more information on practicePRO events, contact Dan Pinnington at 416-596-4623 or 1 800 410-1013, or by e-mail at dan.pinnington@lawpro.ca

For more information on TitlePLUS events, contact Marcia Brokenshire at 416-598-5882 or e-mail marcia.brokenshire@lawpro.ca

About practicePRO technology breakfasts

These presentations focus on legal technology; some sessions feature product comparisons; others are practical discussions and demonstrations of specific products by actual users; others review practical technology skills at a basic level.

Written summaries and online versions of past breakfasts, including handouts if available, are available for download at www.practicepro.ca/techbreakfasts.

Online versions of some breakfasts also are available for only \$29.95 at the BAR-eX Communications Web site at www.bar-ex.com. These online versions provide screen captures and audio of the actual presentation.

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